



## WHAT'S ON TAP?

### *Grading Drinking Water in U.S. Cities*

June 2003

#### RIGHT-TO-KNOW REPORTS

City	2001 Grade
Albuquerque . . . . .	Good
Atlanta . . . . .	Fair
Baltimore . . . . .	Good
Boston . . . . .	Poor
Chicago . . . . .	Good
Denver . . . . .	Good
Detroit . . . . .	Good
Fresno . . . . .	Poor
Houston . . . . .	Fair
Los Angeles . . . . .	Good
Manchester . . . . .	Good
New Orleans . . . . .	Poor
Newark . . . . .	Failing
Philadelphia . . . . .	Good
Phoenix . . . . .	Failing
San Diego . . . . .	Fair
San Francisco . . . . .	Fair
Seattle . . . . .	Fair
Washington, D.C. . . . .	Fair

# RIGHT-TO-KNOW REPORTS

## *Findings and Recommendations*

Citizens have a right to know whether their drinking water is safe, as mandated in the 1996 amendments to the Safe Drinking Water Act. This law required water suppliers to notify the public of dangers in tap water and inform people about the overall health of their watershed. Instead, in many cases, right-to-know reports have become propaganda for water suppliers, and the enormous promise of right-to-know reports has not been achieved.

### FINDINGS

NRDC's research revealed that the quality of cities' annual right-to-know reports varied widely: more than half the cities surveyed had reports that were, at the very least, partially successful tools for consumer education; however, some, like Fresno, Newark and Phoenix, were less than direct, burying, obscuring, and even omitting findings about health effects of contaminants in city water supplies, printing misleading statements, and violating a number of right-to-know requirements. In general, even the cities to which NRDC assigned grades of Good and Fair included one or more of the following problems:

#### ► **false, unqualified, misleading, or unsubstantiated claims**

- The cover pages of the 1999, 2000, and 2001 Washington, D.C., right-to-know reports, for example, included prominent and unqualified statements of safety: "Your Drinking Water Is Safe!"—even though the city had the highest levels of cyanide reported in this study, as well as elevated levels of chlorination by-products, lead, and bacteria, among other pollutants. Such prominent and unqualified statements undercut mandatory warnings issued later in the reports explaining that infants, children, and pregnant women may be at special risk from lead, and that immunocompromised people may be at risk from pathogens in city tap water
- Atlanta's reports included claims that the city's water "meets" and "surpasses all EPA standards," even though the city failed the turbidity standard and had repeated boil-water orders

#### ► **errors and violations of EPA right-to-know requirements**

- ▶ EPA rules require the reports to reveal known sources of pollutants in city water, such as factories or Superfund sites. None of the 19 cities surveyed named specific polluters in the annual reports.
- ▶ Phoenix's 2001 report incorrectly stated that the "City of Phoenix's Water Services Department met or surpassed all health and safety standards for drinking water," and that "Phoenix tested for nearly 200 substances, even though tests are necessary for only about 110 substances."<sup>1</sup> But it did not mention the numerous chemical monitoring violations reported by Arizona, and failed to note the past violations and \$350,000 in penalties Phoenix agreed to pay in 2000.
- ▶ Some reports failed to cite average contaminant levels (listing only the highest level or range), making it impossible to determine whether the system was in compliance with the average-based standards.
- ▶ Recent Chicago reports misstated the national health goal for coliform bacteria.
- ▶ **incorrect, misleading, buried, or omitted information or data**
  - ▶ A Fresno report buried on the fifth page a vital health warning for pregnant women and parents of infants regarding nitrates, which can be dangerous or fatal to developing fetuses and infants.
  - ▶ A Newark report buried the health warning and detailed information on the city's exceedence of the EPA's action level for lead, which poses risks especially to infants and young children.
  - ▶ Seattle reports buried the news that the city substantially exceeded the national action level for lead and never mentioned that the city was operating under a state bilateral compliance agreement to fix the problem.
  - ▶ New Orleans did not provide arsenic, atrazine, barium, or cadmium data—even though these contaminants had been found in the water.
  - ▶ A recent Chicago report buried the health warning and detailed information on lead contamination in a footnote at the bottom of a table, where it would have been unlikely to be noticed by parents of young children potentially at risk from lead.
  - ▶ A recent Boston right-to-know report stated that the Massachusetts Water Resources Authority was not in violation of EPA standards, even though several communities exceeded the national action level for lead and the standard for coliform bacteria.
  - ▶ A recent Houston report provided a prominent and incorrect description of arsenic's health threat and misleading information about *Cryptosporidium*.
  - ▶ A recent Albuquerque report misstated the health concerns regarding arsenic.
  - ▶ A recent Denver report buried mention of cancer risks from total trihalomethanes in a footnote.
- ▶ **failure to include information on health effects**
  - ▶ Nearly all cities surveyed failed to provide information on the health effects of some contaminants—including trihalomethanes, haloacetic acids, and trichloroethylene—found at levels below EPA standards but above EPA health goals.
- ▶ **failure to translate reports into other languages spoken in communities**
  - ▶ Fewer than half the cities surveyed offered any kind of translation of right to know reports. (See page 36 for city language data.)

**SUMMARIES FOR 2001 RIGHT-TO-KNOW REPORTS****Albuquerque: Good**

- ▶ was user-friendly (+)
- ▶ made no overarching claims about the safety of the water supply (+)
- ▶ provided helpful information on contaminants and source water protection (+)
- ▶ offered no names or details on specific pollution sources, or on health effects of some contaminants (-)

**Atlanta: Fair**

- ▶ was relatively user-friendly (+)
- ▶ made no overarching claims about the safety of the water supply (+)
- ▶ generally met minimum EPA right-to-know-report requirements (+)
- ▶ included false claim regarding how city's water "meets" and "surpasses all EPA standards" (-)
- ▶ provided no names or details on specific pollution sources or on health effects of some contaminants (-)

**Baltimore: Good**

- ▶ made no overarching claims about the safety of the water supply (+)
- ▶ offered extensive advice on minimizing lead exposure (+)
- ▶ had errors in key, in legend, and in method of reporting lead levels (-)
- ▶ provided no names or details on specific pollution sources or on health effects of some contaminants (-)

**Boston: Poor**

- ▶ was relatively user-friendly (+)
- ▶ included map of source waters (+)
- ▶ included false claim that prominently asserted on the front page in 2000 that supplier "follows, and even goes beyond, federal and state requirements"
- ▶ asserted in early sections of the reports "high quality tap water" despite substantial water quality problems, which were later revealed deep into report (-)
- ▶ failed to notify the public of exceedence of lead action level or violations of the coliform standard (outside of Boston) until deep into the report (-)
- ▶ failed to notify the public of inadequately disinfected water from its uncovered reservoir until late in the report (-)
- ▶ misleadingly headlined discussion on lead as "Good News on Lead"—even though the city had failed to meet the action level (-)
- ▶ offered no names or details on specific pollution sources or on health effects of some contaminants (-)

**Chicago: Good**

- ▶ was well formatted (+)
- ▶ revealed useful information (+)
- ▶ included warnings for vulnerable populations prominently (+)

- ▶ made no overarching claims about the safety of the water supply (+)
- ▶ misstated the EPA's health goal for coliform bacteria (-)
- ▶ buried important information on lead contamination in a footnote (-)
- ▶ offered no names or details on specific pollution sources or on health effects of some contaminants (-)

**Denver: Good**

- ▶ included helpful information on health risks related to lead, turbidity, and total trihalomethanes (+)
- ▶ included prominent and detailed discussion of *Cryptosporidium* and *Giardia* (+)
- ▶ included warning to immunocompromised people, which was properly and prominently placed (+)
- ▶ buried mention of the potential cancer risks from trihalomethanes in a footnote (-)
- ▶ offered no names or details on specific pollution sources and no information on health effects of some contaminants found (-)

**Detroit: Good**

- ▶ was user-friendly (+)
- ▶ included prominent information for people particularly vulnerable to contamination (+)
- ▶ avoided prominent unqualified statements about the water's safety (+)
- ▶ failed to disclose the level of haloacetic acids in the city's water in violation of the EPA's rules for right-to-know reports (-)
- ▶ reported on levels of other contaminants in ways that were unclear, without clear average levels (-)
- ▶ offered no names or details on specific pollution sources or on health effects of some contaminants (-)

**Fresno: Poor**

- ▶ offered translations of the report in Spanish and Hmong (+)
- ▶ listed many unregulated contaminants (+)
- ▶ described health effects of some key contaminants (+)
- ▶ buried health warnings for pregnant women regarding nitrates at elevated levels in city water (-)
- ▶ buried mention of city wells exceeding drinking water standards for nitrates, 1,2-DCE, cis-1,2-DCE, DBCP, EDB, and TCE (-)
- ▶ incorrectly asserted that Fresno did not violate enforceable standards (-)
- ▶ offered no names or details on specific pollution sources or on health effects of some contaminants (-)

**Houston: Fair**

- ▶ included prominent placement of the mandatory special alert for people who are more vulnerable to particular contaminants (+)
- ▶ provided a prominent and incorrect description of arsenic's health threat in 2000 (-)

- ▶ contained misleading information about *Cryptosporidium* found in source waters (–)
- ▶ offered no names or details on specific pollution sources or on health effects of some contaminants (–)

#### **Los Angeles: Good**

- ▶ was user-friendly (+)
- ▶ included information about treatment (+)
- ▶ produced four separate, area-specific reports (+)
- ▶ included good source water information as well as maps (+)
- ▶ provided special health information to vulnerable water users, including the immunocompromised and those on kidney dialysis (+)
- ▶ did not translate the report into any language (–)
- ▶ offered no names or details on specific pollution sources or on health effects of some contaminants (–)

#### **Manchester: Good**

- ▶ generally complied with EPA's regulations (+)
- ▶ made no sweeping or misleading declarations about the absolute safety of Manchester's water (+)
- ▶ revealed that water contained the unregulated contaminant MTBE from gasoline (+)
- ▶ noted in table but did not discuss lead levels in Manchester tap water (–)
- ▶ offered no names or details on specific pollution sources or on health effects of some contaminants (–)

#### **New Orleans: Poor**

- ▶ was generally readable (+)
- ▶ highlighted information for people most likely to experience adverse health effects from water problems (+)
- ▶ did not provide legally required information on arsenic, atrazine, barium, or cadmium levels (–)
- ▶ included misleading language about lead in city water (–)
- ▶ offered no names or details on specific pollution sources or on health effects of some contaminants (–)

#### **Newark: Failing**

- ▶ made no overarching claim that the water is absolutely safe (+)
- ▶ met with most but not all of the EPA's requirements (–)
- ▶ violated federal law by not providing information on the specific levels of arsenic and haloacetic acids (–)
- ▶ buried information on the city's exceedence of the EPA action level for lead; failed to include all information on lead test results required by law (–)
- ▶ failed to mention lead-monitoring violation (–)

- ▶ offered no names or details on specific pollution sources or on health effects of some contaminants (-)

**Philadelphia: Good**

- ▶ included much important information on source water, treatment, and public involvement (+)
- ▶ was generally well presented and included maps and graphics of treatment (+)
- ▶ offered no names or details on specific pollution sources or on health effects of some contaminants (-)

**Phoenix: Failing**

- ▶ was not user-friendly (-)
- ▶ offered false assertions about compliance (-)
- ▶ failed to disclose monitoring violations (-)
- ▶ failed to provide maps of source water (-)
- ▶ failed to report average levels of many contaminants, as legally required (-)
- ▶ offered no names or details on specific pollution sources or on health effects of some contaminants (-)

**San Diego: Fair**

- ▶ was relatively user-friendly (+)
- ▶ made no overarching claim that the water is absolutely safe (+)
- ▶ translated reports into Spanish and distributed upon request (+)
- ▶ included helpful information on two important contaminants, perchlorate and trihalomethanes (+)
- ▶ prominently displayed warning for immunocompromised consumers (+)
- ▶ failed to discuss lead and copper monitoring (-)
- ▶ failed to disclose levels of some regulated contaminants, including arsenic, barium, chromium, and selenium, as legally required (-)
- ▶ did not acknowledge presence of gasoline additive MTBE in water (-)
- ▶ offered no names or details on specific pollution sources or on health effects of some contaminants (-)
- ▶ failed to explain treatment techniques (-)

**San Francisco: Fair**

- ▶ accurately named and described source waters (+)
- ▶ included an EPA- and state-required notice in more than a dozen languages alerting customers that the reports include important information (+)
- ▶ included unwarranted assertions that the city's water is "top quality," ignoring the high total trihalomethane level problem (-)
- ▶ minimized risks of *Cryptosporidium* and *Giardia* (-)
- ▶ failed to provide warning language for immunocompromised individuals (-)
- ▶ buried in a footnote important information about high lead levels (-)

**How NRDC Arrived at the Right-to-Know Report Grades for 2001**

The More Checks, the Better the Grade. See page 77 for Methodology

City	2001 Grade	Report includes information about										Report does not attempt to mislead consumers or put a falsely positive spin on information	
		Report generally complies with EPA right to know rules	Report is relatively user-friendly	unregulated contaminants substantially beyond rule requirement	more info than required on health effects of contaminants found above EPA health goals	maps showing the source delineates water quality in specific areas	Report maps and reveals known sources of pollutants	some translation for non-English speakers (see page 36)	places warnings to immunocompromised individuals				
Albuquerque	Good	✓	✓		✓	✓				✓			
Atlanta	Fair	✓	✓										✓
Baltimore	Good	✓											
Boston	Poor		✓			✓				✓			
Chicago	Good	✓	✓							✓			✓
Denver	Good	✓	✓		✓					✓			✓
Detroit	Good	✓	✓										✓
Fresno	Poor												✓
Houston	Fair	✓								✓			✓
Los Angeles	Good	✓	✓		✓					✓			✓
Manchester	Good	✓	✓							✓			✓
New Orleans	Poor		✓										✓
Newark	Failing												
Philadelphia	Good	✓	✓							✓			
Phoenix	Failing												
San Diego	Fair		✓							✓			✓
San Francisco	Fair	✓											
Seattle	Fair	✓	✓							✓			
Washington, D.C.	Fair	✓	✓							✓			✓

- ▶ offered no names or details on specific pollution sources or on health effects of some contaminants (–)

**Seattle: Fair**

- ▶ generally appeared to comply with EPA rules (+)
- ▶ included important information about source water (including map and source water assessment information) and water treatment (+)
- ▶ did not describe the city's water as "absolutely safe" (+)
- ▶ buried the news that Seattle substantially exceeded the EPA action level for lead (–)
- ▶ prominently made the questionable claim that "No Compounds Were Detected at Above the Allowable Levels," despite the exceedence of the lead action level and the city's failure to meet state watershed protection criteria, which triggered a state "agreed order" to build a new treatment plant (–)
- ▶ offered no names or details on specific pollution sources or on health effects of some contaminants (–)

**Washington, D.C.: Fair**

- ▶ included information on health effects of certain contaminants found at levels below the EPA's enforceable standards (+)
- ▶ included an explanation of how the water is treated (+)
- ▶ included information about lead and suggestions on how citizens can reduce it in their tap (+)
- ▶ included warnings for vulnerable populations (+)
- ▶ included prominent, unqualified, and misleading statements about the water's absolute safety (–)
- ▶ included misleading assertion about *Cryptosporidium* (–)
- ▶ offered no names or details on specific pollution sources or on health effects of some contaminants (–)

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**RECOMMENDATIONS**

The enormous promise of right-to-know reports has not been fully achieved. NRDC recommends that water systems change right-to-know-report presentation, as follows:

- ▶ use large typeface, photos, and graphics.
- ▶ use plain language and avoid jargon and acronyms.
- ▶ avoid the use of sweeping and prominent claims of absolute safety for their water. These unqualified claims are not only misleading but they are also likely to discourage consumers from reading the whole report. This is a particular concern for vulnerable people such as pregnant women, young children at risk from lead, and people with compromised immune systems.
- ▶ prominently place the warnings to especially vulnerable people on the front page of their report, set off in a box or otherwise, to capture these consumers' attention. Too many utilities bury these mandatory warnings in the back of their reports, embedded in large blocks of uninviting text.

- ▶ discuss any significant water quality and compliance issues prominently in the first paragraphs of the report, linking the information to the investment needs of the utility. This candid, honest approach will persuade consumers that the utility is being forthright and will help build consumer support for raising the funds to address the problems.
- ▶ candidly discuss the potential health effects of contaminants found in their water—at least those contaminants found at levels in excess of EPA or state health goals, action levels, or health advisories. Citizens deserve the straight facts about the potential health effects of contaminants found in their drinking water.
- ▶ provide unbiased, complete information, which will fulfill citizens’ right to know and encourage citizens to work with their utilities to fix the problem. Utilities that explain their water rates must rise to fund improvements in health protection will face a far more receptive public audience than systems that pretend there is no problem.
- ▶ convey as much information as possible about the specific pollution sources in their watershed that are or may be contributing to contamination or that are threatening to contaminate a water supply. This information will help citizens who wish to work with the water system to address those pollution sources. Not only do citizens have a right to know who is polluting or threatening their water supply, they can also be extremely helpful to the utility in its efforts to get the polluters to clean up their acts.

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**Languages Spoken Other Than English**

In the cities listed in **bold** below, at least 10 percent of the population primarily speaks a language other than English. NRDC recommends that right-to-know reports be fully translated into appropriate languages in these cities.

<b>City</b>	<b>Total population</b>	<b>Percentage speaking primarily language other than English*</b>	<b>Percentage speaking primarily Spanish*</b>	<b>Percentage speaking primarily Asian and Pacific languages*</b>
Albuquerque	417,841	27.9	7.3	0.7
Atlanta	389,992	10.8	3.3	0.6
Baltimore	609,345	7.8	1.2	0.6
Boston	557,376	33.4	6.5	4.0
<b>Chicago</b>	2,678,981	35.5	12.5	1.6
<b>Denver</b>	517,349	27.0	12.1	1.2
Detroit	875,384	9.2	2.6	0.3
<b>Fresno</b>	388,739	39.5	12.4	5.9
<b>Houston</b>	1,953,631	41.3	18.6	2.2
<b>Los Angeles</b>	3,412,889	57.8	25.0	4.4
Manchester	99,771	19.6	1.8	1.0
New Orleans	451,739	8.3	1.4	1.0
<b>Newark</b>	252,719	42.6	14.6	0.3
Philadelphia	1,419,977	17.7	3.2	2.1
<b>Phoenix</b>	1,207,309	32.2	15.2	0.7
<b>San Diego</b>	1,141,742	37.4	10.5	5.3
<b>San Francisco</b>	745,650	45.7	6.0	16.2
Seattle	537,538	20.2	1.8	5.9
Washington, D.C.	539,658	16.8	4.7	0.8

\*As percentage of total population

Source: U.S. Census Bureau, Census 2000.

- ▶ include a map of source water, including location and names of major pollution sources.
- ▶ translate their right-to-know reports into any language beyond English that is the primary language of more than 10 percent of a population, based upon 2000 Census data (see table on page 36).

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**NOTE**

<sup>1</sup> Phoenix Water Services Department, *2001 Water Quality Annual Report*, available online at [www.phoenix.gov/WATER/qualrept.html](http://www.phoenix.gov/WATER/qualrept.html).