



December 14, 2023

Mr. Chris Frey
Assistant Administrator, Office of Research and Development
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, D.C. 20460

Re: Availability of the Draft IRIS Toxicological Review of Inorganic Arsenic ([EPA-HQ-ORD-2012-0830](#))

Dear Assistant Administrator Frey,

The Association of State Drinking Water Administrators (ASDWA) is the professional association that serves the leaders (and their staff) of the 57 state and territorial drinking water programs. ASDWA's members are co-regulators with EPA in implementing the Safe Drinking Water Act (SDWA), ensuring safe drinking water, and continuing to improve public health protection every day. ASDWA appreciates the opportunity to provide input on the Agency's draft Integrated Risk Information System (IRIS) Toxicological Review of Inorganic Arsenic.

ASDWA's members have a particular interest in this latest IRIS assessment due to the existing national primary drinking water regulation (NPDWR) for arsenic. The current Maximum Contaminant Level (MCL) for arsenic is 10 parts per billion (ppb) and was based on data from the IRIS program to estimate the health benefits of the MCL. The reference doses (RfD) and cancer slope factors (CSF) included in this draft review are significantly stricter than those used to inform the existing arsenic MCL.

EPA is currently working to complete the Fourth Six-Year Review, a periodic requirement to review all existing NPDWRs, including arsenic, and revise them, if needed, every six years. The last six-year review was completed in December 2016 and published in the *Federal Register* in January 2017. Given that history, EPA should be completing the Fourth Six-Year Review in a few months. Therefore, the final IRIS toxicological review may have an immediate impact on the Agency's decision-making process for the existing arsenic MCL, and the review of the document by the Science Advisory Board (SAB) must be thorough and based on the best available peer-reviewed science.

The arsenic NPDWR was last modified in 2001, when EPA lowered the MCL from 50 ppb to the current MCL of 10 ppb. At the time, it was determined that an MCL of 3 ppb was the feasible

level closest to the Maximum Contaminant Level Goal (MCLG). However, the Agency used its discretionary authority under SDWA to implement a less stringent MCL, “[which maximizes health risk reduction at a level where costs and benefits are also considered.](#)”

The lowering of the arsenic MCL significantly impacted community water systems (CWS). From 1978 through 2001, 131 systems violated the arsenic MCL according to the [SDWIS Fed Reporting Services system](#). Since 2006, the compliance date of the lower MCL, there have been a total of 23,463 violations. However, CWS have made progress in addressing arsenic contamination. In 2006, 919 CWS violated the arsenic MCL. In the last four quarters of arsenic testing (October 2022 through July 2023), that number has decreased to 593 violations. Significant work by primacy agencies and systems remains to increase compliance with the current MCL, and this workload would increase if the MCL is further reduced based on an updated risk assessment and benefit-cost analysis.

The latest IRIS draft may have significant implications for the future of the arsenic NPDWR. ASDWA continues to support EPA’s use of the best available peer-reviewed science when setting or revising NPDWRs. If the science (in this case, the final toxicological review) supports a lower RfD, the Agency will likely consider lowering the existing MCL. A lower MCL would result in more violations, and it should be noted that many of the systems that have been in violation of the arsenic MCL are small groundwater systems that often have ongoing affordability challenges. The Draft IRIS Toxicological Review of Inorganic Arsenic must receive a thorough and timely review by the SAB. ASDWA supports the SAB’s review of the draft IRIS toxicological review as a critical step in assisting the Agency in its review of the current arsenic NPDWR and to help the Agency balance the potential health benefits with the anticipated costs of compliance.

Thank you again for the opportunity to provide input on this critical work. If you have questions or want to discuss these comments in more detail, please contact Stephanie Schlea at sschlea@asdwa.org or me at aroberson@asdwa.org.

Sincerely,



J. Alan Roberson, P.E.
Executive Director

Cc: Jennifer McLain, OGWDW
Eric Burneson, OGWDW
Colleen Flaherty, OST

