



Fact Sheet: Preliminary Regulatory Determination for Perchlorate

The U.S. Environmental Protection Agency conducted extensive review of scientific data related to the health effects of exposure to perchlorate from drinking water and other sources and found that in over 99% of public drinking water systems, perchlorate was not at levels of public health concern. Therefore, based on the Safe Water Drinking Act criteria, the Agency determined there is not a “meaningful opportunity for health risk reduction” through a national drinking water regulation.

The Agency is seeking comment on its preliminary determination not to regulate perchlorate in drinking water at a national level. EPA will make a final determination for perchlorate after considering information provided in the 30-day public comment period.

EPA is committed to working with states and localities to ensure public health is protected. States have the right to establish and enforce drinking water standards and EPA encourages state-specific situations to be addressed at the local level. EPA intends to issue a health advisory at the time it issues its final regulatory determination for perchlorate, to assist states with their local response.

EPA has drinking water regulations for more than 90 contaminants. To assess risks posed by unregulated contaminants, EPA, in accordance with the Safe Drinking Water Act (SDWA), identifies and seeks public comment on a list of contaminants that may require regulation in the future. At least every five years, EPA determines whether it should regulate some of the contaminants from the list.

Questions and Answers

What is EPA’s preliminary regulatory determination for perchlorate?

Less than 1% of drinking water systems have perchlorate levels above the health reference level. Therefore, the agency has determined that it does not occur frequently at levels of health concern. EPA has also determined that there is not a meaningful opportunity for a national drinking water regulation to reduce health risks.

To assist state and other public health officials, the agency intends to issue a health advisory for perchlorate at the time of the final determination to provide information to federal, regional, state, and local public health officials regarding potential health risks from perchlorate-contaminated drinking water.

What happens next?

EPA will accept public comment on its preliminary determination for 30 days following publication of the preliminary determination in the Federal Register. EPA is also carrying out a peer review of a modeling analysis supporting this determination. EPA will respond to the public comments it receives on the preliminary determination and will review the comments from the peer review of its model application. After considering comments, EPA plans to issue a final regulatory determination for perchlorate by December 2008.

What is a regulatory determination?

A regulatory determination is a formal decision on whether EPA should initiate a rulemaking process to develop a national primary drinking water regulation for a specific contaminant.

EPA identifies contaminants for decisions on whether drinking water regulations are needed and for research prioritization with the drinking water Contaminant Candidate List (CCL). The contaminants on the list are known or anticipated to occur in public water systems. However, they are currently not regulated with a national primary drinking water regulation. Under the Safe Drinking Water Act, EPA publishes a CCL every five years. EPA then makes regulatory determinations from the list of contaminants. The first CCL was published in March 1998, and the second CCL (CCL 2) was published in February 2005.

What is a health advisory?

A health advisory provides technical guidance to federal, state, and other public health officials on health effects, analytical methods and treatment technologies associated with drinking water contamination. Health advisories also contain guidance values that are concentrations of a contaminant in drinking water that are likely to be without adverse health effects.

What criteria does EPA consider in making regulatory determinations?

When making a determination to regulate, the law requires consideration of three criteria:

- the potential adverse effects of the contaminant on the health of humans,
- the frequency and level of contaminant occurrence in public drinking water, and
- whether regulation of the contaminant presents a meaningful opportunity for reducing public health risks.

Do regulatory determinations impose any requirements on public water systems?

No. The notice seeks public comment on EPA's preliminary determination that a national primary drinking water regulation is not necessary for perchlorate, and thus imposes no requirements on public water systems. After review and consideration of public comment, EPA

will issue a final regulatory determination. If a decision is made to regulate a contaminant, the rulemaking process begins.

Where can I find more information about this notice and the perchlorate regulatory determination?

For information on the regulatory determinations for contaminants from the second CCL including perchlorate, please visit http://www.epa.gov/safewater/ccl/reg_determine2.html. For general information on drinking water, please visit the EPA Safewater Web site at <http://www.epa.gov/safewater> or contact the Safe Drinking Water Hotline at 1-800-426-4791. The Safe Drinking Water Hotline is open Monday through Friday, excluding legal holidays, from 10:00 a.m. to 4:00 p.m., Eastern time.