

**MEASURING UP:
GRADING THE FIRST ROUND
OF DRINKING WATER
RIGHT TO KNOW REPORTS**

***THE CAMPAIGN FOR SAFE AND AFFORDABLE
DRINKING WATER***

March 2000

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*Clean Water Fund, Consumer Federation of America,
U.S Public Interest Research Group Education Fund*

Arizona Consumer Council, Arkansas Public Policy Panel, California Clean Water Fund, CALPIRG Charitable Trust, Colorado PIRG Foundation, Colorado Clean Water Fund, ConnPIRG Education Fund, Delaware Clean Water Fund, D.C. Clean Water Fund, Florida PIRG Education Fund, Maryland Clean Water Fund, MASSPIRG Education Fund, Massachusetts Clean Water Fund, Michigan Clean Water Fund, PIRGIM Education Fund, Michigan Consumer Federation, Minnesota PIRG, MontPIRG, New Jersey Environmental Federation, Public Interest Research Foundation of New Jersey, NMPIRG Education Fund, Citizens Campaign for the Environment (New York,) North Carolina PIRG Education Fund, OSPIRG Foundation, Pennsylvania Clean Water Fund, Pennsylvania Citizen's Consumers Council (Erie County,) Mercer County Community Action Agency, PennPIRG Education Fund, Rhode Island Clean Water Fund, Texas Clean Water Fund, Virginia Clean Water Fund

Special thanks to Erik Olson and Sarah Wood of the Natural Resources Defense Council (NRDC,) Nolan

*Pennsylvania and Paul Orum and Lisa Mosca of the Working Group on Community Right To-
input on this report.*

This project was made possible in part by the generous support of the Bauman Foundation and the New York Community Trust.

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Executive Summary

The 1996 Amendments to the federal Safe Drinking Water Act (SDWA) require water utilities to tell people about the source and quality of their drinking water in annual “Consumer Confidence Reports,” also known as “Right to Know (RTK) Reports.” The Campaign for Safe and Affordable Drinking Water, a nationwide alliance of environmental, public health and consumer organizations, graded a sampling of 1998 reports which were due to be distributed in October, 1999. We looked not only at how well reports complied with the federal requirements, but also at criteria our organizations consider important. We did this grading in an effort to see what was done well and where there were problems, and to encourage consumers to recognize the importance of the reports.

We graded 430 reports in 20 states and the District of Columbia, representing the drinking water for over 40 million people (according to population figures we could obtain – some likely to be outdated.) This is not intended to be a statistically valid sample, but rather a snapshot of this first round of reports. We were impressed with how far utilities came in producing and distributing the reports for the first time. This is a good first step and we found reports that were superior in numerous ways. Unfortunately, we also found that 44% of the reports we graded received a grade of “D” or “F.” This and several other areas of concern detract from the ability of water consumers to use the information effectively:

1. Unqualified reassurances that the drinking water is “safe:” 45% of reports contained declarations that the water is “safe.” We think this deters people from reading further. This detracts from the purpose of the reports, which is to give consumers a full range of drinking water information so that they can make informed choices and to interest them in efforts to improve water quality. The U.S. Environmental Protection Agency (EPA) warns in its August, 1999 State Implementation Guidance for the reports: “Blanket statements such as ‘your tap water is safe’ may be true for many people drinking the water, but not for members of vulnerable populations such as infants, people undergoing chemotherapy or people with HIV/AIDS. Therefore, ... be cautious in using the word ‘safe’ and make sure that the required warning statements for vulnerable populations are clearly highlighted in the report.”
2. A related area of concern is the required “vulnerable population” warning. This information is important for all of us since many families include a vulnerable person – an infant, a pregnant woman, a frail older person or someone who has a weakened immune system. The warning’s omission or its obscurity due to small type or inappropriate placement is a disservice to all of us and our health care providers.

3. The high percentage of “F” and “D” grades, 44% combined, generally resulting from missing regulatory requirements indicates a problem in preparation of the reports. We have been careful to note that an “F” is not a dismissal of an entire report. However, when report requirements are not met the public is being deprived of information it needs.

These concerns can be addressed:

1. Utilities, states and EPA need to work together to address why many reports – some excellent in other respects – missed one or more key regulatory requirements. For example, 7% failed to list only detected contaminants in the table, making it difficult for the reader to determine what was detected. Others omitted or edited the required warning to vulnerable populations about susceptibility to drinking water contaminants. 8% did not include the possible sources of detected contaminants, while others omitted or drastically reduced the EPA-supplied general education text describing types of contaminants.
2. EPA’s Final Rule and its March 1999 and August 1999 Guidance documents (see the Resource section) contain cautions about using “blanket statements” about safety. Utilities should eliminate unqualified reassurances of “safety” altogether in future reports.
3. Utilities should place the vulnerable populations warning *prominently* (New Jersey’s new law requires it to be at the top of the report) and include it *in its entirety*.

Our findings include some notable positive aspects as well:

- 23% of reports described the source of the drinking water with both narrative and maps. This is an incredibly important first step in encouraging support for and participation in source water assessment and protection activities.
- Graders found many innovative designs and readable reports. This shows that the requirements can be met in a user-friendly way.
- Many utilities recognized the value of seeking public input by including names, e-mail addresses and websites for questions and more information as well as details on regular public meetings.

This survey shows that the RTK Reports can become a valuable new tool for consumers and activists. Working together, utilities, states, EPA and public interest organizations need to address the problems that we have identified and strive to go beyond the letter of the law to provide people the best information possible in a manner that is easy to understand. It is through continued efforts to make these reports

“measure up” that their potential power for protecting public health and the environment can be realized.

What is the Right to Know or Consumer Confidence Report?

The 1996 Amendments to the federal Safe Drinking Water Act (SDWA) require water utilities to tell people about the source and quality of their drinking water in “Consumer Confidence Reports,” also known as “Right to Know (RTK) Reports.”

In 1996, after a hard fought lobbying effort by the environmental, consumer and public health communities, amendments were added to SDWA that require most water utilities to produce the RTK Reports. These reports should describe: the source of the drinking water, any contaminants that have been found in tap water; the potential health effects of contaminants which violated drinking water standards; the sources of contamination (general or specific) and other important information. October 19, 1999 was the deadline for the first round of reports containing 1998 information. Reports for 1999 are due by July 1, 2000 and annually thereafter.

Right to Know Reports – A Valuable New Tool

While the environmental, consumer and public health communities did not win all of the protections they worked for in the Safe Drinking Water Act in 1996, the SDWA amendments include provisions - like the RTK Reports and Source Water Assessments - which will help people understand the basic facts about drinking water and support new efforts to protect public health and the environment. Drinking water consumers have a basic right to know about the quality of their drinking water, and to be able to use this information to make intelligent decisions about the health and safety of their families and about community priorities. The RTK Reports should supply people with just this type of information.

In addition these reports can be a valuable tool:

- Information about contaminants detected could alert people – including those vulnerable to being made ill by contamination - and their doctors to a possible cause of illness.
- Information about the presence of contaminants might lead concerned citizens to mobilize to eliminate sources of pollution.
- “Upstream” and “downstream” activists and consumers in different parts of a watershed might find common ground in protecting a body of water that serves as a drinking water source. Thus the reports can work to promote pollution prevention.
- The information in the reports could help water utilities work with communities to explain the need for upgrading distribution, filtration or disinfection systems.

Grading the Reports

Goals of Grading

Given the importance of the information in the reports and their potential power, the Campaign for Safe and Affordable Drinking Water (CSADW) graded a sampling of reports from around the country. The CSADW and its allied organizations graded 430 reports in 20 states and the District of Columbia. The sampling represents the drinking water for over 40 million people (population figures available may be outdated) from across the United States. This report is a national summary of our findings; detailed information about particular reports may be learned from the state contacts listed at the end of the report.

The goals of this grading include assessing how well utilities met the minimum federal requirements for producing the reports and making recommendations on how they can be improved. The grading shines a spotlight on positive aspects of the reports and creative ways to produce them. It also points out aspects of the first round of reports that we think detract from the public's right to know about the quality of their drinking water.

We hope that the U.S. Environmental Protection Agency (EPA,) states and utilities will use our findings to produce better reports in the future. Many people have not yet realized the significance of the reports. We hope this project will encourage more people to find, read and use the reports to safeguard drinking water.

Methodology

Our grading methodology is based primarily on the statutory requirements outlined in the 1996 Amendments to SDWA and the regulations (or rules) laid out by US Environmental Protection Agency (EPA). We also consulted two EPA documents providing guidance to the states and the water utilities themselves (see the "Resources" page.)

The grading methodology is weighted to highlight key concerns of the consumer, environmental, conservation and public health community working on drinking water. These concerns include:

- ✓ **Safety First:** The Reports must clearly convey in an appropriate manner issues of drinking water safety to consumers including: water quality; the detection of contaminants in drinking water; language describing the possible health effects of detected contaminants, and issues of particular concern for vulnerable people.
- ✓ **Distribution:** The Reports must be widely distributed so that consumers have easy access to the information.
- ✓ **Source Water Description and Protection:** The Reports should describe the source of drinking water and source water protection efforts, and provide information for joining these efforts.
- ✓ **Understandability:** The form and content of the Reports must be easy to read and understand.

The grading methodology began with a score of 75, or a “C” for every report; reports automatically failed for missing a “critical” requirement and received 10 points off for missing a “standard” requirement. Points were added for elements that went beyond the requirements. A grade of “F,” while perhaps evoking school-year memories, does not indicate that the report is a complete failure, but rather that it missed either a critical requirement or enough other requirements to bring it to a score below 60. Many reports had some remarkably good qualities and still received an “F” due to missing a key regulatory requirement.

FINDINGS & RECOMMENDATIONS

Overview of Grades (rounded up)

GRADE	NUMBER OF REPORTS WITH GRADE	PERCENTAGE OF TOTAL REPORTS WITH GRADE
A	48	11%
B	99	23%
C	103	24%
D	48	11%
F	132	33%

Safety First

Unqualified Assurances of Safety

The most important determinant of whether a consumer will examine the report is whether or not the utility frames the issue of drinking water safety in a way that invites the consumer to continue reading. According to drinking water provider focus groups, the quickest way to shut off inquiry is to tell the consumer in big bold letters at the beginning of the report that **“YOUR WATER IS SAFE!”** or to make this assurance in some more subtle way later on in the text.

45% of the surveyed water utilities resorted to an unqualified assurance about the safety of the drinking water, doing a disservice to all readers, particularly to those with health concerns and their health care providers. Such statements are inconsistent with the vulnerable populations warning and detract from both the warning and the more detailed information in the table of contaminants. EPA’s Final Rule for the RTK Reports explicitly rules out added information that has such an effect:

“The systems may include such additional information as they deem necessary for public education consistent with, and not detracting from, the purpose of the report. “(p.7)

There is a consistent message in two important EPA Guidance documents. The March 1999 Preparing Your Drinking Water Consumer Confidence Report: Guidance for Water Suppliers states:

“Be cautious in using the word “safe” since water that meets standards and is safe for most people might not be safe for infants, chemotherapy patients, or people with HIV/AIDS. “(p.3)

Similarly, EPA’s August 1999 State Implementation Guidance for the Consumer Confidence Report (CCR) Rule states:

“Systems should be cautious about making unqualified assertions about the safety of its water. Blanket statements such as “your tap water is safe” may be true for many people drinking the water, but not for members of vulnerable populations such as infants, people undergoing chemotherapy, or people with HIV/AIDS. Therefore, EPA suggests that systems be cautious in using the word “safe” and make sure that the required warning statements for vulnerable populations are clearly highlighted in the report.” (p. F-7)

(See the “Resources” section for references to these three documents.)

The grading system subtracted 15 points where these statements were prominent (20%) and 5 points when it was contained within a larger paragraph (24%.) Some reports that met most or all other major requirements received a lesser grade due to use of this device. Those reports which did not contain unqualified statements of safety

successfully conveyed the utilities' confidence in their water. There is no indication that customers of these utilities were alarmed by the omission of such language.

Vulnerable Populations Warning

Vulnerable populations – infants, the frail elderly, people with weakened immune systems due to chemotherapy or HIV/AIDS, pregnant women – are more at risk of serious illness or death caused by microbial or other drinking water contaminants. Families, co-workers and health care providers need to know and understand the special risks their water supply might pose. According to some estimates, “vulnerable populations” could account for 30% of the population. People move in and out of the vulnerable category throughout their lives, from infant-hood, to pregnancy, to being elderly. This is why reports are required to contain a specific warning to vulnerable populations and why the grading system emphasizes it. EPA rules supply mandatory language and require it to be prominently placed.

The warning was often buried inside a paragraph along with other required and non-required language on other subjects. We gave bonus points to those reports (26%) that, rather than obscuring this warning, made it prominent so that those in need of seeing the information were more likely to do so. Our criteria for “prominence” included putting the warning at the beginning of the report, highlighting it with shading or other graphic techniques and using headings like “Is the Water Safe for Everyone to Drink?” or “Special Information for Immuno-compromised People.”

We found a small percentage (4%) of reports in which the vulnerable populations warning was incomplete, usually omitting the word “cryptosporidium,” a common waterborne parasite that causes serious illness or death in vulnerable populations. Neither ground water sources nor water that tests free of cryptosporidium are risk-free to vulnerable populations; we are concerned that some systems may think their readers don't need to consider cryptosporidium a problem.

Inappropriate risk communication detracts from the inherent value of the reports and misleads all of us who will be more susceptible to drinking water contaminants at some points in our lives. We therefore subtracted points for misleading text about Maximum Contaminant Levels (MCL), the enforceable standard for regulated contaminants in drinking water, when it was placed adjacent to the vulnerable populations warning. Misleading language includes statements such as “A person would have to drink 2 liters of water every day at the MCL level for a lifetime to have a one-in-a-million chance of having the described health effect.” This is not an accurate reflection of the regulatory process for all contaminants, because not all MCIs are set at one in a million

lifetime risk of fatal cancer.. Such language certainly has no place adjacent to a critical health warning.

Recommendations for “Safety First”

1. Utilities should eliminate the unqualified declarations of “safety” discussed above.
2. Utilities should place the vulnerable populations warning *prominently* and include it *in its entirety*. A 1999 New Jersey right-to-know law requires the EPA vulnerable population warning to be included *in its entirety at the top of the report*.

Table of Contaminants and Other Content

The centerpiece of the drinking water RTK report is the “Table of Contaminants.” This table contains important health and environmental information. Studies indicate that after consumers have reviewed the overall characterization of the water, the table of contaminants is the next part of the report that they are most likely to review. For this reason, the statute and regulations emphasize and are quite specific about the table’s contents.

Showing Only Detected Contaminants

7% of reports did not follow the requirement to include only **detected** contaminants in the table. A table with dozens of non-detects tends to intimidate and confuse the reader, and obscures important information about contaminants that are found in the water. EPA requirements are clear on this, and the grading system’s automatic failure for missing this requirement reflects the negative impact a table full of “non-detects” has in terms of the goals of the report. Consumers who want access to all testing data should be able to get this information through utilities or government agencies.

General Source of Detected Contaminants

Reducing pollution at the source can mean less money spent for costly treatment. Therefore, the reports were required to include – in either the table or attached text - source information for each contaminant detected. This column in the table is invaluable since it educates consumers about likely sources and can encourage participation in source water assessment and protection activities.

Only 8% of the reports we surveyed automatically failed because they neglected to indicate the common sources for each contaminant. Many reports contained abbreviated versions of EPA’s recommended language, using descriptions like

“industry,” “agriculture,” and “natural sources,” which tell the reader little about possible polluters or contamination sources.

We found only one example of a *specific* source of a contaminant presented in a RTK Report. We believe that many utilities have this information, and should share it with the public. As Sanitary Surveys and Source Water Assessments are completed, the information will be required to be in the reports for detected contaminants.

Ranges, Highest Levels Detected and Averages

Reports used a wide variety of terms in the table to present information on highest levels detected, ranges and averages. This information was required because it is essential to understanding if contaminant levels are reasonably steady or if there are seasonal variations (shown by the high and low of the range.) In the case of nitrates or trihalomethanes, for example, this information is useful for pregnant women and their health care providers. The EPA requires more frequent sampling by large utilities for some contaminants; some small systems may only have to test once a year for some of the same contaminants. Unless the tables explain these varied requirements, it is essential to label – and enter the number – of the highest level detected.

Action Level violations cannot be understood without knowing the total number of samples tested. This was an admittedly confusing aspect for utilities because the table needs to have enough columns and headings to present different sets of information for different contaminants. Many utilities solved these problems. However, in many cases, the tables and column headings were impossible for consumers to understand.

Often, it appears that the “range” or “highest level detected” requirement was neglected altogether. We only deducted points if neither was present, since the highest level detected can be extrapolated from range information; in some of these cases “highest level detected” should still have been included as a separate column. Frequently-used column headings such as “level,” “level detected” or “results” leave the reader unsure what they are seeing; some columns labeled “level” appeared to contain averages but often there was not enough information to be sure. Rarely was it clearly stated, for example, that quarterly averages were being shown. This aspect of the table needs major improvement if the information is to be useful.

Action Levels and Treatment Techniques

Most drinking water contaminants have a health-based standard or Maximum Contaminant Level Goal (MCLG) which is then run through a cost/benefit and available technologies analysis, resulting in an enforceable standard or Maximum contaminant

Level (MCL.) Pollutants like lead and copper are regulated through a different process. This includes setting an “Action Level.” If this level is exceeded, a “Treatment Technique” requirement is triggered. For example, when a utility finds lead at or above the Action Level of 15 ppb in more than 10% of its total samples, there is a violation. This violation requires the utility to put into place corrective actions such as, in the case of lead, the addition of chemicals that control corrosion. If the utility fails to use an approved Treatment Technique, this is also a violation.

Violations of Action Levels and Treatment Techniques were not shown in some cases; when they were shown, the required health effects information may not have been given, i.e. for lead or total coliform. Many of the larger utilities did an impressive job of explaining how many samples were taken, when a number represents an average, etc. However, few reports managed to make all the numbers presented for lead, copper, total coliform bacteria and total trihalomethanes fully comprehensible.

Monitoring and Reporting Violations

While some utilities consider monitoring and reporting violations to be “paper” violations, EPA regulations require these violations to be included in the RTK Reports because they can reflect potential problems. A monitoring or reporting violation can occur when a public water system fails to take the required number of samples or perform a required lab test or fails to report the results in a timely manner. We saw very few such violations cited in the RTK Reports, and are concerned that a majority of utilities did not comply with the requirement to include them.

Recommendations for Table of Contaminants

- 1. Utilities should use the most precise language possible to describe sources for detected contaminants in the table so that consumers can understand the need for environmental and source water protection**
- 2. Utilities need to be ready to include *specific* sources of pollution in the RTK Reports once this information is available through Source Water Assessments (See the Source Water Education and Protection section) or Sanitary Surveys. EPA and states need to exercise oversight on this important aspect of the reports.**
- 3. EPA and states need to further train utilities on how to report and explain the values that are being reported and what meeting or exceeding a standard, action level or treatment technique means.**

4. **EPA and states need to work with utilities on the requirements for and the presentation of highest levels detected, ranges and averages. In our study, many reports appeared to omit the highest level detected and ranges; others used very confusing column headings.**
5. **State agencies and utilities need to be sure that the 1999 RTK Reports include treatment technique, monitoring and reporting violations as well as MCL violations.**

Distribution and Access

No matter how well a utility has prepared its report, if it doesn't make it accessible, few people will have the right information with which to act. We are pleased to report that most of the water utilities took seriously the need to widely distribute the report.

Mailing and Good Faith Efforts

Water utilities are only required to mail a RTK Report to water bill payers; the only exceptions are in states where the Governor has signed a mailing waiver for small utilities. (See more on "Mailing Waivers" below.) Utilities must also employ at least two of the seven "good faith efforts" listed by EPA to reach other consumers of the drinking water like renters and office workers. Two examples of good faith efforts include publishing the report in local newspapers and posting it in public places.

We found only 3 utilities out of 430 that were required to mail the report to their customers who did not do so. 29% of utilities got extra points for doing a postal patron mailing or its equivalent to reach the many people who drink the water but don't pay a water bill. Postal patron mailings (to every house, apartment or office that receives mail) are by far the most effective means of reaching all *consumers* and not just bill payers

Only 10% did not employ at least two of the "good faith" methods – either those suggested by the EPA or others. Many utilities did more than the required two methods of distribution to ensure that many people in their service area learned about the reports and came up with their own ideas. Some published the reports in community newsletters. One creative method was distribution of the reports at schools to be taken home with students to their households. These distribution results reflect the efforts of federal and state regulators working with the utilities and other partners to make sure the RTK reports were widely publicized and received.

Mailing Waivers

If a state Governor grants a mailing waiver for small systems, affected water utilities must notify people that the RTK Reports will not be mailed, publish the report in a newspaper and provide notice on how to obtain the report. The report must then be available upon request. Unfortunately, many people may miss the notice and still others do not receive a water bill or will not have time to obtain a report.

According to EPA, as of September, 1999 the Governors of nine states have granted mailing waivers: Arkansas, Delaware, Maine, Michigan, Minnesota, Mississippi, Missouri, Nebraska and West Virginia. In surveying states where we graded reports, we found at least two more states – Florida and Montana – with mailing waivers. We found that even in states with mailing waivers, some small water utilities serving under 10,000 people mailed the reports to customers anyway.

RTK Reports On-Line

Utilities serving over 100,000 consumers were required to post their reports on the world wide web. Most did. Many smaller systems did so as well. The availability of reports on the web is not a matter of trendiness, but of access to practical information about drinking water across town or city, state or even regional borders. This could be invaluable, for example, to a health-care provider in a large urban area like the District of Columbia who might have patients drinking water from five different water systems.

Translation of RTK Reports

The minimum requirement for areas with large non-English speaking populations is to provide a notice in the non-English language telling consumers why the report is important and that they should get someone to translate it. We noted that in some reports this warning was in English, defeating its purpose of being understood by non-English speakers. Some utilities serving apparently large non-English speaking populations, like Fairfax County Water Authority in northern Virginia, included no notice whatsoever for non-English speakers.

It is difficult to assess how many full translations of the reports are available from utilities in communities with large non-English speaking populations, but some have made this extra effort. The town of Wyoming, Michigan translated its report into Spanish, Bosnian and Vietnamese to accommodate non-English speakers in its customer base. The utility serving Albuquerque, New Mexico offered not only a complete Spanish translation but printed key headings and explanations in Spanish and English in the primary report.

Recommendations for Distribution

- 1. Utilities should mail RTK Reports to every house and apartment in which residents drink the water and ensure that people receive access to the reports in their workplaces.**
- 2. Governors who have issued mailing waivers should revoke them and all states prohibit their use, as has been done in New Jersey.**
- 3. All reports should be available through the world wide web. Since a federal clearinghouse does not exist, and many systems do not have the ability to run their own web sites, it is essential that state drinking water agencies post all reports on a central web site. We know of at least two states – Wisconsin and Florida – who have done so.**
- 4. States should identify large non-English speaking populations with the same formula they use for public health and other programs; full translations need to be available for these non-English speaking drinking water consumers.**
- 5. Utilities should work with health care providers (hospitals, HMO's, doctors, nurses, HIV/AIDS organizations, etc) and other citizens groups (such as AARP) in order to convey the importance of the reports to those who work with vulnerable sub-populations.**

Source Water Education and Participation

For many consumers, these reports will be the first time they actively consider that their drinking water comes from anywhere other than “the tap. There was almost universal compliance (98%) with the requirement to indicate the drinking water source.

We added bonus points for the 23% of utilities that went beyond the minimum requirement and included both maps and narratives in the source water description. Experience tells us that consumers will combine their knowledge of local geography, environmental issues and other factors to appreciate the importance of protecting drinking water sources. In order for utilities and their consumers to be partners in protecting drinking water sources, the most precise information possible on drinking water sources is a critical first step.

Ten out of the 430 reports surveyed received bonus points for inviting people to participate in source water assessment and protection. This seemingly small step is

significant because on-going citizen participation is key to successful source water protection in the long term.

Recommendations for Source Water Education and Participation

- 1. Utilities should include both maps and narrative descriptions of source water that are as specific as possible.**
- 2. Utilities need to use the most complete descriptions of source water possible. For example, “The Blue River” should be expanded to explain where intake pipes are located. “Six wells in the Smith Aquifer” should indicate the locations of the wells.**
- 3. States should work with utilities to make sure they have accurate and simple information about on-going source water assessment and protection activities. Utilities should include an invitation to participate in these activities in their reports.**

A Look Ahead

Under the direction of state drinking water programs, water utilities will complete Source Water Assessments by 2003. The Assessments will detail where the drinking water comes from, pollution in the source water and the sources of that pollution - including specific names and addresses of polluters where possible. As noted in the “Table of Contaminants” section, once the Assessments are done, future RTK Reports must include information on specific source of contaminants found in the drinking water if this can be determined from the Assessment. The development of these plans, and their integration into RTK Report, provide an excellent opportunity for water utilities to work with consumer and local organizations interested in keeping our nation’s waters clean.

Readability

For utilities, presenting the required information in a readable manner poses a definite challenge. Some reports did an exceptional job of presenting the information. These readable and often attractive reports prove that the challenge can be met. A continuing concern in some reports is type size; font sizes under 12 pose a challenge to so many people that utilities should avoid them for most elements of the reports.

During 1998/99 the Philadelphia Water Department convened a citizens’ advisory committee to assist with development of a draft RTK Report. The draft was then

published in free weekly newspapers along with a comment card requesting input on how the report could be improved. Much to the utility's surprise, it received several hundred responses. The committee process and public input helped the utility find a better format for presenting complex information.

Recommendations for Readability

- 1. Utilities should avoid type that is smaller than 12-point for most text in order to ensure readability.**
- 2. States and EPA should help utilities share innovative and user-friendly layout and design by assembling collections of printed reports.**
- 3. Utilities should work with local organizations of various kinds on making the reports readable and understandable.**

Request for Public Input

The RTK reports offer drinking water utilities an opportunity to widen citizen understanding and involvement in issues and decisions that affect the quality and cost of their drinking water. Many included not just the required phone number, but a web site/e-mail address and/or specific name for consumers to call for more information. It is difficult to assess how many reports might have failed to comply with the requirement to note regularly scheduled meetings. Where we were aware of regular meetings and they were not mentioned, points were deducted.

Recommendations on Requests for Public Input

- 1. Utilities should be encouraged to include a name and e-mail address for consumers to get more information.**
- 2. Utilities must include the date, time and location of regularly scheduled meetings and explain their purpose. As noted in the "Source Water Education and Participation" section, information on opportunities for participation in source water protection should also be included.**

Templates

Templates and consultants hired by many utilities appear to have had a determinative impact on the RTK Reports. Mistakes and inappropriate language in the reports may

have come from such templates. For example, one template used widely in Pennsylvania and Montana resulted in omission of “pesticides and herbicides” in the discussion of general categories of contaminants that can be found in water. These contaminants pose a very real problem for utilities in providing safe and affordable drinking water; there is no reason for consumers not to read of them in a list of contaminant types. It is also apparent that some of the “safety” language discussed in the “Safety First” section of this report came from templates. This sort of language is, as noted, strongly discouraged by the EPA in its August, 1999 Guidance.

Recommendation on Templates

At the federal level, EPA should convene a working group to review templates for glaring inconsistencies with statutory and regulatory requirements and intent. The results need to be shared with state agencies as they develop their own programs.

CALIFORNIA

All community water systems and non-transient non-community water systems (schools, restaurants etc.) in California have produced annual water quality reports for the past decade. The rather brief requirements of the state statute indicate only that specific information be provided on contaminants present in the water supply and that such information be distributed to each customer. When the federal requirements for Right to Know Reports went into effect, California and EPA agreed to a one year waiver in order to allow California utilities time to follow the new federal regulations.

We graded 116 reports in California, including all large cities and a percentage of those in sizes ranging from small to medium. We have not included the findings in our national data because the different requirements do not allow them to fit within the national grading system. The majority of California reports that we surveyed were not following the new federal regulations.

Therefore, many automatically failed and lost points on numerous grading elements including:

- Listing all contaminants tested for in the table,
- Not indicating general sources for detected contaminants,
- Not including the vulnerable populations warning,
- Not including various definitions and health effects language when needed.

Some 25% of the utilities were using the new report format. These appeared to do very well at presenting all of the required information. Our review of California reports revealed a far less frequent use of unqualified declarations of safety (see the "Findings and Recommendations" section of this report) than we have noted in other states. This was true of both reports using the previous California report format and those who have chosen to meet the new federal requirements. We suspect that, having provided water quality information to consumers for nearly a decade, California utilities perceived less need to use these statements.

The California findings are presented in a report prepared by California Clean Water Fund and CALPIRG. See the "State Contacts" page for information on how to contact them to obtain a copy of this report.

NEW YORK

New York Right to Know Reports are also in transition. Since 1987 water utilities on Long Island have been required to produce "Annual Water Supply Statements" for their customers; in 1997 implementation became mandatory throughout the state.

1999 New York requirements were a combination of state law requirements and some federal requirements. Like our experience with California, this resulted in many automatic failures and subtracted points under our grading system. For the 1998 reports New York utilities were asked to include EPA's safe drinking water hotline number, health effects for violations and special health effects language for arsenic, lead, nitrates and total trihalomethanes.

We surveyed dozens of reports from different parts of New York; we have not included the data in our national report because the reports cannot be fairly or consistently evaluated using our national grading system. Information on New York findings is available from Citizens Campaign for the Environment; see the "State Contact" page for information on how to obtain a copy.

THE GRADING SYSTEM

A team of public interest staff representing the Campaign for Safe and Affordable Drinking Water (CSADW) developed the grading system. We assigned each report a letter grade based on a score which has been calculated from reviewers' careful reading and scoring of report elements described in the chart on the next page.

Every report started with a base grade of 75 points. This starting grade is associated with meeting the minimum requirements mandated by Congress as interpreted by the US Environmental Protection Agency (EPA.) We added bonus points for exceeding the EPA minimum requirements and deducted points for failing to meet EPA requirements. The CSADW grouped the EPA requirements into "critical" and "standard" requirements; failure to meet a "critical requirement" results in automatic failure. There are six such "critical requirements" in the grading system.

As noted in "Grading the Reports," the system is weighted toward characteristics of particular concern to the organizations represented in the project. For example, for good distribution, readability and prominent vulnerable populations warning, points were added. The only points that can be subtracted for non-regulatory requirements are in the areas of characterization of safety, the vulnerable populations warning and readability. See the "Findings and Recommendations" for further explanation of the grading criteria.

A grade of "F," while perhaps evoking school-year memories, does not indicate that the report is a complete failure, but rather that it missed either a critical requirement or enough other requirements to bring it to a score below 60. Many reports had some remarkably good qualities and still received an "F" due to missing a key regulatory requirement. A final grade of 75 does not necessarily indicate that a report met all regulatory requirements, because of bonus points that a report could have received.

Although a report will not necessarily receive an "F" grade when it does not comply with all requirements, we are not signaling that what is essentially a violation of the law should be ignored. The CSADW is concerned that the reports will not be audited for content and accuracy during the first two years they are produced. We will work to ensure that regulatory agencies take proper action if a utility's report fails to meet any regulatory requirements.

Grades:

"A"	90 - 100 points	"B"	80 - 89 points
"C"	70 - 79 points	"D"	60 - 69 points

"Fail" less than 60 OR if the report automatically fails by not meeting a "critical" requirement

GRADING CRITERIA

Safety First	
Prominent Statement of "Safety" (set apart, large type, different color)	15 Points Subtracted for prominent statement
Inappropriate reassurance of safety in text	10 Points Subtracted for statement in text
Vulnerable populations warning – EPA Language	Fail if vulnerable populations warning not included
Incomplete vulnerable populations warning	10 Points Subtracted if vulnerable populations warning not included in its entirety
Prominent vulnerable populations warning	5 Points Added for prominent warning
Language adjacent to vulnerable populations warning that detracts from it meaning	10 Points Subtracted if such language is adjacent to warning
Table of Contaminants and Content	
Table must list only contaminants <i>detected</i>	Fail if many or all non-detects in table
General Source of detected contaminants must be in table	Fail if no source listed for detected contaminants
Health Effects listed for contaminants with violations	Fail if health effects not listed for violations
Maximum Contaminant Levels (MCLs) must be presented in whole numbers, i.e. <i>greater than one</i>	10 Points Subtracted if MCL stated in number less than 1, i.e. .0001
Where violations occur this must be clearly stated	10 points Subtracted if not clearly stated
Highest level of contaminants detected must be shown	10 Points Subtracted if highest level not shown
Required Definitions of MCL's, MCLGs, Treatment Techniques and Action Level	10 Points Subtracted if required definitions not used
Additional language must be included for lead, nitrate, arsenic and total trihalomethanes if present at certain levels	Fail if language not included when required
General statement on basic categories of contaminants (microbial, chemical etc.)	10 Points Subtracted if no general statement on types of contaminants included
Specific EPA health effects language for MCL or TT violations	10 Points Subtracted if health effects language not included for violations
Health effects language listed for all contaminants detected	10 Points Added
Specific pollution sources listed by name	15 Points Added

Distribution and Access	
Report must be mailed to all bill paying customers	Fail if not done and no waiver
Utility must make at least two of the specified good faith efforts to reach other consumers	10 Points Subtracted if not done
The report must be available on the web if over 100,000 consumers are served	10 Points Subtracted if not on web
Postal patron mailing to reach all <i>consumers</i> , not just bill payers	10 Points Added if postal patron mailing or other means of reach all <i>consumers</i>
If large non-English speaking population, must include information <i>in the appropriate language</i> on importance of report	10 Points Subtracted if no notice provided <i>in the appropriate language</i>
Full Non-English translations available	5 Points Added
Source Water Education and Participation	
Source of water must be described	10 Points Subtracted if no description
Source water described with narrative and map	10 Points Added if both narrative and map are used
Mention of/Invitation to join on-going source water protection efforts/mention efforts	3 Points Added if efforts mentioned; 5 Points Added for invitation to join;
Request for Public Input	
Phone number to contact for more information	10 Points Subtracted if no required phone number
Regularly scheduled public meetings listed	10 Points Subtracted if no meeting listed <i>if known to occur</i>
Consumer input requested through special response vehicle, web-site etc.	4 Points Added
Specific name for consumers to call	2 Points Added
Readability	
Very Readable Report	3 Points Added if particularly reader-friendly
Very small type	3 Points Subtracted if type size difficult to read
Miscellaneous	
Graders may add and/or subtract 5 points (once each) for particular items of note	

GRADES OF RTK REPORTS BY STATE

State	Total RTK Reports	Total # of As	% of As	Total # of Bs	% of Bs	Total # of Cs	% of Cs	Total # of Ds
AR	13	1	7.69	2	15.38	6	46.15	2

KEY ELEMENTS OF GRADING

STATE	INAPPROPRIATE STATEMENTS OF SAFETY						VULNERABLE POPULATION	
	Unqualified Statements of Safety		Buried Safety Statements		Unqualified & Buried Safety Statements		Prominent Warning To Vulnerable Population	
	State #	State %	State #	State %	State #	State %	State #	State %
AR	2	15.38	5	38.46	7	53.85	2	15.38
AZ	1	7.69	6	46.15	7	53.85	3	23.08
CO	0	0.00	1	16.67	1	16.67	6	100.00
CT	2	33.33	1	16.67	3	50.00	1	16.67
DC	1	100.00	0	0.00	1	100.00	0	0.00
DE	8	80.00	0	0.00	8	80.00	1	10.00
FL	1	5.26	8	42.11	9	47.37	4	21.05
GA	2	11.11	10	55.56	12	66.67	14	77.78
MA	3	25.00	2	16.67	5	41.67	4	33.33
MD	1	14.29	2	28.57	3	42.86	0	0.00
MI	10	26.32	3	7.89	13	34.21	10	26.32
MN	0	0.00	0	0.00	0	0.00	0	0.00
MT	4	18.18	12	54.55	16	72.73	6	27.27
NC	3	42.86	1	14.29	4	57.14	6	85.71
NJ	36	32.73	31	28.18	67	60.91	23	20.91
NM	7	46.67	3	20.00	10	66.67	3	20.00
OR	0	0.00	7	30.43	7	30.43	10	43.48
PA	3	3.37	6	6.74	9	10.11	12	13.48
RI	2	28.57	4	57.14	6	85.71	0	0.00
TX	2	25.00	3	37.50	5	62.50	4	50.00
VA	0	0.00	0	0.00	0	0.00	1	25.00
Total / % of Reports Surveyed Nationally	88, 20.47%		105, 24.42%		193, 44.88%		110, 25.58%	

KEY ELEMENTS OF GRADING						
	TABLE OF CONTAMINANTS & OTHER CONTENT				DISTR	
STATE	Included Non- Detected Contaminants in Table		No Source Listed For Contaminants Detected In Drinking Water		Did a Postal Pat Mailing	
	State #	State %	State #	State %	State #	State %
AR	1	7.69	0	0.00	3	23.08
AZ	4	30.77	1	7.69	4	30.77
CO	0	0.00	0	0.00	2	33.33
CT	0	0.00	0	0.00	1	16.67
DC	0	0.00	0	0.00	1	100.00
DE	2	20.00	2	20.00	0	0.00
FL	1	5.26	5	26.32	5	26.32
GA	0	0.00	0	0.00	1	5.56
MA	2	16.67	1	8.33	4	33.33
MD	0	0.00	1	14.29	0	0.00
MI	1	2.63	0	0.00	21	55.26
MN	0	0.00	0	0.00	2	100.00
MT	1	4.55	0	0.00	3	13.64
NC	0	0.00	0	0.00	1	14.29
NJ	8	7.27	18	16.36	34	30.91
NM	1	6.67	0	0.00	7	46.67
OR	3	13.04	0	0.00	8	34.78
PA	6	6.74	6	6.74	28	31.43
RI	0	0.00	0	0.00	1	14.29
TX	0	0.00	0	0.00	0	0.00
VA	0	0.00	0	0.00	0	0.00
Total	30,		34,	7.91%	126,	
% of Reports	6.98%				29.30%	
Surveyed						
Nationally						
KEY ELEMENTS OF GRADING						
	SOURCE OF WATER				SOURCE W. PROTE	

STATE	Map & Narrative Of Drinking Water Source		Failed To Describe Source of Drinking Water		Invited Public Assessments
	State #	State %	State #	State %	State #
AR	2	15.38	1	7.69	0
AZ	2	15.38	0	0.00	0
CO	4	66.67	0	0.00	2
CT	1	16.67	0	0.00	0
DC	1	100.00	0	0.00	1
DE	1	10.00	0	0.00	0
FL	0	0.00	2	10.53	0
GA	6	33.33	0	0.00	1
MA	4	33.33	0	0.00	0
MD	5	71.43	1	14.29	0
MI	10	26.32	0	0.00	3
MN	1	50.00	0	0.00	0
MT	1	4.55	0	0.00	1
NC	7	100.00	0	0.00	0
NJ	21	19.09	6	5.45	0
NM	3	20.00	0	0.00	1
OR	8	34.78	1	4.35	1
PA	12	13.48	1	1.12	0
RI	6	85.71	0	0.00	0
TX	5	62.50	0	0.00	0
VA	1	25.00	0	0.00	0
Total	101,		12,	2.79%	10,
% of	23.49%				2.33%
Reports					
Surveyed					
Nationally					

**STATE CONTACTS FOR DRINKING WATER RIGHT TO KNOW REPORT
GRADING PROJECT
March 2000**

STATE	ORGANIZATION	CONTACT PERSON	TELEPHONE
Arizona	Arizona Consumer Council	Phyllis Rowe Marge Watson	602-265-9625 602-274-2747
Arkansas	Arkansas Public Policy Panel	Todd Foreman	501-376-7913 ext. 10
California	Clean Water Fund CALPIRG Charitable Trust	Marguerite Young Matt Schaefer	415-362-3040 310-397-3404
Colorado	COPIRG Foundation Clean Water Fund	Stacey Pogue Carmi McClean	303-573-7474 303-839-9866
Connecticut	ConnPIRG Education Fund	April Claxton	860-233-7554
Delaware	Clean Water Fund	Hilda Amacker	202-895-0420 ext. 111
District of Columbia	Clean Water Fund	Andrew Fellows	202-895-0420 ext. 111
Florida	Florida PIRG Education Fund	Jolinda Buchanan	850-224-3321
Georgia	U.S. PIRG Education Fund	Robert Pregulman	404-892-3573
Maryland	Clean Water Fund	Andrew Fellows	202-895-0420 ext. 102
Massachusetts	MASSPIRG Education Fund Clean Water Fund	Paul Burns Chris Bathurst	617-292-4800 413-584-9830
Michigan	Clean Water Fund PIRGMI Education Fund Michigan Consumer Federation	Brad Wilson Bethany Renfer Brian Imus Rick Gamber	810-792-8548 517-337-4447 734-662-6597 517-482-6262
Minnesota	Minnesota PIRG	Bill Droessler	612-627-4035
Montana	MontPIRG	John Hirsch	406-243-2908
New Jersey	New Jersey Environmental Federation Public Interest Research Foundation of New Jersey	Andria Ventura, Amy Goldsmith Jerry Flannigan	732-280-8988 608-394-8155
New Mexico	NMPIRG Education Fund	Jeanne Bassett	505-254-1244

State Contacts Cont'd			
New York	Citizens Campaign for the Environment	Sarah Meyland Jeff Fullmer	516-390-7150
North Carolina	N. Carolina PIRG Education Fund	Irene McFarland	919-933-5889
Oregon	OSPIRG Foundation	Kelly Scannell	503-231-4181
Pennsylvania	Clean Water Fund	Gabrielle Giddings Suzanne Forrester Rick Loomis	215-640-8800 412-765-3053 610-434-9223
	Pennsylvania Citizen's Consumers Council (Erie County)	Dr. Louis Meyer	814-398-4759
	Mercer County Community Action Agency	Nancy Loughry	724-342-6222
	PennPIRG Education Fund	David Masur	215-732-3747
Rhode Island	Clean Water Fund	Aimee Tavares	401-331-6972
Texas	Clean Water Fund	Sparky Anderson Reece Henderson	512-474-0605 817-529-9426
Virginia	Clean Water Fund	Andrew Fellows	202-895-0420 ext. 102

RESOURCES

PUBLIC INTEREST

Contacts:

- Lynn Thorp, Campaign for Safe & Affordable Drinking Water (202) 895-0420 ext.109
- Paul Schwartz, Clean Water Fund (CWF) (202) 895-0420 ex. 105
- Diana Neidle, Consumer Federation of America (202) 667-9280
- Erik Olson, Natural Resources Defense Council (NRDC) (202) 289-6868
- Grant Cope, U.S. Public Interest Research Group Education Fund (USPIRG Ed Fund) (202) 546-9707
- Paul Orum, Working Group on Community Right-To-Know (WGCRTK) (202) 544-9586

GOVERNMENT

Contacts:

U.S. Environmental Protection Agency (USEPA):

- Françoise Brassier, Office of Ground Water & Drinking Water (OGWDW) (202) 260-5668
- Kathy Williams, OGWDW (202) 260-2589
- Rob Allison, OGWDW 202-260-9836
- EPA's Safe Drinking Water Hotline (800-426-4791)
- EPA's Drinking Water website: www.epa.gov/safewater

Publications:

- Preparing Your Drinking Water Consumer Confidence Report, Guidance for Water Suppliers, March 1999, EPA 816-R-99-002
- State Implementation Guidance For The Consumer Confidence Report (CCR) Rule, August 1999, EPA 816-R-99-008
- "National Primary Drinking Water Regulations: Consumer Confidence Reports," 40CFR parts 141 & 142, Federal Register, August 19, 1998 (Volume 63, Number 160,) pages 44511-44536
- Safe Drinking Water Act Amendments of 1996, (Public Law 104-182) Section 114; order by calling or on the web at <http://www.epa.gov/safewater/regs.html>

TRADE ASSOCIATION

Contacts:

- Alan Roberson, American Water Works Association (AWWA) (202) 628-8303
- Michael Arcenau, Assoc. of Metropolitan Water Agencies (AMWA) (202) 331-2820
- Vanessa Leiby, Assoc. of State Drinking Water Administrators (ASDWA) (202) 293-7655
- Mike Keegan, National Rural Water Association (NRWA) (202) 955-3130

