



**American Water Works
Association**

The Authoritative Resource on Safe WaterSM

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April 30, 2007

The Honorable Albert Wynn, Chairman
Environment and Hazardous Materials Subcommittee
Committee on Energy and Commerce
U.S. House of Representatives
Room 2125 Rayburn House Office Building
Washington, DC, 20515

The Honorable John M. Shimkus, Ranking Member
Environment and Hazardous Materials Subcommittee
Committee on Energy and Commerce
U.S. House of Representatives
Room 2322A Rayburn House Office Building
Washington, DC, 20515

Dear Mr. Chairman and Mr. Shimkus:

As you know, AWWA has been on record since February, 2005, calling for EPA to make a decision whether to regulate perchlorate, consistent with the Safe Drinking Water Act (SDWA). This would mean that EPA should determine whether 1) perchlorate may have an adverse effect on the health of persons; 2) it occurs or there is a substantial likelihood it will occur in public water systems with a frequency and at levels of public health concern; and 3) in the Administrator's sole judgment, its regulation presents a meaningful opportunity for health risk reduction for persons served by public water systems.

On principle, we believe these decisions should be made in a deliberative regulatory process, not a political one, and we recommend this decision be made by EPA rather than by Congress. The standard setting process detailed in the Safe Drinking Water Act is sound, and setting standards through a science-driven process rather than a political one gives the public confidence that the regulations they pay for are necessary and do protect public health.

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Having said that, we recognize that Congress may direct EPA to establish a drinking water regulation for perchlorate. If that is the case, we urge you to allow sufficient time for EPA to use the best available science and currently planned research to determine an appropriate value for the standard. First and foremost, of course, the standard must protect public health.

Several important questions remain to be answered to give the public confidence that a drinking water standard for perchlorate does protect public health. For example, some have said there are discrepancies between the results reported in 2005 by the National Research Council (NRC) and a more recent report by the U.S. Centers for Disease Control and Prevention (CDC). If there are such discrepancies, they should be resolved before EPA establishes a regulation. As you know, the CDC found an association between perchlorate and thyroid hormone levels, at perchlorate levels below the reference dose recommended by NRC. In testimony before the Subcommittee, Dr. James Pirkle, M.D., Ph.D., Deputy Director for Science at CDC's National Center for Environmental Health, stated that despite such association, thyroid hormone levels remained within clinically normal ranges in the test subjects. This may call into question whether the reported association represents an adverse health effect. Dr. Pirkle also testified that these findings were unexpected, that further study is warranted, and that CDC researchers are planning additional research. At the same hearing, Dr. Robert Utiger, M.D., Clinical Professor of Medicine at Harvard University Medical School and a member of the NRC panel on perchlorate, testified that he had reviewed the CDC study and remains confident in the NRC's findings.

The American Water Works Association and the drinking water providers it represents are fully committed to ensuring the water Americans drink is safe. If Congress directs EPA to set a drinking water standard for perchlorate, we urge you to allow sufficient time for the Agency to consider CDC's follow-up research (which should be conducted as expeditiously as possible, consistent with good science). The effect of this research could be to make the standard more stringent, but in any case it is important that the public have full confidence in the perchlorate standard.

In the meantime, we urge you also to consider directing EPA to use the reference dose for perchlorate as a cleanup standard at hazardous waste sites contaminated by perchlorate, and to enforce that standard against the Department of Defense and other potentially responsible parties at such sites.

Thank you in advance for considering our comments on this important matter. If you have questions or comments, we would be pleased to discuss them with you or your staff.

Sincerely,



Tom Curtis
Deputy Executive Director

CC: Members of the Environment and Hazardous Materials Subcommittee
Mr. Ben Grumbles, EPA
Ms. Cynthia Dougherty, EPA