

Sixth Unregulated Contaminant Monitoring Rule/Safe Drinking Water Act: Food and Water Watch Petition Seeking Inclusion of Microplastics



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

12/11/2024

Food and Water Watch and dozens of other environmental organizations submitted a November 25th petition to the United States Environmental Protection Agency (“EPA”) requesting that microplastics be included in the Sixth Unregulated Contaminant Monitoring Rule (“UCMR 6”) to be promulgated under the Safe Drinking Water Act (“SDWA”).

The petition was submitted to EPA’s Administrator and the Principal Deputy Assistant Administrator of the Office of Water.

Microplastics are generally defined as plastic debris less than 5 mm in length. Concerns have been expressed that microplastics:

- Are ubiquitous in the environment.
- Can pose harm because of exposure to a wide range of species living in diverse habitats.
- Can be ingested by humans through drinking water, air, and food.
- Are regularly released into wastewater treatment plants as they are shed from clothing during the wash cycle.

The SDWA is the federal law that protects drinking water supplies. The statute requires that EPA identify drinking water contaminants. The agency is then required to develop rules that either set maximum permissible levels for the contaminants or establish protocols to treat the water to minimize the levels of the contaminants. All owners or operators of SDWA regulated public water systems are required to comply with the primary (health-related standards).

The states can be delegated the ability to enforce the requirements established by the SDWA (i.e., primacy). The Arkansas Department of Health implements this program in Arkansas. Its Engineering Section operates the program.

EPA and the primacy agencies monitor public water system compliance with SDWA and its implementing regulations by reviewing and evaluating analytical results of water samples collected and reported by public water systems. SDWA regulations specify that analytical methods must be used to analyze drinking water samples. Requirements vary depending on the contaminant group, whether the water system used ground water service water and the number of people served.

EPA is periodically required to consider taking action on contaminants that are not yet regulated (i.e. “unregulated” or “emerging” contaminants). The obligations include identifying unregulated

contaminants that may occur in drinking water. The agency may then require public water systems to monitor unregulated contaminants to determine whether regulation is necessary to protect public health.

EPA is required to promulgate a monitoring program for up to 30 unregulated contaminants every 5 years (i.e., the UCMR). UCMR will address a monitoring period from 2027 to 2031.

The Food and Water Watch argues that EPA should include microplastics on UCMR 6 because:

...microplastics are ubiquitous in the environment, threaten human health, and occur in drinking water.

Therefore, the petition takes the position that the Safe Drinking Water Act requires that EPA monitor for, and regulate, an emerging contaminant like microplastic.

A copy of the Petition can be downloaded [here](#).