



EPA NATIONAL DRINKING WATER ADVISORY COUNCIL

September 8, 2010

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Ms. Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington D. C. 20460

Dear Administrator Jackson:

On behalf of the National Drinking Water Advisory Council (NDWAC), I would like to recognize your leadership in proposing that the Environmental Protection Agency (EPA) develop a new National Drinking Water Strategy (Strategy). We applaud the Agency's efforts to consider meaningful reform, your continued efforts to ensure safe and reliable drinking water for all Americans, and your personal commitment to expand the conversation on innovative approaches to protect public health and work for environmental justice. We support the national conversation that EPA is undertaking to help formulate the Strategy, and appreciate the opportunity to be involved early and throughout the process.

During our July meeting in Washington, we discussed the Agency's efforts on the Strategy, and devoted a day and a half to discussing the four principles that will guide greater protection of drinking water:

- Address contaminants as groups rather than one at a time so health protection can be achieved cost-effectively
- Foster development of new drinking water technologies to address health risks posed by a broad array of contaminants
- Use the authority of multiple statutes to help protect drinking water, and
- Partner with states to share more complete data from monitoring at public water systems (PWS).

As EPA further develops the Strategy, the Council believes that EPA must focus on cost effective health risk reduction. Since the passage of the Safe Drinking Water Act (SDWA), the drinking water community has made many significant advances in preventing waterborne diseases. As we move forward, we need to recognize and protect our past successes while at the same time addressing new and emerging issues.

In a December 11, 2009, letter to you, we expressed ongoing concerns about the current and future state of drinking water research and its ability to keep pace with ongoing challenges faced by utilities, states and the public. We take this opportunity to reiterate these concerns as they relate directly to the Agency's ability to protect public health through the National Drinking Water Strategy. First, the Council continues to believe that industry should be held accountable and share the responsibility of supporting research into the health effects of contaminants introduced into commerce. Further, we remain concerned that Agency funding for health effects research is insufficient. We first raised this concern to then Administrator Stephen Johnson in June 2008, and reiterated it to you in December 2009. If the Strategy is to be effective, the Agency must invest the necessary resources in health effects research to support its ability to identify health risks posed by a broader array of contaminants. This would support regulatory determinations on groups as well as individual contaminants.

The Council supports the Agency's interest in fostering development of new drinking water technologies to address health risks posed by a broad array of contaminants. The Council cautions, however, that EPA should only undertake regulatory efforts where there is a meaningful opportunity to protect human health. The Council believes that the Agency needs to determine that new technologies to control contaminants or combinations of contaminants will further reduce human health risk. The Council recommends that as the Agency moves forward with regulatory efforts, the Agency should understand and publicize the benefits of co-removal of additional contaminants (including those about which we have limited health effects data) through the use of existing technologies.

In our initial discussions, the Council has identified factors that it believes the Agency should consider to guide the development of this new approach to protect drinking water and public health.

Addressing Groups

As the Agency moves forward, there needs to be careful and thoughtful evaluation of the framework developed to consider groups rather than individual contaminants. The Council believes that the Agency should consider the Contaminant Candidate List as a starting point for logical groupings.

Those evaluations should transparently identify factors to consider groups, as well as issues and data needs surrounding identified groups, and allow for adjustment and adaptations based on lessons learned. The Council believes that there are multiple options that the Agency should consider, such as regulating groups through surrogates or indicators. The Agency should develop clear definitions of factors and elements in each of the options they consider.

The Council understands and agrees that the framework can be developed without amending SDWA and believes the Agency needs to follow the process required for revising existing, or developing new, drinking water regulations. Above all, the Agency should regulate where there is a meaningful opportunity to protect human health, while understanding and publicizing the benefits of co-removal of other contaminants.

Developing Drinking Water Technologies

New treatment and analytical technologies must be a component of the Strategy. The Council believes that fostering development of new drinking water technologies to address health risks posed by a broad array of contaminants is an important goal. In addition, technologies must be affordable, sustainable, reliable, and set up to maintain operational ease and efficiency. However, even as it considers new technologies, the Agency should also consider where existing technologies could be put to additional uses. It is important to continue to evaluate the extent to which existing technologies currently in place at many facilities throughout the country can remove individual or groups of contaminants of emerging concern.

Leveraging All Authorities

The Council strongly supports EPA's continued efforts to protect drinking water through the strength of the full range of statutes and authorities available to it. During our meeting, staff from the Office of Chemical Safety and Pollution Prevention presented the efforts to coordinate with Office of Water (OW). The Council is pleased that the Agency is reaching across statutes to leverage the Federal Insecticide, Fungicide, and Rodenticide Act and the Toxic Substance Control Act. Unfortunately, we learned that FIFRA has no authority to require remediation for banned pesticides, even though public water systems must remove them from drinking water sources while they are used for years during their phase-out, and are still detectable for decades as they naturally degrade in potable source waters.

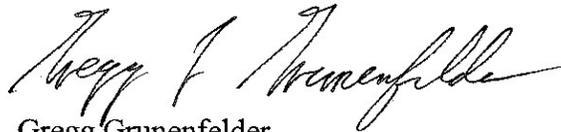
The Council also heard from OW staff about the State-EPA Nutrients Innovations Task Group Report and Nutrient Strategy efforts under the Clean Water Act. We urge EPA to use both the Clean Water Act and the Safe Drinking Water Act together to protect drinking water and public health. The Council sent a letter, under separate cover, providing the Council's advice on these efforts.

Sharing All Data from Public Water Systems

Future directions for the Drinking Water Program must be based on sound science and good data. The council encourages investment in the Safe Drinking Water Information System to provide those data. The Council encourages EPA to update this system into a data sharing platform that will facilitate effective and efficient data sharing between EPA, states, utilities, and the public.

Finally, as the Agency undertakes efforts to develop and implement the Strategy, the Council believes that it will be critical to continue support for a holistic, multiple barrier approach to protect and attain clean and safe water. The Council also believes that educating the public about these efforts will promote an understanding that each of us needs to provide a level of public stewardship to maintain public health and a healthy environment. The Council looks forward to revisiting this topic at our Fall meeting and further considering the input received by the Agency on the future direction of the Drinking Water program.

Sincerely,



Gregg Grunenfelder

Chair

National Drinking Water Advisory Council

Enclosure

cc:

Peter Silva, Assistant Administrator for Water

Cynthia C. Dougherty, Director, Office of Ground Water and Drinking Water

Wendy Cleland Hamnett, Director, Office of Pollution Prevention and Toxics

Steven Bradbury, Director, Office of Pesticide Programs