



# **Campaign for Safe and Affordable Drinking Water**

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July 8, 2002

W-01-14 Comments Clerk  
Water Docket (MC-4101)  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

## **Response to Request for Public Comment on the Results of EPA's Review of Existing Drinking Water Standards**

In response to the EPA's Request for Public Comment published in the Wednesday, April 17, 2002 issue of the Federal Register, the undersigned groups submit these comments on the results of EPA's review of existing drinking water standards.

### **Areas of Concern:**

#### ***Statutory Authority:***

- Throughout the EPA's review process there has been substantial discussion about cost and economic factors being included in EPA's review protocol and ultimate determination of the final revise/do not revise list. There is no statutory provision in the Safe Drinking Water Act that allows EPA to look at cost/economics in making these determinations. The only relevant provision of the law, section 1412(b)(9), requires revised standards to provide for at least equivalent or greater health protection.
- Recent discussion of revising MCLs or MCLGs of specific contaminants to a higher level is unlawful and in no way more protective of public health. Contaminants for which a higher MCL or MCLG have been discussed include Beryllium and Picloram.

Under the Safe Drinking Water Act (SDWA), as amended in 1996, EPA must periodically review, and if appropriate, revise national primary drinking water standards. Section 1412(b)(9) of SDWA states: "Any revision to a national primary drinking water regulation...shall maintain or provide for greater protection of the health of persons."

Raising the MCL or MCLG of a contaminant is in no way more protective of public health. By definition, increasing the allowable level of a contaminant in drinking water presents a higher risk; there are always uncertainties in any risk assessment, and if more of a contaminant is allowed in tap water, it is undeniable that this presents a somewhat higher (though perhaps not quantifiably higher) risk than a lower level of that contaminant. EPA's statements that increasing the standards would save money constitute the inclusion of unlawful extra statutory considerations into in the rulemaking. Nothing in the statute or legislative history suggests that congress envisioned or wished to allow relaxation of standards to save money. Everything in the statutory language and legislative history indicate that Congress' goal in enacting this provision was to mandate that EPA strengthen standards when new treatment technology or new health effects data indicate that such a stronger standard is feasible and would lead to more health protection.

***Protocol:***

- Once again we would point out that EPA has no statutory authority under SDWA to consider cost and economics while conducting this review. We feel that it is inappropriate to include cost and economics as factors in the protocol for not further reviewing or revising a contaminant's MCL.
- The EPA has requested specific input from the public on the appropriateness of the protocol that was employed to make the final determinations for this review. We feel that the 16 state occurrence database, which is currently being used by the Cadmus Group, is insufficient. We strongly encourage the EPA to designate resources to completing and utilizing the National Contaminant Occurrence Database. EPA clearly has failed to carry out its statutory mandate to establish an NCOD adequate to support improved six-year reviews and CCL implementation.
- All data that was collected and reviewed by the EPA for this process should be cited and available to the public. Although the information included on each chemical in the Federal Register Notice, published April 17<sup>th</sup> is helpful, more information should be made available about specific studies and data that were reviewed.

***Concerns about Specific Contaminants:***

- Beside the contaminants listed above, which are being considered for revision of their MCL to a higher level, the EPA's action on other contaminants has raised some concern. Two contaminants, Chromium and Fluoride, are listed in the Preliminary Revise/Do Not Revise Decisions as having new information available but no new revision was recommended because of data gaps. The Agency admits that new information on these contaminants exists; we urge the Agency to move quickly in making a determination once the new data is received and reviewed.
- Atrazine, simazine, and total triazines. EPA's Office of Pesticide Programs (OPP) has found that atrazine, simazine, propazine, and the degradants diaminochlorotriazine (DACT), desethyl-s-atrazine (DEA), and desisopropyl-s-atrazine (DIA), have a common mechanism of toxicity. See [http://www.epa.gov/oppfod01/cb/csb\\_page/updates/triazine.htm](http://www.epa.gov/oppfod01/cb/csb_page/updates/triazine.htm). There also is substantial new evidence from epidemiological and occupational studies that atrazine poses a serious cancer risk, and that it is an endocrine disrupter at low levels. EPA should adopt a revised atrazine and total triazine standard lower than the current 3 ppb standard for atrazine.
- Similarly, EPA's OPP found that "Acetochlor, Alachlor, and Butachlor should be considered as a Common Mechanism Group due to their ability to cause nasal turbinate tumors. See, [http://www.epa.gov/oppfead1/cb/csb\\_page/updates/chloroa.pdf](http://www.epa.gov/oppfead1/cb/csb_page/updates/chloroa.pdf) EPA therefore should adopt strong total Chloroacetanilide Pesticide standard that would strengthen the current standards.
- EPA's OPP also concluded that N-methyl carbamates, including carbofuran, should be considered as a class because they have a common mechanism of toxicity. [http://www.epa.gov/oppfead1/cb/csb\\_page/updates/carbamate.pdf](http://www.epa.gov/oppfead1/cb/csb_page/updates/carbamate.pdf). Therefore, EPA should issue a stronger standard for total N-methyl carbamates, including carbofuran, stronger than the current carbofuran standard of 40 ppb.
- We support revision of the Total Coliform Rule. We encourage the Agency to revise this rule through a Regulatory Negotiation process, as was envisioned by the participants in the M/DBP regulatory negotiation process. We also encourage the Agency to proceed with the Distribution System Rule through the Regulatory Negotiation process as agreed upon as part of the MDDBP process.

We appreciate the opportunity to provide comment to the Agency on this issue. We recognize the tremendous time and effort that was put into this review by all parties. However, the lack of proposed action being taken to protect public

health begs the question of the adequacy of the process. If you would like to further discuss the concerns set forth in these comments please feel free to contact Erik Olson with the Natural Resources Defense Council at 202-289-2360.

Sincerely,

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