verizon

VERIZON IS COMMITTED TO THE HEALTH AND SAFETY OF NEW YORKERS

We appreciate the efforts New York State is undertaking to protect the health and safety of all New Yorkers. Verizon has millions of customers and thousands of employees in New York, and their well-being is our top priority as well. On behalf of the five Verizon affiliates contacted as part of this inquiry (together, "Verizon"), we respond below to your July 20th letter.

Our response begins with an overview of the historical use of lead-sheathed cables in the telecommunications industry, how Verizon evaluated the continued use of these cables, and how potential new evidence from experts will inform Verizon's thinking moving forward. The second part of this response describes the inventory information Verizon provides in the accompanying exhibits.

I. Verizon Will Cooperate with Public Officials and Experts to Evaluate the Science and Ensure Public Health and Safety Are the Top Priority.

Any inquiry into the use of lead-sheathed cables in the telecommunications industry should start with an overview of how we arrived at this point, how we are evaluating new facts, and how those new facts will guide our actions.

A. For decades, lead sheathing was the industry standard to protect wires.

The telephone industry started using lead-alloy sheaths for its cables in the 1880s to protect copper wires from corrosion due to exposure to the elements. The industry began to phase out placement of new lead-sheathed telecom cables in the 1950s, with the emergence of more advanced coatings such as plastic. Some legacy lead-sheathed telecom cables are still in service and are used to provide voice and data services to the industry's customers, including critical public safety functions.

Verizon continues to make historic investments in upgrading its network, including investments in fiber-optic cables. In fact, since November 2020, Verizon has removed 230 miles

of copper cables in New York. Verizon now has deployed roughly 81,570 total miles of fiber-optic cable in the state.

B. Experts have not concluded that lead-sheathed telecom cables are a meaningful cause of public lead exposure.

Recent media reports hypothesized that lead-sheathed cables are a potential source of lead exposure for members of the public. This hypothesis is unproven, but we are committed to digging into the facts to test the hypothesis.

The presence of lead in soil or water, standing alone, is not sufficient to conclude that the source of the lead is telecom cables. Indeed, as the New York State Department of Health's Bureau of Toxic Substance Assessment recently reported, lead is naturally occurring in soils and typical lead soil levels range from 50 to 400 parts per million.[1] There are many sources of lead in the environment, including lead from water pipes, historic use of leaded gasoline and lead paint, electricity generation, mining, manufacturing, and recycling of lead. Lead is also used in various industrial processes and consumer products such as the batteries in hundreds of millions of vehicles nationally. Lead can also be found in jewelry and toys, and in ammunition and fishing gear, among many other sources.

In addition, the mere existence of lead sheathing on a telecom cable does not mean that members of the public will be exposed to lead. A person must ingest or inhale lead to be exposed to it.[2] The important question is thus not whether lead-sheathed cables exist in an area, but whether they have created a public health risk that needs to be addressed.

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[1] Sampling Report for Lead in Soil at Temple Park Playground and Adjacent Areas, July 27, 2023, at 2, citing the U.S. Environmental Protection Agency.

[2] See, for example, the "Exposure to Lead" section on the U.S. Department of Health and Human Services' Agency for Toxic Substances and Disease Registry's website, available at https://www.atsdr.cdc.gov/sites/toxzine/lead_toxzine.html#exposure (people "can be exposed to lead and chemicals that contain lead by breathing air, drinking water, eating food, or swallowing dust or dirt that contains lead").

C. Whether to remove lead cables or leave them in place requires a detailed, risk-based analysis.

It has always been widely known that lead was used to protect some cables. When lead-sheathed cables are not disturbed, we have not seen evidence demonstrating a risk of exposure to the general public or environment. The results of the testing New York State has conducted in Wappingers Falls are consistent with that understanding. That testing showed that there was "not a clear gradation of elevated lead underneath the cable. . . ."[3]

As with many other types of infrastructure, such as rail lines and pipelines, in some situations, telecom cables may be safely left in place when no longer in current use. Lead-sheathed cables are generally in locations that minimize the potential for disturbance and human contact, such as buried underground, inside conduits, or attached to above-ground telephone poles.

Whether to remove legacy cables or leave them in place requires a detailed analysis. Factors to be considered include the potential risk to workers who must handle the cables and the potential risk to the environment of disrupting the cables. Indeed, the Wall Street Journal's own analysis of this issue showed experts divided on whether removing the cables is the right approach.

We are partnering with experts and public officials to fully understand any potential risks that were not previously known, but for now, we believe that any action taken by the industry should await a more thorough assessment of the risks and benefits of the available options. We have engaged Carol Browner, Senior Counsel at Covington & Burling and former EPA Administrator, and Richard Carmona, former Surgeon General, to assist in our ongoing review.

[3] July 27th Sampling Report at 7.

D. We must follow the facts and the science to determine next steps.

We appreciate the efforts that the New York Departments of Public Service, Health, and Environmental Conservation, in partnership with county and local officials, have already undertaken to protect the health and safety of New Yorkers.

As you know, earlier this month, Governor Hochul announced that Temple Park in Wappingers Falls, one of the sites identified in the Wall Street Journal articles, was safe for public use. State agencies tested for lead levels in the park soil, and found that it met federal and state safety standards. Indeed, "[t]he State's scientific analysis found no evidence of elevated or widespread lead contamination in the area sampled."[4] The screenings and samples the State team conducted at the Wappingers Falls site "do not provide evidence for excessive or widespread lead contamination in soil due to the telecommunication cable lines and do not suggest a significant exposure or public health risk for people involved in recreational activities at this location."[5]

The State experts noted that the acceptable limit for children's play areas, per EPA soil guidance levels, is set at a maximum of 400 ppm, and all but one of the 25 samples collected by the State at the park contained lead below this range. The only sample that exceeded it was located along the roadway and outside of play areas and the State concluded it did not present an exposure concern to children or the general public.

These samples were tested at a state facility using an EPA-approved methodology. The State's report contrasted its own approach to that of the Wall Street Journal, which used XRF

[4] Press Release, "Governor Hochul Announces Temple Park Will Reopen After Comprehensive Soil Testing Reveals Park Is Safe for Public Use," August 1, 2023, at 1.

[5] July 27th Sampling Report at 1.

testing – a tool useful for screening purposes but that "should be confirmed with more accurate laboratory analysis."[6]

E. If the scientific evidence changes our understanding, we will act accordingly.

Verizon is engaging constructively with the U.S. Environmental Protection Agency on this matter and we believe that federal environmental officials can ensure that comprehensive, consistent action is taken. Verizon is also working with a third-party expert to conduct testing for lead in the soil in the vicinity of the specific cable segments highlighted in the media, including in Wappingers Falls. We started the testing process in late June and expect to have full results by September. Verizon will share the results when complete.

Once we have completed that fact finding, under oversight of federal and state officials, we will be better positioned to determine the right approach. Please know that, in whatever approach we take, we will prioritize the health and safety of New Yorkers.

II. Verizon Is Providing the Best Inventory of its Network Infrastructure Available and Will Work to Improve and Refine the Available Information.

The July 20th letter requested that we provide an "inventory of the presence of aerial and buried cables, both on land and below water, containing lead across New York." The letter specified that the information should be broken down into "aerial and buried (both on land and below water), type of cable (copper or fiber), city, town, or village located in, street name where cable is located, length of cable, and the closest intersecting landmarks at beginning and end of the cable."

As discussed more fully below, Verizon's internal review is ongoing and as of the date of this response we provide the best available information, which Verizon reserves the right to

[6] August 1st Press Release at 2, quoting New York State Department of Public Service CEO Rory M. Christian.

amend or supplement as appropriate and as additional information becomes available. For the reasons explained below, there are limitations on Verizon's ability to provide this information and, in some instances, to verify its accuracy. The answers also differ depending on each Verizon affiliate, so we provide company-specific responses below. Exhibit A contains specific inventory information for Verizon New York Inc. ("Verizon New York"), the only company for which we have data available related to lead-sheathed cables in its network infrastructure in New York. For all five companies, please note that none of our fiber-optic cables contain lead sheathing.

Verizon New York Inc.

Based on the information currently available, Verizon New York has identified 135,274 miles of cable in its copper network infrastructure in New York. Included as Exhibit A is the best inventory of Verizon New York's copper network available at this time. Compiling this information is a massive undertaking, and we will provide more precise and detailed data as we compile additional information on a rolling basis.

The timing and scope limitations in our response are consistent with Public Service Commission discovery rules. Certain records requested, specifically including the request to link network cables to landmarks, do not exist and therefore cannot be produced.[7] Other records will require further time to provide, and the Commission's discovery rules also reflect the need for latitude as to the timing of a response.[8] And the Commission's rules explain that "unduly broad requests will not be allowed."[9] As noted above, Verizon intends to follow the facts and science

[7] 16 NYCRR § 5.8(c) (scope of discovery required is limited such that a party generally "will not be required to develop information or prepare a study" that does not already exist); *see Hawley v Hasgo Power Equip. Sales,* 269 A.D.2d 804 (N.Y. App. Div. 2000) (a party may not be compelled to produce information that does not exist or to create new records).

[8] *See, e.g.,* 16 NYCRR §§ 5.3(d), 5.4(d).

[9] 16 NYCRR § 5.8(a).

in evaluating this issue and determining next steps. Providing visual representations of precise locations would be an extraordinary undertaking even on a small scale. Should the facts warrant, we would consider that path, but for now such a showing is premature based on the facts and thus unduly broad.

The difficulty of gathering these infrastructure records reflects a network with origins that date back to the late 19th century. The entity that is now Verizon New York was originally incorporated on June 18, 1896, as New York Telephone Company, and changed its name to Verizon New York on August 1, 2000. Even that 1896 incorporation was not the beginning of this network, as that entity took on the assets of earlier telephone companies dating back to 1879 when Western Union turned over its telephone operations to American Bell Telephone. Verizon New York and its predecessors went through multiple iterations of ownership as an AT&T subsidiary until the AT&T breakup effective January 1, 1984, and then as part of a regional Bell operating company called NYNEX, which was then acquired by Bell Atlantic, which subsequently acquired GTE and began calling itself "Verizon."

Some of our network records are thus more than a century old, and have transitioned from paper to film to more modern formats within these various predecessor companies. In such circumstances, a great deal of manual review and site investigation is necessary to fully identify the location and mileage of such cables.

The records included in Exhibit A can be divided into two categories: records that include latitude and longitude data and those that do not. Records containing latitude and longitude data offer precise location details. Determining the location of facilities for which latitude and longitude data is not available requires individualized, manual review and collation of multiple different records for each span of cable. In short, it is not a process that can be automated.

Exhibit B is a representative example of a record for a manhole that does not include latitude and longitude data. Reviewing the record allows engineers to understand the characteristics of each cable, including its lead status (where available). To understand the location and status requires a complex and time-intensive cable by cable review across multiple and overlapping records.

We have broken down all the network records at a wire center level. For records with latitude and longitude data, we further provide a town-by-town accounting of cables that contain lead sheathing or remain under investigation. For records that do not contain latitude and longitude data, we are not able to provide the more precise town-by-town inventory.

For each wire center, we have broken down the cables into three groups, cable that is: (i) known to be sheathed in lead, (ii) known not to be lead-sheathed, and (iii) under review and thus unknown with respect to lead sheathing at this time. We further break the cable down into aerial, building, buried, submarine, and underground cable, defined as follows:

- Aerial cables either extend from pole to pole suspended in the air or are attached to the exterior walls of buildings.
- Building cable is cable that is located within a building.
- Buried cable is placed underground without conduit.
- Submarine cables are submerged in bodies of water.
- Underground cable is placed underground within conduit.

Our goal here is to provide the best information currently available to Verizon to meet the purposes of your inquiry. We are refining our records regarding cables for which the sheathing is unknown and plan to provide updated network information as it becomes available. As one example of those efforts, we are currently conducting a visual field inspection and utilizing

technological tools to review and update our records addressing the aerial cables for which we have latitude and longitude data.

We are also ready to work with your agencies to identify precise information about any specific location(s) of interest.

MCImetro Access Transmission Services LLC

The MCI affiliates, which Verizon acquired in 2006, have numerous legacy resources with networks we are currently investigating for the existence of lead-sheathed cabling. We have confirmed that there is some lead-sheathed cabling in the network of MCImetro Access Transmission Services LLC (the legacy Western Union entity) in New York, but our investigation is ongoing. It would be premature to provide any specific data as our review is still at an early stage, and we will supplement our showing when more detailed records are available.

MCI Communications Services LLC

The MCI affiliates, which Verizon acquired in 2006, have numerous legacy resources with networks we are currently investigating for the existence of lead-sheathed cabling. To date, we have not identified any lead-sheathed cabling in the network of MCI Communications Services LLC in New York, but our investigation is ongoing and we will supplement our showing as we learn more.

Metropolitan Fiber Systems of New York, Inc.

According to the best information presently available to Verizon, Metropolitan Fiber Systems of New York, Inc. does not have any lead-sheathed cables in its network in New York.

XO Communications Services, LLC

According to the best information presently available to Verizon, XO Communications Services, LLC does not have any lead-sheathed cables in its network in New York.