May 8, 2003

National Rural Water Association and
The NDWAC Contaminant Candidate List Workgroup

NRWA Policies

NRWA Policy 1: *NRWA's first regulatory priority is to ensure, insofar as possible, that drinking water is delivered to small and rural community water customers, and that the water delivered is protective of public health.*

NRWA Policy 2: *NRWA believes that (1) Risk assessments should be fully transparent and based on the use of central tendency estimates of the value of risk parameters, (2) USEPA should use sensitivity analyses should be used to demonstrate the collective impact of precautionary assumptions.*

NRWA Policy 3: *NRWA believes that (1) USEPA should practice full disclosure and provide complete transparency by listing all precautionary assumptions and (2) ….. risk assessments that consider exposures of various magnitudes, frequencies, and durations (MDFs).*

Comments and Priorities

- In the interest of protecting public health, limit the size of the CCL to less than 25 contaminants
    - Existing 51 contaminants on CCL should be put back through new selection process

- Ensure the transparency of the process is sound and can be trusted [1]. When data is available:
    - Precautionary assumptions must be removed from risk assessment data (toxicological, epidemiological, etc) and the uncertainties presented to the policy makers when they determine if the contaminant should be placed on the CCL list.
    - If available, EPA should use central tendency estimates of risks for policy makers to consider when making decisions about moving a contaminant from the PCCL to the CCL. (Note – risk levels should be presented without normalizing data with precautionary factors)
    - To ensure data quality, replicability, and transparency, EPA should clearly and explicitly indicate what precautionary assumptions and uncertainty factors are

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[1] Based on statutory directives and NRWA policy, we support using central estimates of risks rather than estimates that are inflated by the use of upper bounds and precautionary assumptions. The Statute clearly indicates that EPA should develop and consider risk and benefit estimates that reflect the most likely outcomes *through the regulatory process*. It is vital that these principles of using "central estimates" be well highlighted and universally adopted as part of the CCL selection process. Congressional mandates related to supporting this concept are included in Section 1412 of the law, pertaining to the use of "expected ... or central estimate of human health risk." Also stated in the SDWA, "...specify, to the extent practicable ...(ii) the <u>expected risk or central estimate of risk</u>" ... as well as "(iii) appropriate upper-bound and lower-bound estimates of risk"...and have "(iv) each significant uncertainty identified in the process of the assessment of public health effects..." [1412(b)(3)(B)].

embodied in any risk assessment it generates and/or uses and clearly indicate the quantitative impact these assumptions, safety factors, and statistical procedures have -- individually and collectively -- on the numerical risk assessment.
- o Sensitivity analysis must be used to evaluate the models
- o The above information should be made publicly available so that stakeholders can also see the transparent impact of precautionary assumptions on risk estimates.

- Only quality data should be used in the selection process to avoid false positives and false negatives.
  - o To the extent possible EPA should use data attributes including - magnitude, duration and frequency of contaminant occurrence to estimate risk.
  - o When selecting data for the neural network "training set" it must not be biased and should be peer reviewed by a committee that represents a broad range of perspectives (i.e. Independent third parties such as the Science Advisory Board and the Competitive Enterprise Institute). NRWA recognizes that outside influences may pressure the agency into using a "training set" that would provide an outcome with too many false positives or too many false negatives.

- EPA should apply the following CCL concepts and recommendations to the MCL standard setting process.
  - o Present precautionary assumptions (uncertainties, safety factors, etc) to the policy makers and the public and remove these assumptions from risk assessment data.
  - o Use central tendency estimates of risks rather than estimates that are inflated by the use of upper bounds and precautionary assumptions.
  - o Ensure the process is fully transparent to stakeholders
  - o The peer review process should be completed
  - o Use magnitude, duration and frequency should be used when setting regulatory standards.