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The Authoritative Resource on Safe Water[®]

Regulatory Alert

**TO: AWWA Section Government Affairs Contacts
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FROM: AWWA Government Affairs Office

DATE: July 13, 2011

What:	Oversight Hearing on EPA's Unregulated Drinking Water Contaminants Program
Who:	US Senate Committee on the Environment and Public Works
When:	Held YESTERDAY; accompanying Government Accountability Office (GAO) report released YESTERDAY

The U.S. Senate Committee on the Environment and Public Works yesterday held a hearing questioning the Environmental Protection Agency's (EPA) implementation of the Safe Drinking Water Act's (SDWA) Unregulated Drinking Water Contaminants Program.

The hearing focused on a recently released Government Accountability Office (GAO) report requested by Sen. Barbara Boxer (D-CA), Rep. Henry Waxman (D-CA), and Rep. Edward Markey (D-MA). The GAO report made 17 recommendations to the U.S. Environmental Protection Agency regarding its process for evaluating unregulated contaminants, stating that "Systemic limitations in EPA's implementation of requirements for determining whether additional drinking water contaminants warrant regulation have impeded the agency's progress in assuring the public of safe drinking water."

Recommendations from the report included that the EPA administrator require:

1. Development of criteria to identify contaminants which pose the greatest health risk.
2. Improvements in EPA's unregulated contaminants testing program.
3. Development of policies or guidance to interpret the three broad statutory criteria for identifying new contaminants for potential regulation.

Although the hearing primarily focused on regulatory processes, committee members and expert witnesses raised questions about potential future regulation of perchlorate and hexavalent chromium. However, the GAO report does not specifically call for regulatory action on any contaminants.

While AWWA did not testify in today's hearing, the Association in February testified before the same committee, stating: "The SDWA was amended in 1996 to provide a scientifically sound and transparent method for selecting the appropriate substances for regulation and for selecting the appropriate maximum contaminant level for contaminants. We should allow the best available science, not the political process, to be the ultimate driver in regulatory decisions."

The full testimony is available here:

<http://www.awwa.org/files/GovtPublicAffairs/GADocuments/AWWAtestimonyEPWFeb2011.pdf>

The full GAO report can be found here: <http://www.gao.gov/products/GAO-11-254>.

Statements and testimony made at yesterday's hearing can be found here:

http://epw.senate.gov/public/index.cfm?FuseAction=Hearings.Hearing&Hearing_ID=fc5a8756-802a-23ad-454a-b9eeb7bf1c36

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