

Re: Perchlorate Drinking Water Proposal

August 26, 2019

Andrew Wheeler, Administrator
United States Environmental Protection Agency
1200 Constitution Ave., NW
Washington, DC 20460

Dear Administrator Wheeler:

As environmental health researchers, clinicians and medical professionals, health groups, and environmental advocates, we write to you to express our strong opposition to the proposed National Primary Drinking Water Regulation for perchlorate, 84 Fed. Reg. 30524 (June 26, 2019). We believe that every American has a right to safe drinking water. The EPA proposal for this important, widespread, and hazardous drinking water contaminant is deeply concerning. If finalized, it would leave millions of Americans unprotected. We urge the agency to establish a standard based on the best available science of no greater than 2 parts per billion.

The agency proposes to set a perchlorate Maximum Contaminant Level (MCL) at 56 parts per billion (ppb), nearly 4 times what EPA previously said is safe in its previous Lifetime Health Advisory. The agency further stated that it may set a standard as high as 90 ppb, six times higher than its health advisory, and even proposed the possibility of establishing no standard at all.

State health officials have carefully reviewed the science for perchlorate and set drinking water standards based on the best available science. They have established standards of 2 ppb (in Massachusetts) and 6 ppb (in California). These standards are an order of magnitude or more protective than EPA is proposing. Clearly, a far stricter standard than proposed by EPA is not only necessary but is feasible. Moreover, in its 2015 reevaluation, California issued a revised Public Health Goal of 1 ppb, based on updated values of infants' water consumption, and new evidence that even very small reductions in thyroid hormones or iodine levels could cause significant adverse impacts on offspring brain development and function (OEHHA Feb 2015).

Not only is EPA's proposal a clear threat to the health of millions of people, it is also a manifest violation of the Safe Drinking Water Act (SDWA). The Act requires EPA to use the "best available peer reviewed science." SDWA §1412. That, EPA has not done. EPA solicited the peer review and advice of the Science Advisory Board (SAB), as required by the SDWA. But then EPA explicitly decided not to follow some of the most important recommendations of the SAB. The best available science, as recommended by the SAB, requires consideration of multiple lines of evidence, including several studies EPA itself said are high quality. However, EPA decided to rely on one study and a single health endpoint, rather than considering the full array of adverse effects and studies.

EPA proposed to set the MCL Goal (MCLG)—which is legally required to protect vulnerable populations from any known or anticipated adverse effects with an adequate margin of safety—on the level of

perchlorate that would cause a 2% decrease in IQ (that is, a loss of 2 IQ points). The agency ignores that even a 1% decrease in IQ is also an adverse effect, and failed to use an adequate margin of safety as required by SDWA §1412.

EPA should set the MCLG at zero based on the extensive evidence of harm at extremely low doses, the lack of a clear threshold for these effects, and the need for an adequate margin of safety to protect the most vulnerable populations, as required by the SDWA. The agency should set the MCL at no higher than 2 ppb, the MCL established in Massachusetts, or ideally at 1 ppb, the level at which the California Public Health Goal (PHG) is established.

Thank you for your attention to this important matter.*

Academic affiliation provided for identification purposes only, and does not constitute or imply institutional endorsement, recommendation, or favoring.

Alaska Community Action on Toxics

Pamela Miller, Executive Director

Alliance of Nurses for Healthy Environments

Katie Huffling, RN, MS, CNM, Executive Director

John Balmes, MD

Professor of Medicine, School of Medicine
University of California, San Francisco

David Bellinger, PhD

Prof of Neurology,
Harvard Medical School
Boston Children's Hospital

Breast Cancer Prevention Partners

Janet Nudelman, Director of Programs and Policy

Carla Campbell, MD, MS

Pediatrician and public health physician
Las Cruces, NM

Center for Biological Diversity

Nathan Donley, PhD, Senior Scientist

Children's Environmental Health Network (CEHN)

Nsedu Obot Witherspoon, MPH, Executive Director

Chispa

Fernando Cazares, National Director

* For further correspondence please contact Erik D. Olson (eolson@nrdc.org) or Dr. Jennifer Sass, Natural Resources Defense Council, jsass@nrdc.org.

Citizens' Environmental Coalition

Barbara Warren, RN, MS

Clean Water Action

Lynn Thorp, National Campaigns Coordinator

CT Coalition for Environmental Justice

Sharon Lewis, Director

Earthjustice

Suzanne Novak, Staff Attorney

Endangered Species Coalition

Tara Thornton, Program Director and Northeast Representative

Environment America

Bart Johnsen-Harris

Environmental Defense Fund

Tom Neltner, Chemical Policy Director

Environmental Health Strategy Center

Patrick MacRoy, Deputy Director

Environmental Working Group

Olga V. Naidenko, PhD,
Vice President, Science Investigations

Brenda Eskenazi, PhD

Professor, School of Public Health
Division of Epidemiology
University of California, Berkeley

Green America

Alisa Gravitz, CEO

Green Science Policy Institute

Tom Bruton, PhD

Robert M. Gould, MD

Program on Reproductive Health and the Environment
Department of Obstetrics, Gynecology and Reproductive Sciences
University of California, San Francisco
and President, Physicians for Social Responsibility, SF Bay Area Chapter

Health Care Without Harm

Paul Bogart

Healthy Babies Bright Futures

Charlotte Brody, National Director

Healthy Schools Network

Claire L Barnett, MBA, Executive Director

Deborah Hirtz M.D.

Professor, Neurological Sciences and Pediatrics
University of Vermont School of Medicine

International Society for Children’s Health and the Environment (ISCHE)

Juleen Lam, PhD

Assistant Professor
Department of Health Sciences
California State University East Bay

Philip J. Landrigan, MD, MSc, FAAP

Director, Program in Global Public Health and the Common Good
Director, Global Observatory on Pollution and Health
Professor of Biology, Schiller Institute for Integrated Science and Society
Boston College

Bruce Lanphear, MD

Professor, Health Sciences
Simon Fraser University
Vancouver, Canada

League of Conservation Voters

Madeleine Foote, Deputy Legislative Director
Matthew Davis, MPH, Legislative Director

Arthur Lavin, MD, FAAP

Associate Clinical Professor of Pediatrics
Case Western Reserve University School of Medicine

Los Jardines Institute (The Gardens Institute)

Sofia Martinez, PhD
Albuquerque, NM

MADE SAFE / Nontoxic Certified

Amy Ziff

Rob McConnell MD

Professor of Preventive Medicine
Director, Southern California Children’s Environmental Health Center
Keck School of Medicine

University of Southern California

National Hispanic Medical Association

Elena Rios, MD, MSPH, FACP
President & CEO

Natural Resources Defense Council

Jennifer Sass, PhD
Erik Olson, Senior Strategic Director for Health and Food

Jerome A. Paulson, MD, FAAP

Professor Emeritus
of Pediatrics and of Environmental & Occupational Health
George Washington University School of Medicine and Health Sciences and George Washington
University Milken Institute School of Public Health

Pesticide Action Network

Margaret Reeves

Physicians for Social Responsibility

Barbara Gottlieb, Program Director, Environment & Health

Beate Ritz, MD, PhD

Professor of Epidemiology, Environmental Health, and Neurology
School of Medicine
University of California Los Angeles

I Leslie Rubin MD

Morehouse School of Medicine
Southeast PEHSU at Emory University
The Rubin Center for Autism and Developmental Pediatrics

Safer States

Sarah Doll, National Director

Maureen Swanson, MPA

Director of Environmental Risk Reduction & Project TENDR
The Arc
Washington, DC

Science and Environmental Health Network

Ted Schettler MD, MPH

Sierra Club

Dalal Aboulhosn, Deputy Legislative Director
Sonya Lunder, Senior Toxics Policy Advisor

The Endocrine Disruptor Exchange

Carol Kwiatkowski, PhD, Executive Director

Robin Whyatt, DrPH

Professor Emeritus, Department of Environmental Health Science
Columbia University

Women's Voices for the Earth

Jamie McConnell, Director of Programs and Policy

R. Thomas Zoeller, PhD

Professor, Biology Department
University of Massachusetts Amherst

cc: Dave Ross, AA for Water
Jennifer McLain, Acting Director, OGWDW
EPA Docket ID No. EPA-HQ-OW-2018-0780