

Sent via ELECTRONIC MAIL to: <https://oehha.ca.gov/comments>

January 17, 2025

Ms. Hermelinda Jimenez
PHG Program
Pesticide and Environmental Toxicology Branch
Office of Environmental Health Hazard Assessment
California Environmental Protection Agency
P.O. Box 4010, MS-12B
Sacramento, California 95812-4010
Attention: PHG Program

RE: Proposed Public Health Goal for N-Nitrosodimethylamine

Dear Ms. Jimenez:

The Association of California Water Agencies (ACWA) appreciates the opportunity to submit written comments to the Office of Environmental Health Hazard Assessment (OEHHA) in response to the proposed lowering of the Public Health Goal (PHG) for N-Nitrosodimethylamine (NDMA) in drinking water from 0.003 parts per billion (ppb) to 0.0005 ppb.

ACWA represents almost 470 local public water agencies that supply water for domestic, agricultural, and industrial uses to over 90% of California's population. ACWA's public agency members are entrusted with the responsibility of supplying the public with safe and reliable drinking water. Ensuring the safety of drinking water supplies by complying with all relevant state and federal standards is the highest priority of these agencies. ACWA appreciates that OEHHA is responsible for the development of a risk assessment, which informs the development of a PHG. PHGs are based exclusively on public health considerations and are not meant to be enforceable standards, although water systems must publish information about contaminants with PHGs in their Consumer Confidence Reports.

Consistent with ACWA's prior comments on previous PHG and Maximum Contaminant Level (MCL) rulemakings, ACWA supports the development of PHGs based on risk assessments that are grounded in sound, credible science and research; are well documented; and are based on current data and information. The development of a PHG is an important step that informs the establishment of an enforceable MCL for

drinking water. Currently, NDMA only has a non-enforceable Notification Level (NL) of 10 ppt that was established in 2002.

A well-informed, scientifically sound PHG serves as a bridge towards developing an MCL that protects public health, establishes clear guidance, and sets a level that is economically and technologically feasible for public water agencies to meet. California law requires the State Water Resources Control Board (State Water Board) to set primary drinking water standards for contaminants in drinking water as close to the corresponding PHG as is economically and technologically feasible.

Following ACWA's review of the proposed PHG for NDMA, we have a few clarifying questions that should be addressed prior to potential adoption:

1. Why was it deemed appropriate to remove data from the higher dose groups and only use the lowest 12 dose groups in the genotoxicity study in rats to derive the cancer slope factor (CSF)? Per ACWA review, had OEHHA included all dose groups, the result would have been a flatter CSF.
2. Why were no high-quality animal cancer studies post-2006 identified or used in the risk assessment to develop the proposed NDMA PHG? Were there none published or did they not support cancer endpoints?
3. How was a determination reached that the contribution of drinking water ingestion to likelihood of lifetime cancer risk, relative to other sources, does not need to be formally documented to justify the proposed NDMA PHG? Per the proposed PHG, ingestion of drinking water that contains NDMA appears to be less than 10% of the total exposure from various other sources of NDMA, and it does not accumulate in tissues. Moreover, OEHHA states that "...no attempt is made here to formally document the contribution of drinking water relative to other sources (e.g., food, beer, formation from nitrates and nitrites in the GI tract)."
4. In simple terms, how does OEHHA determine if a contaminant is a human carcinogen versus reasonably anticipated to be a human carcinogen? Per the proposed PHG, the updated toxicological review does not indicate that NDMA is a human carcinogen. Rather, it is "reasonably anticipated to be a human carcinogen."

ACWA appreciates OEHHA staff's consideration of these comments and questions as the proposed PHG for NDMA is developed and look forward to working with OEHHA. If you have any questions regarding these comments, please contact me at NickB@acwa.com or (916) 441-4545.

Sincerely,

Nick Blair

Nick Blair
Senior Policy Advocate

cc: Mr. David Edwards, Ph.D., Acting Director/Chief Deputy Director, Office of Environmental Health Hazard Assessment
The Honorable Joaquin Esquivel, Chair, State Water Resources Control Board
Ms. Kimberly Gettmann, Deputy Director for Scientific Programs, Office of Environmental Health Hazard Assessment
Mr. Kannan Krishnan, Ph.D., Assistant Deputy Director for Scientific Programs, Office of Environmental Health Hazard Assessment
Mr. Eric Oppenheimer, Executive Director, State Water Resources Control Board
Mr. Darrin Polhemus, Deputy Director, State Water Resources Control Board
Division of Drinking Water
Mr. Dave Eggerton, Executive Director, Association of California Water Agencies
Ms. Cindy Tuck, Deputy Executive Director for Government Relations, Association of California Water Agencies