

ADVISORY

July 2011

California Adopts Strict Public Health Goal for Chrome 6

On July 27, 2011, California announced the adoption of a stringent “public health goal” (PHG) for hexavalent chromium in drinking water. This is a first-in-the nation action by California. Hexavalent chromium—also called “chrome 6”—is a heavy metal commonly found at low levels in drinking water. It occurs naturally in some areas and has also been found at Superfund sites and other industrial sites with contamination.

The California Office of Environmental Health Hazard Assessment (OEHHA) on July 27th set a PHG for chrome 6 at .02 parts per billion, or 20 parts per trillion. A PHG is the level of a contaminant that does not, in the judgment of the agency, pose a significant health risk. It is not intended to be a regulatory cleanup standard.

OEHHA explains the PHG as follows:

The public health goal for chromium 6 is not a maximum “safe” level for exposure to the chemical. Rather, it serves as an assessment of the health risk posed by drinking water that contains chromium 6, based on an estimated “one in one million” lifetime cancer risk level. For every million people who drink tap water with that level of chromium 6 each day for 70 years, there is likely to be one additional case of cancer from exposure to the chemical.¹

PHGs in California are provided to the California Department of Public Health to develop enforceable drinking water standards, called MCLs (Maximum Contaminant Levels). By law, these drinking water standards must be set as close to the PHG as economically and technically feasible.

The scientific studies evaluating risks from chrome 6 have been the subject of considerable discussion. OEHHA published a 164 page response to the many technical comments it received on the scientific assessment of risks from chrome 6. This decision is of special importance to water districts who could be faced with extraordinary costs if this PHG is eventually set as a formal drinking water standard. A national coalition of water companies recently called on the US Environmental Protection Agency to carefully evaluate the results of health studies that are now underway because of important unanswered scientific questions about the effects of chrome 6 and the significant impacts to water purveyors

Contacts



Karen J. Nardi
+1 415.356.3010



Trenton H. Norris
+1 415.356.3040

¹ Cal-EPA, Office of Environmental Health Hazard Assessment, Press Release of July 27, 2011.

and the public. EPA is studying the risks of hexavalent chromium through its Integrated Risk Information System (IRIS) process.

California's fact sheet, press release, and technical documents are *available at*: http://oehha.ca.gov/public_info/press/Chrom6_072911.html.

For more information, please contact your Arnold & Porter attorney or :

Karen J. Nardi
+1 415.356.3010
Karen.Nardi@aporter.com

Trenton H. Norris
+1 415.356.3040
Trent.Norris@aporter.com

© 2011 Arnold & Porter LLP. This advisory is intended to be a general summary of the law and does not constitute legal advice. You should consult with counsel to determine applicable legal requirements in a specific fact situation.