



National Rural Water Association

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U.S. Environmental Protection Agency
Office of Water Docket (Mailcode 2822T)
1200 Pennsylvania Ave. NW
Washington, DC 20460

RE: Regulatory Determinations Regarding Contaminants on the Second Drinking Water Contaminant Candidate List—Preliminary Determinations (Docket Number: EPA-HQ-OW-2007-0068)

To Whom It May Concern:

NRWA commends EPA for its caution in withholding regulatory action on the 11 contaminants reviewed to date under the second contaminant candidate listing process (CCL2) and concurs with EPA recommendations in this regard. NRWA's position concerning these 11 contaminants, as well as the remaining candidates on the list, is influenced primarily by two recent papers that bear directly on the occurrence data and the risk evaluations that are an integral part of the CCL review.

First, Phillips and Chambless, (see reference 1 electronic attachment – “Phillips compliance data variability.pdf”) evaluated compliance data for several contaminants obtained from a cross section of state regulatory agencies and found consistently large variability in the means of quarterly samples taken for compliance purposes. This variability, expressed as the standard error of the mean divided by the mean, is significant enough (100% or more in many cases) to call into question the validity of decisions made based on these data. There is no reason to assume that the quality of the occurrence data from the UCMR effort would be any better than the quality of these compliance data, and NRWA strongly recommends that EPA resolve this quality issue before trying to make CCL2 regulatory decisions that are based on rather precise calculations of occurrence levels times the number of persons exposed.

Second, Rubin, et al (see reference 2 electronic attachment – “Rubin trade off health risk final.pdf”) have documented quantitative evidence that when regulatory costs increase in the order of \$25 per month, significant numbers of customers are forced into spending choices that have health outcomes that may outweigh the projected benefits of the regulation. NRWA strongly feels that when evaluating whether a regulation will result in a meaningful health benefit, EPA must take

these effects into consideration. This is essentially an affordability issue and NRWA recommends that EPA include appropriate affordability criteria in its CCL evaluation and its future determinations when regulating or not regulating perchlorate.

Finally, NRWA feels that the issues raised by the aforementioned papers are of sufficient importance that it would be premature for the Agency to proceed with any of the possible scenarios for arriving at a perchlorate determination until these issues are resolved. For example, it is pointed out in the discussion of the evaluation of occurrence data and populations exposed (Table 5, page 24047) that this evaluation is very sensitive to the choice of an RSC and presumably to the occurrence data also. If the existing levels of contaminants are not known to any better accuracy than plus or minus a factor of 2 or more as is suggested by reference 1 above, it would not be good science to proceed with an analysis that is known to be sensitive to the value of such numbers.

Further we would encourage the agency to continue using and collecting data to support a “meaningful opportunity for public health protection” when determining if there is a clear benefit of regulating perchlorate. It is NRWA’s belief that there is a need for more data to support this determination. There remain many uncertainties about the relative source contribution and the levels of perchlorate in urinary excretions. We believe that these issues along with the issues of affordability and compliance data variability must be appropriately addressed prior to the EPA Administrator making a determination regarding perchlorate, in accordance with Section 1412(b)(1)(A) of the 1996 SDWA Amendments, that “in the sole judgment of the Administrator, regulation of such contaminant presents a meaningful opportunity for health risk reduction for persons served by public water systems.”

We thank you for the opportunity to provide comments regarding this important matter.

Sincerely,

Ed Thomas

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Electronic Attachments:

1. Phillips compliance data variability final.pdf
2. Rubin trade off health risk final.pdf