



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON D.C. 20460

OFFICE OF THE ADMINISTRATOR
SCIENCE ADVISORY BOARD

November 5, 2008

The Honorable Stephen L. Johnson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Johnson:

Thank you for your memorandum of October 20, 2008, requesting that the Science Advisory Board (SAB) undertake a study to provide advice on how EPA can strengthen scientific assessments, better communicate the results of assessments, and integrate natural science assessment with economic and social assessments to support EPA decision making. I had the opportunity to discuss the request with my colleagues this week at a public advisory meeting of the chartered SAB. We will undertake this effort with the goal of providing advice to the new EPA Administrator within a year.

At our public meeting on October 28, 2008, the chartered SAB also discussed a draft report from the SAB's Drinking Water Committee on EPA's Draft Third Drinking Water Contaminant Candidate List (CCL3). The Committee's draft report highlighted its recommendation that perchlorate is one of four chemicals that "should be a high priority for consideration by the Agency, because there is a higher degree of certainty about their toxicity, occurrence, and treatability."

The SAB is also aware that EPA published a Drinking Water: Preliminary Regulatory Determination on Perchlorate in the Federal Register on October 10, 2008 (73 FR 60262-60282). That notice provides a preliminary determination that "*a national primary drinking water regulation (NPDWR) for perchlorate would not present 'a meaningful opportunity for health risk reduction for persons served by public water systems'*" and provides a thirty-day public comment period. The notice also states that EPA plans to issue a final regulatory determination by December 2008. It should be noted that this preliminary determination relies on the use of a dosimetric model which is now undergoing letter peer review, and thus, its soundness will not be publicly vetted.

Given perchlorate's wide occurrence and well-documented toxicity to humans, the SAB strongly believes that there must be a compelling scientific basis to support a determination not to regulate perchlorate as a national drinking water contaminant. The quality of the scientific foundation for EPA's decisions depends on peer review, which brings a variety of scientific perspectives to bear on critical components of EPA's decisions. Where science assessments have been conducted with the benefit of external scrutiny, the end products have been better able to support the policy making process. This view is very much aligned with the perspectives expressed in your memorandum to the SAB.

As you know, the SAB operates under the requirements of the Federal Advisory Committee Act for advance notice of public meetings. Therefore, the SAB will not be able to provide you with our comments regarding the scientific basis of this determination in time to meet the Agency's deadline of November 10, 2008. Accordingly, the SAB urges the Agency to consider extending the public comment period thereby allowing us to provide comments for the Agency's consideration in making the final regulatory determination on perchlorate. Thank you in advance for your consideration.

Sincerely,

/Signed/

Dr. Deborah L. Swackhamer, Chair
Science Advisory Board

/Signed/

Dr. Joan Rose, Chair
SAB Drinking Water Committee

cc: Marcus Peacock, Deputy Administrator
Ben Grumbles, Assistant Administrator, Office of Water
Cynthia Dougherty, Office of Water