FRED UPTON, MICHIGAN
CHAIRMAN

HENRY A. WAXMAN, CALIFORNIA
RANKING MEMBER

ONE HUNDRED THIRTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6115
Majority (202) 225–2927
Minority (202) 225–3641

October 1, 2014

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, N.W.
Washington, D.C. 20460

Dear Administrator McCarthy:

A recent water emergency in Toledo, Ohio left 500,000 people, including families, hospitals, and businesses, unable to utilize drinking water provided by the public water system without risking negative health effects. We are deeply concerned by any threat to the water supply, and we appreciate the time and information your agency has devoted as we seek answers. Peter Grevatt, the Director of the Environmental Protection Agency's (EPA) Office of Ground Water and Drinking Water (OGWDW), and his staff continue to be a valuable resource as we seek long-term solutions to protect public drinking water from Microcystin and other harmful cyanotoxins.

Mr. Grevatt indicates that EPA plans to release a health advisory on Microcystin-LR sometime next spring. While we hope the advisory will be released as soon as possible, we appreciate that it is first going through an independent peer review process to ensure the advisory is based on accurate available data and sound science. In the meantime, as a follow up to our meeting, we have several questions:

1. What types of information will the advisory include, and what will be the level of detail? What should states, municipalities, and residents anticipate gaining from this advisory?

2. What is the threshold level of exposure from a public drinking water system at which Microcystin, and its variant Microcystin-LR, poses a risk to human health? Is there a scientific consensus on the threshold human exposure for Microcystin generally, or Microcystin-LR?

3. Will EPA recommend techniques to treat the water to the specified health advisory level or to a level within a certain range?

4. We understand that ELISA, a testing method many municipalities use, is a screening tool that tests only for Microcystin in general, while the LC-MS/MS testing method is a more robust, higher-cost method that tests for specific variants such as Microcystin-LR.

    - Will the EPA advisory recommend using LC-MS/MS testing? If so, what challenges will states and municipalities face in accessing and effectively using LS-MS/MS technology? Are there more cost-effective tests that offer comparable efficiency to LC-MS/MS?

    - What is the current process for an entity to become U.S. EPA certified in LC-MS/MS testing?

5. EPA has indicated that algal toxins will be included in the agency's upcoming Unregulated Contaminant Monitoring Rule (UCMR), which is due to be proposed in 2016 and finished in 2018. At this point, does EPA expect Microcystin-LR to be on that list and what would preclude it from being listed sooner?

Drinking water systems must be able to efficiently and cost-effectively monitor and treat harmful algal contaminants, not only in the Great Lakes, but also in other communities using surface water as their source water. These are imperatives for public safety and health. We appreciate the EPA's work on this issue and look forward to collaborating with you, Mr. Grevatt, and officials in Ohio as we move forward. If you have any questions regarding this letter please contact David McCarthy with the Committee staff at (202) 225-2927. Thank you and we look forward to your response.

Sincerely,

Fred Upton
Chairman

John Shimkus
Member

Robert E. Latta
Member