

Working Group Meeting on Contaminant Candidate List Regulatory Determinations and the 6-Year Review of Existing Regulations, July 10, 2000

On July 10, 2000, the National Drinking Water Advisory Council (NDWAC) Working Group on Contaminant Candidate List (CCL) Regulatory Determinations and 6-Year Review of Existing Regulations, held a conference call to further develop recommendations to present to the full NDWAC later this year. This conference call is the second of three scheduled meetings to discuss and develop a protocol for 6-Year Review of Existing Regulations.

The purpose and overall mission of this Working Group is to make recommendations to the full NDWAC regarding specific provisions of the Safe Drinking Water Act (SDWA) 1996 Amendments. At a June 5-6, 2000, meeting, the Working Group began deliberations to recommend a protocol for selecting existing NPDWRs for possible revision. Under SDWA, the U.S. Environmental Protection Agency (EPA) must periodically review existing National Primary Drinking Water Regulations (NPDWRs) and, if appropriate, revise them. This requirement is contained in Section 1412(b)(9) of SDWA, as amended in 1996, which reads:

The Administrator shall, not less often than every 6 years, review and revise, as appropriate, each national primary drinking water regulation promulgated under this title. Any revision of a national primary drinking water regulation shall be promulgated in accordance with this section, except that each revision shall maintain, or provide for greater, protection of the health of persons.

Prior to the July 10 conference call, the Working Group reviewed the revised draft protocol for review of existing regulation and highlighted specific areas of concern. Working Group members discussed these comments and other unresolved issues during the conference call. Key areas included the role of non-regulatory options, identification of research needs, microbial NPDWRs, and the extent of the review for each NPDWR.

There was more discussion as to the overall purpose of the protocol. The Working Group reiterated its belief that the protocol should be flexible and robust and provide optimal protection of public health. The Working Group agreed that non-regulatory options should be considered on a case-by-case basis for each regulation. Non-regulatory options are not enforceable and should not take the place of enforceable regulatory requirements such as MCLs or treatment technique requirements. In some cases, however, they may offer viable options for further improving public health protection and, where appropriate, should be used to *augment* regulatory options rather than to replace them. The group also decided that the protocol should remain less specific with respect to specific non-regulatory options to allow regulators flexibility in the future.

The Working Group discussed the question of the extent to which EPA should revisit existing regulations in the absence of new health effects data or technology. The group agreed that, although resources are currently limited, the protocol should be a valid, robust tool that allows EPA to target regulated contaminants that pose the greatest threat to public health. Members emphasized the importance of building into the protocol a process for regularly reviewing and considering any new data that become available and for re-examining old information, as necessary, in light of changing policy guidelines. In addition, members discussed the need for EPA to review all the main factors considered in setting an NPDWR and the need to identify gaps in information that may need to be examined. A subgroup was created to examine these issues further.

Members also discussed how research needs should be addressed in the protocol. The group decided to put greater emphasis on research needs in the discussion of each key element of the review. They also decided to add an appendix on research needs that will consolidate the separate discussions.

Three additional subgroups were formed to look at Microbial NPDWRs, flow charts and non-EPA health effects assessments:

Originally, the Working Group was unsure whether a separate protocol for microbial and disinfection by-product (DBP) rules was needed. The Working Group decided to incorporate these NPDWRs into the draft protocol. A subgroup was tasked to work with EPA to develop appropriate language changes to address microbial and DBP NPDWRs.

After a brief review of the flow diagrams, it was determined that the group needed to revisit them to be sure they were accurate. A subgroup was assigned to review and revise them as necessary.

Following a lengthy discussion on the consideration of non-EPA health effects assessments in the development of regulations, the Working Group assigned a subgroup to revisit the question of how essential it is that EPA look at health effects assessments of other organizations to a greater extent than it already does. With the exception of microbial NPDWRs, EPA policy requires OW to use the Integrated Risk Management Information System (IRIS) and Office of Pesticide Programs (OPP) assessments as the basis for setting MCLGs and may limit the protocol to just these sources. While there were some benefits from using IRIS, the Working Group also expressed a few concerns about excluding other sources because the IRIS/OPP processes may be too slow to accommodate the 6-year review process. The subgroup will prepare a position paper to address concerns about our ability to meet the 6-year review deadline with only the standard EPA data sources.

The Working Group has now formed a total of seven subgroups: the three formed at the June 5-6 meeting to address the key elements of the review process and the four new sub-groups formed during the July 10 conference call. Each of the sub-groups is responsible for revising specific portions of the protocol. EPA will revise the remaining portions of the document consistent with the Working Group's discussions. EPA will distribute a consolidated revised draft to Working Group members prior to the next Working Group meeting which will be a conference call on August 22, 2000.

Contact

April McLaughlin, Designated Federal Officer, U.S. Environmental Protection Agency, Office of Ground Water and Drinking Water (4607), 401 M St., SW, Washington, DC 20460; E-mail: mclaughlin.april@epa.gov

Attendees

The following is a list of Working Group members. The asterisk (*) indicates members that did not participate in the July 5 conference call.

Judy Lebowich	William C. Carpenter, Jr.	Jane Houlihan
Mohamed T. Elnabarawy	Joye Emmens	Brenda Afzal
Ron Entringer	Glenn Patterson	*David EsparzaGary
A. Toranzos	Tom Yohe	*Marc Buehler
J. Steve Schmidt	Richard Danielson	Monty C. Dozier