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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON D C 20460

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OFFICE OF
WATER

MEMORANDUM

SUBJECT: Arsenic Decision
FROM: Robert Perciasepe
Assistant Administrator
Robert Perciasepe
TO: Addressees

I appreciate the time and helpful input from you and your staffs as I made the difficult decision on how to proceed with the drinking water standard for arsenic.

As became apparent during our deliberations, there are many issues and uncertainties involved in the regulation of arsenic. Given the potentially very high cost of this rule, I believe it most prudent for the Agency to get as much information as reasonably possible to accurately quantify the health effects and to assess the possible technologies which could be applied to implement the rule. The level of uncertainty in the current risk assessment justifies additional research before we impose the substantial costs from an MCL lower than the current standard of 50 µg/l. The standard to which the Agency is being held for the adequacy of both risk and cost assessments is higher now than in the past. Therefore, I have decided to request a deferral in the November 1995 court-ordered proposal date in order to provide time for additional information to be developed.

In drinking water, the principle health effects of arsenic, at levels we are likely to see, are long-term chronic effects. Thus, the risk increases as exposure accrues. I believe the incremental risk resulting from a delay of a couple of years is offset by the benefit of research to reduce the uncertainty of our risk assessments and provide further data on treatment technologies. If insufficient progress has been made on the research front in that timeframe, it would be appropriate to proceed with rulemaking rather than wait for open-ended research results.

My staff will be working with key Agency staff to develop a plan to obtain the information and to develop a new schedule for the rule. Without question, most of the funding for the additional research will need to come from outside the Agency since our own funding limitations preclude substantial Agency investment. I have been assured that outside parties will help fund the necessary work. We will be formalizing those commitments of support.

In the interim, it is important that we recognize that some people have been exposed to high arsenic levels for a long time. I believe it is important that the current standard be enforced to assure that these people are protected from high arsenic levels. I encourage all of you to help communicate the importance of compliance with the existing arsenic standard.

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