

NDWAC LEAD AND COPPER WORKING GROUP ON PUBLIC EDUCATION

Meeting Four: April 19-20, 2006

Draft Summary

Welcome and Agenda Review

Abby Arnold, RESOLVE Senior Mediator, welcomed the members of the National Drinking Water Advisory Committee (NDWAC) Lead and Copper Working Group on Public Education (WGPE) to its fourth meeting.

Ms. Arnold reviewed the meeting agenda and objectives of the meeting, which were to:

- Acknowledge the work of the group
- Reach agreement on recommendations to NDWAC
- Determine next steps to finalize the WGPE Report

Ron Bergman, Chief, Drinking Water Protection Branch, EPA OGWDW, also welcomed the working group members and expressed appreciation for their hard work in February to finalize the first set of recommendations to the NDWAC. Mr. Bergman gave an update on the LCR short-term revision process, explaining that the NDWAC's recommendations were added to the rule package at the Office of Management and Budget (OMB) in time to keep the review process to 90 days. Because of this, the proposed rule should come out of OMB in June, with the draft guidance in fall of 2006. Mr. Bergman noted that EPA would like to hear ideas from WGPE what to include in guidance to systems that must do public education under the LCR.

A WGPE member asked when the final rule would go into effect. Mr. Bergman responded that it takes at least a year from the proposed rule to become final. Following finalization of the rule, EPA is proposing a three-year implementation schedule but will request comment on whether some of the provisions can be implemented more quickly. One member suggested that the WGPE make a recommendation that EPA, primacy agencies, and groups such as ASDWA and AWWA work to implement the revised public education requirements as soon as possible. The rest of the group agreed.

NDWAC Update

Gregg Grunenfelder, NDWAC and WGPE member, gave the group an update on the NDWAC's March 10 conference call, explaining that they accepted the majority reports with a few modifications. The main substantive change was to eliminate Condition 3 in the WGPE recommendations on CCR modifications. Thus, the recommendations forwarded to EPA will not require information about lead in drinking water in the CCR when no lead is detected by a water system. The NDWAC's concern with Condition 3 was that it could undermine confidence in public drinking water.

Mr. Grunenfelder noted other slight changes, such as changing sentence order or terminology. For example, the organizations to which utilities must attempt to send brochures were called "prioritized" rather than "required." Mr. Grunenfelder emphasized that the overall principles in the

WGPE's recommendations, such as augmenting efforts to reach a broader population, were well accepted by the NDWAC.

Finalizing the WGPE Report

For the rest of Day 1 and half of Day 2, the WGPE worked to reach final agreement on various sections of their recommendations report.

Minority Reports

The WGPE members discussed the minority reports that were forwarded to the NDWAC but not accepted by that group. One WGPE member explained that, while he supported the final NDWAC recommendations, including their endorsement of the majority report, he was requesting the minority reports stand and be forwarded to the NDWAC again with the WGPE's final report as an attachment. He said he would accept the WGPE's decision to include or reject the changes NDWAC made to the majority report recommendations, but he also needed to forward minority reports because he feels strongly about that language. As such, minority reports will again be included as an attachment to the final WGPE report.

Utility Instructions and Delivery Requirements (Attachment A)

WGPE members agreed they wanted to include a list of suggestions for additional public education activities. This list was brainstormed by members and included in previous versions of the Delivery Requirements document. This list was referenced in Section 4.4 and added to the document as a table in Attachment A.

There was also a discussion on the "Sources of Lead" section of the Utility Instructions. Members agreed to include a sentence indicating that the suggested language was meant to integrate answers to the list of required topics, rather than responding to each topic separately.

Working with the Media (Attachment C) and Risk Communication Guidance

WGPE members considered whether their report should include specific ideas on risk communication and how utilities can work with the media, or just recommend that EPA develop those ideas. Members agreed to include examples of media guidance as Attachment C of the report, and to encourage EPA to further develop a guidance document for systems of different sizes. Another member pointed out that primacy agencies also assist with communications, particularly for small systems, thus guidance should consider states as well.

WGPE members noted a number of resources EPA should consider when developing media guidance. For example, the Public Notification Handbook includes some guidance on this topic. Experts such as Peter Sandman and Vincent Covello have written useful books on risk communication.

Final Steps for Completing WGPE Report

With the exception of the two minority reports (for Attachments A and B), WGPE members worked through each section and attachment of the recommendations report and reached consensus on the substance of the recommendations.

Members agreed on the following process to complete the WGPE Final Report:

- RESOLVE and EPA will incorporate changes made at the meeting and email members the next version of the report by April 25, along with a draft transmittal letter to the NDWAC
- WGPE members will respond with editorial changes by May 1
- RESOLVE will incorporate changes and send the final version of the full WGPE Report to the WGPE
- EPA will request time on the agenda for the WGPE recommendations at the summer (June) NDWAC meeting
- Gregg Grunenfelder, Regu Regunathan, and Blanca Surgeon will present the WGPE recommendations on behalf of the group at the NDWAC meeting
- Other WGPE members are welcome to attend the NDWAC meeting as members of the public (NOTE: Members may come in person but there are no phone lines for this meeting.)

RESOLVE also noted that they will be sending an evaluation form to request feedback on the WGPE process from all members. These evaluations will be included in RESOLVE's final report to EPA.

Other Recommendations to EPA

Mr. Bergman invited WGPE members to share individual comments on additional ways for EPA to improve communication to the public on lead and other contaminants, as well as any other issues with the Lead and Copper Rule.

Comments from WGPE members included:

- We need to find a way to train, educate, and be involved with the public health community on this issue – they don't know enough about lead in drinking water.
 - Work through ASTHO and NACCHO and community-based organizations
- Anything EPA can do to help communicate about lead in drinking water. Utilities are in a communications logjam, because they can't fix what they need without funding. However, it is difficult to make the case for funding without acknowledging the problem, and they don't want to unduly worry people.
 - The problem is not just with lead, but partly because the regulatory development process forces utilities to describe a problem in sufficiently alarmist terms to justify action. A transition is needed in regulatory development and risk communication to get public support for utility actions.
 - This is a risk communication issue. The drinking water community needs to be better skilled at risk communication and methods of explaining relative risk. We can't say, "We're not worried, but we need more research."
 - There is also a problem when communities only hear from utilities when there is something wrong.
- Two pieces of the regulatory framework that frustrate lead education:
 - Lead in brass: We need a way to solve that issue so we can tell people, if you take this action, we're reasonably assured it will reduce lead in the samples.

- Lead service lines: We all agree, I think, that a regulatory mandate to replace lines creates a communication problem. We're spending money, tearing up the streets, and not solving the problem.
- Part of the reason risk communication is complicated is the intersection of many regulations. EPA should look at interactions between regulations and reinforce the importance of integrated risk communication programs, so you don't have multiple confusing messages to the public.
- Whatever is required, we should look at getting the most bang for the buck. If people have to spend money, make it worthwhile. Or make it optional. There should be a return on the investment.
- Keep your eye on the public health ball when you look at affordability and risk communication issues. We get twisted around on variances and exceptions to come into compliance. From a risk communication standpoint, that's a loser.
 - The public and health care providers assume that no regulation and no information means there is no problem.
- Provide technical assistance and training for operators and systems to come into compliance. Work to develop tech assistance and capacity building on public and collaboration issues as well. Have training available on communications and collaboration.
 - I'd like to see something designed for operators on the operations level for lead and copper sampling. For example, a brief manual that explains the history of lead and copper, sampling procedures, etc. Material should be continuously revised. We have new operators every day that don't know what's going on.
- Go beyond training – outline sampling protocols.
- Remind people of the Public Notification Rule – cross-reference the nutrition section
- Go back to idea of creating a national campaign to work on a drinking water / tap water friendly culture that values, respects, and trusts tap water
 - Have a work group on that
 - Have customers start thinking about infrastructure replacement
 - We need to protect sourcewater
 - Bring in bottled drink companies to partner

Public Comment

No members of the public asked to make comments to the WGPE.

Acknowledgment of WGPE Members' Work and Closing Remarks

Mr. Bergman and Elizabeth McDermott thanked the WGPE for its work since October and presented each member with a certificate of appreciation on behalf of EPA's Office of Groundwater and Drinking Water.