110TH CONGRESS
1ST SESSION

S. 24

To amend the Safe Drinking Water Act to require a health advisory and monitoring of drinking water for perchlorate.

IN THE SENATE OF THE UNITED STATES

JANUARY 4, 2007

Mrs. BOXER (for herself, Mrs. FEINSTEIN, and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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A BILL

To amend the Safe Drinking Water Act to require a health advisory and monitoring of drinking water for perchlorate.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Perchlorate Monitoring and Right-to-Know Act of 2007''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) perchlorate—

(A) is a chemical used as the primary ingredient of solid rocket propellant; and

(B) is also used in fireworks, road flares, and other applications.

(2) waste from the manufacture and improper disposal of chemicals containing perchlorate is increasingly being discovered in soil and water;

(3) according to the Government Accountability Office, perchlorate contamination has been detected in water and soil at almost 400 sites in the United States, with concentration levels ranging from 4 parts per billion to millions of parts per billion;

(4) the Government Accountability Office has determined that the Environmental Protection Agency does not centrally track or monitor perchlorate detections or the status of perchlorate cleanup, so a greater number of contaminated sites may already exist;

(5) according to the Government Accountability Office, limited Environmental Protection Agency data show that perchlorate has been found in 35 States and the District of Columbia and is known to have contaminated 153 public water systems in 26 States;

(6) those data are likely underestimates of total drinking water exposure, as illustrated by the finding of the California Department of Health Services

that perchlorate contamination sites have affected approximately 276 drinking water sources and 77 drinking water systems in the State of California alone;

(7) Food and Drug Administration scientists and other scientific researchers have detected perchlorate in the United States food supply, including in lettuce, milk, cucumbers, tomatoes, carrots, cantaloupe, wheat, and spinach, and in human breast milk;

(8)(A) perchlorate can harm human health, especially in pregnant women and children, by interfering with uptake of iodide by the thyroid gland, which is necessary to produce important hormones that help control human health and development;

(B) in adults, the thyroid helps to regulate metabolism;

(C) in children, the thyroid helps to ensure proper mental and physical development; and

(D) impairment of thyroid function in expectant mothers or infants may result in effects including delayed development and decreased learning capability;

(9)(A) in October 2006, researchers from the Centers for Disease Control and Prevention pub-

lished the largest, most comprehensive study to date on the effects of low levels of perchlorate exposure in women, finding that—

(i) significant changes existed in thyroid hormones in women with low iodine levels who were exposed to perchlorate; and

(ii) even low-level perchlorate exposure may affect the production of hormones by the thyroid in iodine-deficient women; and

(B) in the United States, about 36 percent of women have iodine levels equivalent to or below the levels of the women in the study described in subparagraph (A);

(10) the Environmental Protection Agency has not established a health advisory or national primary drinking water regulation for perchlorate, but instead established a ''Drinking Water Equivalent Level'' of 24.5 parts per billion for perchlorate, which—

(A) does not take into consideration all routes of exposure to perchlorate;

(B) has been criticized by experts as failing to sufficiently consider the body weight, unique exposure, and vulnerabilities of certain

pregnant women and fetuses, infants, and children; and

(C) is based primarily on a small study and does not take into account new, larger studies of the Centers for Disease Control and Prevention or other data indicating potential effects at lower perchlorate levels than previously found;

(11) on August 22, 2005 (70 Fed. Reg. 49094), the Administrator proposed to extend the requirement that perchlorate be monitored in drinking water under the final rule entitled ''Unregulated Contaminant Monitoring Regulation (UCMR) for Public Water Systems Revisions'' promulgated pursuant to section 1445(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–4(a)(2)); and

(12) on December 20, 2006, the Administrator signed a final rule removing perchlorate from the list of contaminants for which monitoring is required under the final rule entitled ''Unregulated Contaminant Monitoring Regulation (UCMR) for Public Water Systems Revisions'' (72 Fed. Reg. 368 (January 4, 2007)).

(b) PURPOSE.—The purpose of this Act is to require the Administrator of the Environmental Protection Agency—

(1) to establish, not later than 90 days after the date of enactment of this Act, a health advisory that—

(A) is fully protective of, and considers, the body weight and exposure patterns of pregnant women, fetuses, newborns, and children;

(B) provides an adequate margin of safety; and

(C) takes into account all routes of exposure to perchlorate;

(2) to promulgate, not later than 120 days after the date of enactment of this Act, a final regulation requiring monitoring for perchlorate in drinking water; and

(3) to ensure the right of the public to know about perchlorate in drinking water by requiring that consumer confidence reports disclose the presence and potential health effects of perchlorate in drinking water.

SEC. 3. MONITORING AND HEALTH ADVISORY FOR PERCHLORATE.

Section 1412(b)(12) of the Safe Drinking Water Act (42 U.S.C. 300g–1(b)(12)) is amended by adding at the end the following:

''(C) PERCHLORATE.—

''(i) HEALTH ADVISORY.—Not later than 90 days after the date of enactment of this subparagraph, the Administrator shall publish a health advisory for perchlorate that fully protects, with an adequate margin of safety, the health of vulnerable persons (including pregnant women, fetuses, newborns, and children), considering body weight and exposure patterns and all routes of exposure.

''(ii) MONITORING REGULATIONS.—

''(I) IN GENERAL.—The Administrator shall propose (not later than 60 days after the date of enactment of this subparagraph) and promulgate (not later than 120 days after the date of enactment of this subparagraph) a final regulation requiring—

''(aa) each public water system serving more than 10,000 in-

dividuals to monitor for perchlorate beginning not later than October 31, 2007; and

"(bb) the collection of a representative sample of public water systems serving 10,000 individuals or fewer to monitor for perchlorate in accordance with section 1445(a)(2).

"(II) DURATION.—The regulation shall be in effect unless and until monitoring for perchlorate is required under a national primary drinking water regulation for perchlorate.

"(iii) CONSUMER CONFIDENCE REPORTS.—Each consumer confidence report issued under section 1414(c)(4) shall disclose the presence of any perchlorate in drinking water, and the potential health risks of exposure to perchlorate in drinking water, consistent with guidance issued by the Administrator.".

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