

April 18, 2017

Felicia Marcus, Chair  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100



**Re: 1,2,3-Trichloropropane MCL – Support 5 ppt**

Dear Chair Marcus and Board Members Doduc, Moore, and D’Adamo:

The undersigned organization, on behalf of the hundreds of thousands of Californians they represent, urge the State Water Resources Control Board to adopt the Division of Drinking Water’s proposed **5 part per trillion** (ppt) maximum contaminant level (“MCL”) for 1,2,3-trichloropropane (“TCP”) with all expediency. TCP is a solely man-made chemical that puts the health of Californians in at least 16 counties served by almost 100 water systems at risk.<sup>1</sup>

**1,2,3-TCP is a known human carcinogen**

Since 1992, California has recognized TCP as a chemical “known to the State to cause cancer” under the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65, 1992).<sup>2</sup> Concluding that “1,2,3-TCP represents a significant carcinogenic risk when it occurs in drinking water,” the California Office of Environmental Health Hazard Assessment (“OEHHA”) issued a Public Health Goal (PHG) for TCP in drinking water of 0.7 ppt in 2009.<sup>3</sup> According to the State Water Board’s Standardized Regulatory Impact Assessment, “[e]xposure to concentrations of 1,2,3-TCP in drinking water that exceed the PHG will result in an increased risk for cancer.”<sup>4</sup> To protect Californians from an increase in lifetime cancer risk due to TCP in water, the State Water Board should adopt an MCL **no greater than 5 ppt**, which is the detection limit for reporting purposes (“DLR”).

**Disproportionate impacts in agricultural regions**

Although small quantities of TCP have reportedly been used for industrial purposes, most of the TCP pollution of California’s groundwater is the result of its presence as an unnecessary impurity in soil fumigants manufactured by Shell Oil Company and Dow Chemical Company. These fumigants were used extensively in California from the 1950s through the 1980s. Shell and Dow neglected to disclose to farmers that TCP was a contaminant in their products or the harm it posed to human health.

TCP has been detected all over California, but more than half of the state’s contaminated wells are found in the agriculturally rich San Joaquin Valley, particularly in Kern, Fresno, and Tulare Counties.<sup>5</sup> TCP is not the only pollutant affecting water supplies in these rural, lower-income regions where residents are already threatened by disproportionate exposure to contaminated water and other pollution, and often lack the adequate resources to address these problems or the associated medical consequences.

<sup>1</sup> [http://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/123TCP.shtml](http://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/123TCP.shtml).

<sup>2</sup> <https://oehha.ca.gov/media/downloads/proposition-65/p65single01272017.pdf>, pg. 21.

<sup>3</sup> <https://oehha.ca.gov/water/public-health-goal/final-public-health-goal-123-trichloropropane-drinking-water>

<sup>4</sup> [http://www.dof.ca.gov/Forecasting/Economics/Major\\_Regulations/Major\\_Regulations\\_Table/documents/Final\\_SRIA\\_10062016.pdf](http://www.dof.ca.gov/Forecasting/Economics/Major_Regulations/Major_Regulations_Table/documents/Final_SRIA_10062016.pdf)

<sup>5</sup> The exception to this is Los Angeles County, which is the second most effected in the state.

## **Costs to water systems and the public should NOT change the 5 ppt recommendation**

Health & Safety Code §116365(a) requires the State Water Board to establish a contaminant MCL as close to its PHG as is technologically and economically feasible, placing primary emphasis on the protection of public health. Given TCP's DLR, it is not technically feasible to set the MCL lower than 5 ppt. The only other factor the Board is permitted to consider is cost.

Because TCP is synthetic, manufactured chemical that does not occur naturally, viable responsible parties have been identified, and affected water suppliers have available legal remedies to recoup water treatment costs, choosing to allow greater cancer risk because of the economic factors benefits only the responsible parties. In fact, setting the MCL at 5 ppt would expedite cost-recovery efforts that have been pending for years, while providing strong health protection and limiting medical costs. Furthermore, the state's office of sustainable water solutions and complementary TA program is perfectly situated to ensure that small communities share in the benefits of drinking water free of this harmful carcinogen.

## **Adopt a health-protective MCL as soon as possible**

The SWRCB's Standardized Regulatory Impact Assessment said, "Based on the inability to obtain alternative sources of drinking water, disadvantaged communities would continue to use and consume drinking water containing high levels of 1,2,3-TCP. In disadvantaged or severely disadvantaged communities, the incidence of cancer cases over a lifetime would be greater as compared to other impacted communities. Therefore, the proposed regulation would offer the most health benefit to these types of communities." Given that the state has recognized the dangers of TCP since 1992, it is critical to expedite water supply treatment so as to minimize and mitigate the harm to people who depend on water supplies contaminated with TCP. Consequently, the adoption of a 5 ppt MCL should not be delayed any further.

Thank you for your consideration.

Sincerely,

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