Environmental Protection Network

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EPN Statement to National Drinking Water Advisory Council (NDWAC)
at December 4-5, 2019, Meeting
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The Environmental Protection Network (EPN) appreciates the opportunity to provide a statement on our comments on the U.S. Environmental Protection Agency's (EPA) proposed new drinking water standard for perchlorate and our initial thoughts on the EPA's proposed revisions to the lead and copper rule (LCR). We will provide comments on the LCR to EPA by the comment deadline on January 13, but wanted to solicit views of others, including NDWAC members, before we settle on the specific comments we will submit.

EPN is an organization comprised of over 450 EPA alumni volunteering their time to protect the integrity of EPA, human health and the environment. We harness the expertise of former EPA career staff and confirmation-level appointees to provide in-depth analyses and insights into regulations and policies proposed by the current administration that have a serious impact on public health and environmental protections.

Perchlorate

On August 26, 2019, EPN submitted comments to EPA raising serious concerns about its proposed new drinking water standard for perchlorate. EPA is proposing a drinking water regulation for perchlorate and a health-based Maximum Contaminant Level Goal (MCLG).

In its comments, EPN raised significant concerns about the proposed action, including that it:

- Lacks robust epidemiology studies making it very difficult to estimate the likelihood and magnitude of the effects on neurodevelopment in fetuses and infants exposed to perchlorate through cord blood, breast milk and formula;
- Sets the proposed perchlorate standard on a reference dose (RfD) that does not provide an adequate margin of safety. An RfD is an estimate, with uncertainty spanning some order of magnitude, of a daily oral dose to people, including sensitive subgroups, that is likely not to cause appreciable risks of negative health effects during a lifetime.
- Uses a novel approach to derive a Relative Source Contribution (RSC) for perchlorate that must be peer reviewed by external experts before it can be used. A RSC is the proportion of the total daily exposure to a chemical that is attributed to tap water in calculating acceptable levels; and
- Presents serious implementation issues, including the extent and cost of the initial perchlorate monitoring required by states and water systems, the adequacy of EPA's cost-benefit analysis of the proposed regulation, and the inclusion of an option to withdraw from the 2011 regulatory determination that EPA would regulate perchlorate in drinking water.

Due to serious questions about the scientific defensibility of the EPA perchlorate regulation and the validity of the monitoring and cost-benefit analysis, EPN strongly recommends that EPA: (1) submit a new proposal that does not include an option to withdraw from the 2011 regulatory determination; (2) recalculate the MCLG and MCL with an appropriately sensitive endpoint, an adequate margin of safety, and a peer-reviewed RSC; and (3) develop cost-effective monitoring recommendations and a cost-benefit analysis that accounts for co-benefits.

Lead and Copper

EPA's proposal to modify the lead and copper rule was long awaited. Some of the proposed language addresses long-standing issues around the implementation of the existing 1991 regulation. We strongly support these areas, such as the new trigger level of 10 ppb (parts per billion), elimination of partial pipe replacements, the tightening of some of the 'gaming' outlets, requiring 24 hour public notification of exceedances, and several others.

However, the overall rule changes make it considerably more complicated than it is now and add provisions that roll back public health protections. The proposal clarifies and strengthens the health protection under the LCR, but imposes a significant new burden on the States to oversee and enforce the modified LCR. The requirements are more difficult to understand, implement, and enforce. In addition, adding a new trigger level to the existing action level adds another step in determining what the water system needs to do to comply. Also, reducing the required lead service line replacement from 7% to 3% significantly reduces health protection. Currently, overall compliance with the current LCR is not adequate. Simplifying the requirements will improve compliance. EPA needs to take steps to simplify what water systems have to do, not make it more difficult.

EPN is working to more fully develop its comments to EPA and welcomes any opportunities to discuss its comments with NDWAC and others before the January 13 deadline.