EPA NATIONAL DRINKING WATER ADVISORY COUNCIL

Together We Can Protect Drinking Water

December 11, 2009

Ms. Lisa Perez 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 again express the Council's appreciation for the energy you have brought to the Environmental Protection Agency (EPA) as its Administrator, especially when tackling critical challenges to public health and the environment.

During the second week of November, the NDWAC held its fall meeting in Philadelphia, Pennsylvania. We scheduled the meeting to coincide, in part, with the 137th annual meeting of the American Public Health Association (APHA). In your remarks to APHA meeting attendees during the opening general session, you highlighted the importance of reforming chemical management in the U.S. as one of EPA's top priorities.

You specifically mentioned a set of core principles to guide the EPA's review of the Toxic Substances Control Act including your belief that industry must present adequate information to prove that chemicals are safe and must also contribute a fair share of the cost of testing chemicals. Many of the core principles reflect the Council's 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. This letter describes several of our concerns regarding Agency funding for drinking water research.

At our meeting, the Philadelphia Water Department (PWD) presented their emerging contaminants research showing that some contaminants are present in their drinking water sources. Nationwide testing has likewise revealed emerging contaminants in other ground water and surface water sources. The human health effects of these contaminants are not well understood and yet utilities such as the PWD are forced to respond to public concerns about their presence in their drinking water sources.

Quite frankly, the drinking water community cannot absorb the costs of researching the health effects of contaminants that industry has introduced into commerce for many years. The Council believes that industry should be held accountable and shares the responsibility of supporting that research, especially if those contaminants are transported to our nation's drinking water supplies. We hope that you will consider this issue as you revisit the Toxic Substances Control Act and implement other relevant statutes and regulations.

In June 2008, the Council sent a letter to then Administrator Stephen Johnson conveying our concerns about the Agency's agenda for drinking water research and the insufficient level of support for such research. Our concerns were specifically related to health effects research to support the Agency's Contaminant Candidate List (CCL), which is used to determine those contaminants that may require regulation in drinking water.

As you know, the Agency recently released its third CCL of 116 contaminants. The difficult work now begins to evaluate those contaminants to determine if regulation is appropriate. However, we remain concerned that there is an inadequate level of support directed at the important research that will be needed to support decision-making. Absent sufficient research data, decision-makers will be unable to effectively determine a contaminant's risk to human health. At our November meeting we heard from Dr. Audrey Levine, the national program director for drinking water research in the Office of Research and Development, about activities underway to develop a new multi-year research plan for drinking water. We understand from Dr. Levine that there has been a trend of decreasing funding for health effects research within the Agency over the past several years, specifically at the National Health and Environmental Effects Research Laboratory.

We would like a better understanding of the level of support for health effects research and how you view it against the other priorities of the Agency's research agenda. We also recommend that you emphasize the importance of interagency collaboration on research so that EPA can better leverage research dollars that may be managed by other agencies such as the Centers for Disease Control and Prevention and the U.S. Department of Agriculture. The external research strategy being developed by the Office of Water to communicate its broader research needs should help in this regard.

As important as it is to carry out a robust research program, it is also critical to communicate the results of that research. First, to the public, so that they understand

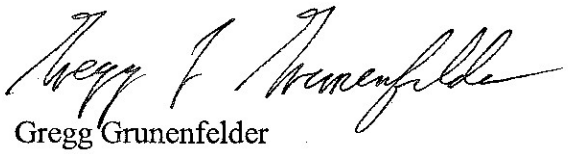
what the results mean with respect to their health. Second, to the regulated community, so that the results of basic and applied research can move to support implementation on the ground where the benefits accrue. This is particularly important when working with small entities that need extra support to achieve sustainability. We encourage you to emphasize this point to your senior leaders within the Agency and also recommend that they coordinate closely with state employees who work on a daily basis with both the public and regulated community.

Finally, we discussed on-going activities associated with the drinking water program's underground injection control (UIC) program. Over the past several meetings, we have been briefed about, and provided consultation on, the Agency's geologic sequestration rule. At the November meeting, EPA staff presented an update on the status of that rule and activities related to hydraulic fracturing associated with oil and gas exploration. Clearly, the proliferation of new types of wells, which also include those associated with drinking water treatment residual disposal and aquifer storage and recovery, present challenges to federal and state UIC programs that are conscientiously working to respond to them. That response will be difficult at current funding levels, which have remained static for more than 20 years. We understand that requesting additional resources is difficult, particularly in this budget climate. However, if funding is not expected to increase, we believe the Agency must do a better job of leveraging funding from other federal departments and the industries that are actively promoting practices that rely on injection wells for disposal.

Again, we support your renewed attention to public health and environmental protection for our nation and its citizens. We also strongly support your commitment to ensure that EPA's decisions will be driven by science. Research conducted within EPA and Agency support for external research are critical to ensuring that EPA has the information it needs to take risk management actions.

Thank you for your consideration of our recommendations on issues associated with research and the national drinking water program. If you have any questions, please contact Veronica Blette, Designated Federal Officer for the NDWAC, at (202) 564-4094.

Sincerely,



Gregg Grunenfelder
Chair
National Drinking Water Advisory Council

cc:
Peter Silva, Assistant Administrator for Water
Cynthia C. Dougherty, Director, Office of Ground Water and Drinking Water
Lek Kadeli, Acting Assistant Administrator for Research and Development