



## National Rural Water Association

---

2915 South 13th Street, Duncan, Oklahoma 73533  
580-252-0629 ♦ Fax 580-255-4476

June 15, 2006

Dr. Nancy Beck  
Office of Information and Regulatory Affairs  
Office of Management and Budget  
725 17<sup>th</sup> Street NW  
New Executive Office Building, Room 10201  
Washington, DC 20503

Dear Dr. Beck:

On behalf of 24,885 small and rural drinking water utilities, the National Rural Water Association (NRWA) is pleased to comment on the Office of Management and Budget (OMB) proposed Risk Assessment Bulletin (71 FR 2600). NRWA is the largest utility member association representing small and rural utilities across the Nation that are significantly impacted by the standard setting and economic analyses process completed by EPA when developing regulations for the drinking water and wastewater industry.

The NRWA commends OMB in moving forward and proposing a more transparent approach for making the regulatory process affordable and more protective of public health to small systems and their customers. The historical practice of slanting assessments in a conservative direction (examples: using 2 liters per day for water consumption rather than a more realistic 1 liter per day and choosing the upper 95% confidence limit values of risk parameter distributions rather than central tendency values) has resulted in water regulations with compounded conservatism and resulting unacceptably high per household costs for customers of small systems. Basing the promulgation of new regulations on presumptive risk, and assumptions, and not sound scientific data specific to a contaminant creates similar hardship for the end user. Moreover, the accompanying regulatory analyses have not been sufficiently transparent to allow these customers to adequately judge how much safety they are paying for. It is felt that the proposed guidance would materially reduce these inequities. The following comments are offered on specific aspects of the proposal.

---

Specific Comments

We feel that two aspects of the proposal have particular merit and are of critical importance to small water and wastewater systems, including:

1. **The recurring theme of requiring presentation of the range of plausible risk estimates including central estimates when quantitative estimates are possible.** Small system customers faced with the real possibility of making unhealthy tradeoffs in order to pay for high cost water regulations must be able to make informed assessment of whether the avoided risk resulting from the water regulation is commensurate with the risks associated with the tradeoffs they may be forced to make in order to pay the water bill. Only with the aforementioned range of risk estimates at hand can they make such assessments; and
2. **The persistent requirement for transparency of risk assessments, both in terms of methodology used and resulting risk numbers.** Risk avoidance through water regulation for small system customers is essentially an affordability issue. Water regulatory costs per customer in large systems are usually of the order of a few cents per regulation per customer per month whereas these same costs in small systems may be hundreds or thousands of dollars per customer. Because of these high unit costs and especially for those systems in economically distressed areas, it is essential that the rationale for regulations be readily understandable and transparent so that customers don't opt for unhealthy alternatives such as returning to private wells that may not be as safe as a public water supply.

We commend OMB for the progressive approach they have outlined in this Bulletin to improving the critical risk assessment process that is inherent in the water regulatory arena and urge the timely adoption of these proposed changes. We encourage the Office to continue to consider the white papers developed by NRWA as they refine this approach. We have included a list of white papers in the reference section and included the entire compilation on the attached compact disk (The compact disk will be sent through the U.S. Postal Service, however these comments are being submitted electronically). We look forward to continue working with your Office on this very important issue. Should you have any questions or concerns please contact me at [thomas@ruralwater.org](mailto:thomas@ruralwater.org) or at 443-739-1358.

Sincerely,

Ed Thomas  
National Rural Water Association

## References

Bull, Richard Ph.D. 2001. *Thresholds in Toxic Responses to Chemicals and Radiation and Their Use in Risk Assessment and Regulation*, National Rural Water Association

Cohen, Joshua, Ph.D., 2001. Harvard Center for Risk Analysis, Harvard School of Public Health. *Acceptable Risk in the Context of Managing Environmental Hazards*, National Rural Water Association.

Gray, George, Ph.D. and Joshua Cohen, Ph.D., 2001. Harvard Center for Risk Analysis, Harvard School of Public Health. *Confronting Tradeoffs in Protecting Human Health and the Environment*, National Rural Water Association.

Pontius, Frederick, P.E. 2001. *Compounding Effects Of Drinking Water Regulations On Small Water Systems*, National Rural Water Association.

Raucher, R.S. 2003. *Blending Science with Policy: Precautionary Assumptions and Their Impact on Benefit-Cost Analyses and Drinking Water Standards*. In: Critical Issues in Setting Regulatory Standards. Duncan, OK: National Rural Water Association.

Raucher, R.S., and N. Damodaran. 2003. *The HRRCA Review Process*. In: Critical Issues in Setting Regulatory Standards. Duncan, OK: National Rural Water Association.

Raucher, R.S. and Crawford-Brown, Douglas J. 2003. *The Radon MCL for Drinking Water: Variability, Uncertainty, Precautionary Assumptions, and Related Benefit-Cost Issues for Small Systems*, National Rural Water Association.

Raucher, R.S. 2002. *Balancing Benefits And Costs*. In: Critical Issues in Setting Regulatory Standards. Duncan, OK: National Rural Water Association.

Strawson, Joan, et al 2003. *Approaches to Determining "Unreasonable Risk to Health"*. Duncan, OK: National Rural Water Association