Connecticut Water Works Association
Working for Quality Water

Testimony
Elizabeth Gara, Executive Director
Connecticut Water Works Association
Before the
Committee on Children
February 22, 2011

RE: HB- 6401 - AN ACT CONCERNING HEXAVALENT CHROMIUM IN DRINKING WATER.

The Connecticut Water Works Association (CWWA), a trade association of private, municipal and regional water companies, has a number of concerns relative to **HB-6401- AN ACT CONCERNING HEXAVALENT CHROMIUM IN DRINKING WATER.**

Although this proposal is certainly well-intentioned, it is premature to require the state Department of Public Health (DPH) to adopt regulations by January 2012 setting standards and requiring public water systems to test drinking water for the presence of Hexavalent Chromium for a number of reasons. First, the U.S. Environmental Protection Agency (EPA) is in the process of performing a review, in accordance with its rigorous scientific, risk-based protocol, to determine if new standards for Hexavalent Chromium need to be established and, if so, what the appropriate standards should be. Once it determines that the standards should be revised, it must develop approved methods for testing and certify laboratories to use them before the occurrence data can be generated. EPA is not expected to conclude this review prior to January 2012.

The recent Environmental Working Group Report which has focused attention on this issue indicated that the concentrations of Hexavalent Chromium were quite low, less than 1 part per billion. Recognizing that the Environmental Working Group's analyses were not performed using an EPA approved methodology which would have included peer review, quality control and quality assurance protocols relative to sample collection and testing, EPA has concluded that additional work is needed before any requirements are imposed upon public water systems.

In addition, laboratory operators in Connecticut have indicated that they do not currently have the capacity to test for the presence of Hexavalent Chromium with meaningful results. Monitoring specifically for the presence of Hexavalent Chromium requires certain analytical instrumentation and methodologies which very few laboratories in the country are set up to perform in order to detect the presence of the compound at 0.02 ppb with a reporting limit of 0.06 ppb. EPA is in the process of contacting drinking water laboratories across the country in an effort to further establish national drinking water laboratory capacity.

Moreover, it is unnecessary for the state to legislate individual drinking water standards, as called for under HB-6401. In Connecticut, DPH has primacy over public water supplies - the authority to implement the federal Safe Drinking Water Act (SDWA) within Connecticut and must, under current law, adopt standards at least as stringent as U.S. EPA's and make sure water systems meet these standards. When EPA finalizes its rule relative to Hexavalent Chromium, Connecticut's public water suppliers will be required to comply with it without the need for additional legislation.

Although there is no federal standard regarding Hexavalent Chromium in drinking water, public water suppliers, including those in Connecticut, are required to test for total chromium, which includes Hexavalent Chromium, at a level of 100 parts per billion or 0.100 parts per million. According to DPH, there is no record of any Connecticut public water system ever having exceeded the current federal standard for total chromium. As such, there is no imminent concern regarding the presence of hexavalent chromium. In addition, Connecticut is one of only two states nationwide that preclude the use of waters for public water supply that are downstream from a wastewater plant, which ensures that Connecticut's public water supplies are a higher quality source than most other states.

CWWA therefore recommends that no action be taken on state legislation until these issues are addressed and EPA concludes its review. EPA has a well-defined process for setting the safe level of all parameters that occur in public drinking water which relies on sound science in the development of both water quality monitoring data and health effects data. To ensure the quality and safety of the nation's public water supplies, the federal Safe Drinking Water Act (SDWA) mandates a rigorous process for evaluating risks to public health and determining what risk management actions are appropriate. The Act requires that the regulatory process use the best available viewed science to assess risks and three key criteria for regulation of contaminants:

- The contaminant may have an adverse effect on the health of persons;
- The contaminant is known to occur or there is a substantial likelihood that the contaminant will occur in public water systems with a frequency and at levels of public health concern; and
- In the sole judgment of the Administrator, the regulation of such contaminant presents a meaningful opportunity for health risk reduction for persons served by public water systems.

SDWA applies to every public water system in the United States. US EPA sets national standards for drinking water based on sound science to protect against health risks, considering available technology and costs. Each standard includes requirements for water systems to test for contaminants in the water to make sure standards are achieved. In addition to setting these standards, U.S. EPA provides guidance, assistance and public information about drinking water, develops and approves testing methods, certifies laboratories to use those methods, collects drinking water data and oversees state drinking water programs.

Connecticut's public water suppliers are committed to ensuring the quality and safety of public water supplies and comply with rigorous state and federal laws and regulations which protect the public health and safety of our customers. In addition to extensive water quality testing for more than 83 potential contaminants, water companies are also required to treat all surface waters used for public water supply; monitor water quality and remediate any water quality concerns. Public water suppliers are also required to prepare and deliver public reports on the sources and quality of their drinking water supplies by July 1 each year. These Consumer Confidence Reports, required under the 1996 amendments to the Safe Drinking Water Act, give citizens critical information about the sources and quality of the water they consume.

As purveyors of public water supplies, we are committed to ensuring the purity and adequacy of the state's public water supplies and will fully comply with EPA's determination relative to testing for Hexavalent Chromium. However, we oppose HB-6401 inasmuch as it is (1) premature because EPA has not concluded its review and (2) unnecessary because the state's public water suppliers will be required to comply with any federal EPA testing requirements under current law.

The Connecticut Water Works Association, Inc. (CWWA) is an association of private, municipal and regional public water supply utilities serving more than 500,000 customers, or population of about 2½ million people, located throughout Connecticut.