

EPA National Drinking Water Advisory Council

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April 9, 2018

Mr. Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Pruitt:

On behalf of the National Drinking Water Advisory Council (NDWAC or Council), I am pleased to provide the Council's recommendations to the U.S. Environmental Protection Agency (EPA or Agency) for the Health Advisory (HA) process.

At the request of EPA, the NDWAC addressed this charge:

1. What information should EPA consider when determining when to develop or revise a Health Advisory?
2. What factors should EPA consider when prioritizing HAs?
3. What factors should EPA consider when developing HAs? How and when is status communicated to key stakeholders, including states and utilities?
4. What are core components that EPA can consider including in the HA?

A subgroup of nine NDWAC members deliberated on the charge and reported back to the full Council. It was noted that Health Advisories (HAs) provide valuable information for state drinking water administrators, water systems and consumers of drinking water (both public systems and private wells). For states, HAs are important for addressing the safety of public drinking water and in waste site clean-up programs to determine who receives alternate water and what the goals are for remediation. The importance of HAs to public water systems includes research on treatment techniques, planning for process upgrades and working with local health partners to develop risk communication messages for their customers. There were concerns that the difference between a HA and a regulation is not generally understood by the public, and that the risk messaging provided has not adequately communicated the subtle differences between "risk" and "safety". The discussion highlighted the critical importance of how risk messaging about HAs is provided to the public in order to avoid eroding the public's trust in their water suppliers.

The Council provided some overarching insights that added great value and context to the work of the subgroup.

- The Council strongly supported the EPA’s commitment to strengthen transparency and offered that updating and sharing the steps in the HA process, communicating the status of development of HAs in progress, and allowing review by and input of stakeholders at milestones in HA development are consistent with this commitment. It was pointed out that such review opportunities by stakeholders would also strengthen the basis of sound science used in EPA’s decision-making and would provide the opportunity for states and utilities to be better prepared for HA issuance.
- The Council cautioned that it is important to consider the “real world” impact of HAs on the public’s trust in their drinking water. Effective risk communication, delivered consistently between all agencies—states, communities and utilities-- is key to maintaining trust. EPA was strongly encouraged to increase public communication and risk communication to help the public understand what a HA level represents and how it is different from a Maximum Contaminant Level (MCL).

The document covering the NDWAC’s response to the charge is attached. The NDWAC attempted to be sensitive to EPA’s constraints in terms of resources and legal requirements and strived to make recommendations that would improve transparency and opportunity for input without interfering with or slowing down EPA’s ability to produce HAs.

On behalf of the members of the National Drinking Water Advisory Council, thank you for the opportunity to provide these recommendations. We look forward to providing further assistance as EPA considers these and other important issues.

Sincerely,



Carrie M. Lewis, Chair
National Drinking Water Advisory Council

cc: David P. Ross, Assistant Administrator for Water
Peter C. Grevatt, Director, Office of Ground Water and Drinking Water

Attachment

National Drinking Water Advisory Council
Responses to Health Advisory Charge
April 9, 2018

1. What information should EPA consider when determining when to develop or revise a Health Advisory?

The subgroup discussed the factors that currently go into selecting a contaminant for a HA (e.g., occurrence, health effects) and the importance of considering these factors. The subgroup generally felt that the information and methods currently used by EPA to develop HAs are appropriate but believed that there should be a regular opportunity for input from stakeholders when EPA is considering developing a HA. An annual invitation for input from stakeholders was suggested. Regarding revision of a HA, the subgroup recommended a review when new information about a specific HA becomes available and also a periodic review, perhaps every 5-7 years, of all HAs to see if revision is warranted.

NDWAC members added their support for EPA to seek input from stakeholders and noted that this is consistent with EPA's emphasis on transparency.

2. What factors should EPA consider when prioritizing HAs?

The subgroup recommended that a contaminant should be prioritized for a HA when there is sound science available and significant exposure to a contaminant with known harmful health effects is occurring. Similar to the previous charge question, the subgroup did not believe that EPA's prioritization was flawed but rather that it could be improved with meaningful input from stakeholders that use or are affected by HAs.

The subgroup discussed the importance of EPA meaningfully involving stakeholders and considering their input in the development of HAs. Meaningful input will occur when stakeholders know where EPA is in the development process and when they are invited to comment at key points. In order to get meaningful involvement with all stakeholders the subgroup recommended creating a Listserve (or other mechanism for open communication that is appropriate given EPA's constraints) for all interested parties for Health Advisories. Anyone could request to join the Listserve and EPA could work with associations such as ASDWA, ASHTO, AMWA, AWWA, ECOS, NAWC, NRWA, environmental/public health groups, etc. to publicize it. This could be the mechanism to inform the stakeholders on the annual basis recommended above regarding which contaminants are being considered for health advisories. EPA would also provide information on the status of HAs being developed and, perhaps most importantly, provide an opportunity for review at key points in the process, especially of a final draft. This would enhance EPA's understanding of concerns and allow EPA to provide information to resolve concerns and to improve risk communication. EPA would consider all comments but there would be no obligation to respond to comments received.

3. What factors should EPA consider when developing HAs? How and when is status communicated to key stakeholders, including states and utilities?

The NDWAC discussion highlighted these points:

- EPA should consider the meaningful input of stakeholders and be more public when developing HAs. This would help EPA better understand the reaction to the HA in the community and allow EPA to tailor communication to ensure that the desired messages are being received.
- EPA should keep stakeholders apprised of which HAs they are working on and why, and regularly communicate their status in the development process. This would provide an opportunity for users to better prepare for the final HA. States and health departments could prepare their communications. Utilities could perform proactive sampling, would have time to develop a plan based on the results, and perhaps communicate with customers in advance of the release of the HA.
- EPA should take into consideration the fragility of public trust as relates to drinking water. The distinction between a regulated contaminant and one for which a HA has been issued is not generally understood by the public. The concepts of “risk” and “safety” are challenging to communicate. Language should be developed to help consumers understand the significance of a HA that can be used consistently by the utility, health department, and state. Helping the public understand why the contaminant is not being treated for is important.
- EPA should update the HA process to include any changes EPA has made since the last update and also should specify key points at which status will be communicated and input will be requested. The written document should be publicly available.

4. What are core components that EPA can consider including in the HA?

The subgroup recommended that a common template be created for all HAs. The subgroup understands that the information available related to each contaminant is unique but believes a consistent format will improve the user’s experience and will ensure that the HA includes the information needed by those using or affected by a HA.

The subgroup recommended, and the NDWAC supported, that among other information, the following be included:

- Guidance language and educational material appropriate to communicate the significance of a HA, including suggestions for effective risk communication. Language should be appropriate for use by all stakeholders to present a unified message to water consumers. (See the third bullet in 3., above.) These communications will be of greatest use if they have been reviewed in advance by stakeholders.
- Known sources of the contaminant,
- Transport mechanism(s) of the contaminant,
- Treatment methods to remove the contaminant,
- Analytical methods, including what is known about analyzing for the contaminant in samples other than drinking water (e.g., surface water, soils, etc.),
- The importance of a HA in other state and federal regulatory programs (e.g., waste site clean-up, clean water act discharges, pesticide applications), acknowledgement that there are other levels specified for contaminants in these situations and explain how these differ from drinking water levels, and
- The challenges remaining to have enough information to make a regulatory determination (e.g., occurrence, knowledge of other sources, treatment costs, etc.).