

112TH CONGRESS
1ST SESSION

S. 79

To amend the Safe Drinking Water Act to protect the health of vulnerable individuals, including pregnant women, infants, and children, by requiring a health advisory and drinking water standard for hexavalent chromium.

IN THE SENATE OF THE UNITED STATES

JANUARY 25 (legislative day, JANUARY 5), 2011

Mrs. BOXER (for herself and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Safe Drinking Water Act to protect the health of vulnerable individuals, including pregnant women, infants, and children, by requiring a health advisory and drinking water standard for hexavalent chromium.

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Protecting Pregnant
3 Women and Children From Hexavalent Chromium Act of
4 2011”.

5 SEC. 2. FINDINGS AND PURPOSE.

6 (a) FINDINGS.—Congress finds that—

1 (1) according to the National Toxicology Pro-
2 gram of the Department of Health and Human
3 Services—

4 (A) chromium is a metal that can take var-
5 ious forms, including “hexavalent chromium”,
6 which is created when the metal is heated;

7 (B) hexavalent chromium, also called
8 “Chrome 6”, is widely used in metal fabrica-
9 tion, chrome finishing and plating, stainless-
10 steel production, leather tanning, and wood pre-
11 servatives to reduce corrosion and for other
12 purposes; and

13 (C) determining the full extent of human
14 exposures to Chrome 6 can be difficult to quan-
15 tify because exposure studies do not normally
16 identify the specific form of chromium, but peo-
17 ple can come into contact with Chrome 6
18 through breathing in air, drinking water, or
19 touching products that contain the metal;

20 (2) according to the Environmental Protection
21 Agency—

22 (A) in 2009, facilities in the United States
23 released almost 8,000,000 pounds of chromium
24 into the air, water, and land; and

1 (B) in 2010, chromium was a primary con-
2 taminant in more than 500 of the most heavily
3 contaminated sites on the National Priorities
4 List developed by the President in accordance
5 with section 105(a)(8)(B) of the Comprehensive
6 Environmental Response, Compensation, and
7 Liability Act of 1980 (42 U.S.C.
8 9605(a)(8)(B)), which means that more than
9 40 percent of those most heavily contaminated
10 sites in the United States are contaminated
11 with chromium;

12 (3) in 1990, the International Agency for the
13 Research on Cancer declared that Chrome 6 was
14 known to cause cancer in people when inhaled;

15 (4) as early as 1998, the Environmental Protec-
16 tion Agency also concluded that Chrome 6 could
17 cause cancer when inhaled;

18 (5) in 2008, the National Toxicology Program
19 of the Department of Health and Human Services
20 concluded that Chrome 6 in drinking water shows
21 “clear evidence” of cancer-causing activity in labora-
22 tory animals;

23 (6) a 2010 draft toxicological review of Chrome
24 6 by the Environmental Protection Agency found
25 that the contaminant in tap water is “likely to be

1 carcinogenic to humans” and cited significant cancer
2 concerns and other health effects from animal stud-
3 ies, including anemia and damage to the gastro-
4 intestinal tract, lymph nodes, and liver;

5 (7) nearly 2 decades before the date of enact-
6 ment of this Act, in 1991, the Environmental Pro-
7 tection Agency established a tap water standard for
8 total chromium at 100 parts per billion;

9 (8) in 2009, the State of California proposed a
10 public health goal of 0.06 parts per billion for
11 Chrome 6 in drinking water, which is almost 1,700
12 times lower than the standard for total chromium
13 established by the Environmental Protection Agency;

14 (9) in 2010, the State of California proposed a
15 public health goal of 0.02 parts per billion for
16 Chrome 6 in drinking water and stated that “new
17 research has documented that young children and
18 other sensitive populations are more susceptible than
19 the general population to health risks from exposure
20 to carcinogens”;

21 (10) a December 2010 report from a nonprofit
22 organization, which represents a snap-shot in time
23 for water quality, tested tap water in 35 cities across
24 the United States for chromium and Chrome 6 and
25 found that—

1 (A) the majority of chromium in drinking
2 water was Chrome 6; and

3 (B) tap water in 31 cities across the coun-
4 try contained Chrome 6, of which the 10 cities
5 with the highest levels were—

6 (i) Norman, Oklahoma;

7 (ii) Honolulu, Hawaii;

8 (iii) Riverside, California;

9 (iv) Madison, Wisconsin;

10 (v) San Jose, California;

11 (vi) Tallahassee, Florida;

12 (vii) Omaha, Nebraska;

13 (viii) Albuquerque, New Mexico;

14 (ix) Pittsburgh, Pennsylvania; and

15 (x) Bend, Oregon; and

16 (11) tap water from 25 cities had levels of
17 Chrome 6 above the 2009 proposed public health
18 goal of the State of California.

19 (b) PURPOSE.—The purpose of this Act is to require
20 the Administrator of the Environmental Protection Agen-
21 cy to establish—

22 (1) by not later than 90 days after the date of
23 enactment of this Act, a health advisory for
24 hexavalent chromium in drinking water that—

1 (A) is fully protective of, and considers,
2 the body weight and exposure patterns of preg-
3 nant women, infants, and children;

4 (B) provides an adequate margin of safety;
5 and

6 (C) takes into account all routes of expo-
7 sure to hexavalent chromium; and

8 (2) by not later than 1 year after the date of
9 enactment of this Act, a national primary drinking
10 water regulation for hexavalent chromium that fully
11 protects pregnant women, infants, and children, tak-
12 ing into consideration body weight, exposure pat-
13 terns, and all routes of exposure to hexavalent chro-
14 mium.

15 **SEC. 3. HEALTH ADVISORY AND NATIONAL PRIMARY**
16 **DRINKING WATER REGULATION FOR**
17 **HEXAVALENT CHROMIUM.**

18 Section 1412(b)(12) of the Safe Drinking Water Act
19 (42 U.S.C. 300g-1(b)(12)) is amended by adding at the
20 end the following:

21 “(C) **HEXAVALENT CHROMIUM.**—

22 “(i) **HEALTH ADVISORY.**—Notwith-
23 standing any other provision of this sec-
24 tion, not later than 90 days after the date
25 of enactment of this subparagraph, the Ad-

1 administrator shall publish a health advisory
2 for hexavalent chromium that is fully pro-
3 tective, with an adequate margin of safety,
4 of the health of vulnerable individuals (in-
5 cluding pregnant women, infants, and chil-
6 dren), taking into consideration body
7 weight, exposure patterns, and all routes of
8 exposure.

9 “(ii) PROPOSED REGULATIONS.—Not-
10 withstanding any other provision of this
11 section, the Administrator shall propose
12 (not later than 180 days after the date of
13 enactment of this subparagraph) and shall
14 finalize (not later than 1 year after the
15 date of enactment of this subparagraph) a
16 national primary drinking water regulation
17 for hexavalent chromium—

18 “(I) that based on the factors in
19 clause (i) and other relevant data, is
20 protective, with an adequate margin
21 of safety, of vulnerable individuals (in-
22 cluding pregnant women, infants, and
23 children); and

24 “(II) the maximum contaminant
25 level of which is as close to the max-

1 imum contaminant level goal for
2 hexavalent chromium, and as protec-
3 tive of vulnerable individuals, as is
4 feasible.”.

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