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# Perchlorate: Natural Resources Defense Council Files Action Requesting Establishment of Safe Drinking Water Act Standards

## Arkansas Environmental, Energy, and Water Law Blog

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The Natural Resources Defense Council ("NRDC") filed a February 18<sup>th</sup> Complaint for Declaratory and Injunctive Relief ("Complaint") in the United States District Court for the Southern District of New York against the United States Environmental Protection Agency ("EPA") requesting that perchlorate be regulated under the Safe Drinking Water Act ("SDWA").

EPA regulates contaminants in public drinking water systems that may have an adverse effect on human health.

The focus of the SDWA is the establishment of national standards for water quality in public drinking water systems. The statute requires that the agency publish a list every five years of contaminants not already subject to regulation, but nonetheless known or anticipated to occur in public water systems (denominated "contaminant candidate list").

NRDC's Complaint states that on February 11, 2011 EPA determined that:

... perchlorate poses a threat to human health that could meaningfully be reduced by regulating its presence in public drinking water.

The EPA determination is alleged to have triggered a mandatory duty under the SDWA for the proposal and publishing of regulations limiting perchlorate in public drinking water supplies. NRDC further argues that once EPA has determined to regulate a new chemical under the SDWA it must issue a proposed regulation not later than 24 months after making the determination to regulate, and issue a final regulation within 18 months thereafter. Citing 42 U.S.C. § 300g-1(b)(1)(E).

[Click here to down a copy of the NRDC Complaint.](#)