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The Authoritative Resource on Safe Water®

Regulatory Alert

**TO: AWWA Leadership
All Utilities**

FROM: Public Affairs

DATE: October 6, 2008

What:	EPA releases preliminary regulatory determination not to regulate perchlorate.
When:	Imminent

On Friday, EPA released the prepublication version of its preliminary determination not to regulate perchlorate. The prepublication of the preliminary regulatory determination includes a fact sheet and is available at http://www.epa.gov/safewater/ccl/reg_determine2.html.

In its press release, the agency stated that because less than 1% of drinking water systems have perchlorate levels above the health reference level (HRL), there is not a meaningful opportunity for health risk reduction as required under the Safe Drinking Water Act (Sec. 1412(b)(1)(iii)). EPA derived an HRL of 15 µg/L for pregnant women. Using other model analyses, EPA determined that this HRL is also appropriate for other sub-populations, including the most sensitive subpopulation identified by the National Research Council in 2005, i.e., the fetuses of pregnant women.

EPA states in its prepublication notice that exposure data from the Food and Drug Administration's (FDA) Total Diet Study as well as CDC's National Health and Nutrition Examination Survey (NHANES) enabled the agency to estimate a better informed relative source contribution and HRL for perchlorate.

EPA intends to issue a health advisory for perchlorate when the final regulatory determination is made. There will be a 30-day comment period once the Federal Register notice is published, which will be early this week. EPA has testified earlier this year to Congress that a final decision about perchlorate will be made before the end of the year.

AWWA recently completed two studies reviewing both occurrence and exposure. The occurrence assessment is an update of a report completed in 2005, using the findings from the first Unregulated Contaminant Monitoring Rule (UCMR1). That data set found that perchlorate was detected in 647 (or

1.9%) of 34,728 samples collected under the UCMR1 sampling effort. The findings of the report are pending publication in Journal AWWA.

AWWA also just completed an assessment of FDA food basket, NHANES and UCMR data to estimate the contribution of drinking water to the aggregate perchlorate intake in reproductive women. The key finding of this study is that based on estimates from diet, water, and urinary excretion analyses, approximately two to five percent of reproductive age women in the US receive an aggregate perchlorate intake greater than 2×10^{-4} mg/kg-day, which is approximately one-third of the Reference Dose (RfD).

AWWA will work quickly to assess the details of the proposed regulatory determination and submit comments as appropriate based on the findings of these reports.

Information to help utilities communicate on perchlorate is available on AWWA's web site at <http://www.awwa.org/Government/Content.cfm?ItemNumber=1065&navItemNumber=3833>

Utilities may also wish to send interested consumers to AWWA's [drinktap.org](http://www.drinktap.org/consumerdnn/Home/WaterInformation/WaterQuality/Perchlorate/tabid/72/Default.aspx) web site at <http://www.drinktap.org/consumerdnn/Home/WaterInformation/WaterQuality/Perchlorate/tabid/72/Default.aspx>

Any utilities who are interested in discussing this issue or public response in greater detail should contact Greg Kail in AWWA's Denver Office at 303-734-3410 or via email at gkail@awwa.org.

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