

U.S. Environmental Protection Agency  
National Drinking Water Advisory Council

Virtual Public Meeting

October 12, 2021

10:30 AM – 2:30 PM (EST)

## Meeting Objectives

- Brief the U.S. Environmental Protection Agency’s (EPA) National Drinking Water Advisory Council (NDWAC) members on the recommendations and remaining issues under consideration by the NDWAC Consumer Confidence Report Rule Revision (CCR<sup>3</sup>) Working Group.
- Hear from members of the public who requested to provide oral statements at the meeting.
- Identify any additional questions or considerations that the NDWAC members would like the Working Group to address.

## Welcome and Logistics

Elizabeth Corr, Designated Federal Officer for the NDWAC, welcomed all to the meeting. She thanked the CCR<sup>3</sup> Working Group, provided a brief overview of the NDWAC as created under the Safe Drinking Water Act (SDWA) and chartered under the Federal Advisory Committee Act, and reminded the public of the opportunity to submit written comments to the Council after the meeting.

Lisa Daniels, NDWAC Chair, welcomed the public, Council members, and the CCR<sup>3</sup> Working Group. She thanked the Working Group for their work and asked each member of the NDWAC and the Working Group to introduce themselves. Ms. Daniels also welcomed the NDWAC’s liaisons from the Centers for Disease Control.<sup>1</sup>

Jennifer McLain, the Director of EPA’s Office of Ground Water and Drinking Water (OGWDW), welcomed everyone to the meeting and thanked Ms. Corr, Ms. Daniels, and Jana Littlewood for their coordination and efforts. Dr. McLain noted that many regulations, besides the CCR Rule, would be discussed in future meetings. She highlighted the CCR as a SDWA “right-to-know” provision founded on the principle that consumers have the right to know what is in their drinking water and noted that the American’s Water Infrastructure Act (AWIA) set specific goals for CCR revisions, including improving readability and consumer access. She recognized the efforts of the CCR<sup>3</sup> Working Group and noted that there will be an additional meeting of the NDWAC in December to discuss finalized recommendations.

Jaime Rooke, the Cadmus facilitator, provided guidance for the meeting’s procedures and best practices for using the meeting platform. She also discussed the procedure for submitting written comments, reviewed the agenda, and introduced presenters for the meeting.

## Presentations on CCR Rule History and EPA’s Charge to the NDWAC

### Consumer Confidence Reports and Rule History

Sarah Bradbury and Edward Viveiros with OGWDW’s Protection Branch presented on the history of CCRs, the purpose of the CCR Rule, and the CCR Rule’s revision history. Details of their presentation can be found in Attachment C.

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<sup>1</sup> NDWAC, CDC, and CCR<sup>3</sup> Working Group meeting attendees are identified in Attachments A and B.

Mr. Viveiros explained that EPA is seeking advice and recommendations from the NDWAC on targeted issues related to revisions to the CCR Rule, as required by the AWIA of 2018. In particular, EPA seeks advice and recommendations on:

- Addressing accessibility challenges, including translating CCRs and meeting Americans with Disabilities Act (ADA) requirements.
- Advancing environmental justice and supporting underserved communities.
- Improving readability, understandability, clarity, and accuracy of information and risk communication of CCRs.
- CCR delivery manner and methods, including electronic delivery.

Ms. Bradbury and Mr. Viveiros concluded their presentation by thanking the CCR<sup>3</sup> Working Group for their efforts in developing recommendations to the NDWAC.

## CCR3 Working Group Procedures and Recommendations

Jana Littlewood, Chair of the NDWAC's CCR<sup>3</sup> Working Group and a member of the NDWAC, summarized the Working Group's process and described how the Working Group operated during its meetings. For each of EPA's four charges to the NDWAC, she provided an overview of the Working Group's discussions and presented the Working Group's preliminary recommendations to the Council, including recommendations on which Working Group members reached consensus and alternatives where consensus was not reached, with pros and cons for the NDWAC's consideration. Details of Ms. Littlewood's presentation can be found in Attachment C.

## Public Comment to the NDWAC

### Public Comment #1

Adam Carpenter, Manager of Energy and Environmental Policy at the American Water Works Association (AWWA), provided comments representing AWWA. He noted that AWWA has followed AWIA closely and is pleased to report their recommendations for the CCR Rule revisions. Dr. Carpenter offered several key points to highlight AWWA's response to the recommendations provided by the CCR<sup>3</sup> Working Group. Below is a summary of his speaking points:

1. Readability indexes are important for language development. CCRs perform poorly on readability assessments because the language is provided as template text. EPA can address the root cause by reviewing and revising text using those indexes.
- Codification should provide for future changes in technology. One-click approaches limit the adaptability of how CCRs can be delivered by systems.
  - The requirement for delivery of CCRs biannually should be the same CCR twice per year combined with good faith efforts from water providers to reach more customers.
  - The translation requirements should come with support from EPA. They should use existing tools for language development. EPA should offer assistance for translation of common languages.

- There should be reasonable and feasible objectives for the CCRs. CCRs are only one component of a water system’s communication strategy.
- The CCR Rule should reinforce the importance of customers being guardians of water quality within their home.

## Public Comment #2

Erik Olson, Senior Strategic Director of Health and Food at the Natural Resources Defense Council, provided the second public comment. Mr. Olson stated that CCR information has become complex and said that the NDWAC may want to consider whether people in their communities are aware of the reports and regularly read them. This could potentially help them frame recommendations for EPA. He offered four main points in response to the recommendations provided by the CCR<sup>3</sup> Working Group. Below is a summary of his speaking points:

- Experiments with electronic delivery have not been successful so far. In Newark, New Jersey, 73% of the community are renters and do not receive CCRs. There is a high percentage of renters in New York City and Chicago as well. Mr. Olson emphasized that the NDWAC needs to identify a system to ensure that renters and people in homeowners associations and condominium associations are notified about CCRs. He encouraged a broader mailing requirement because underserved communities might not even have access to internet.
- Mr. Olson encouraged the idea of a summary page. Ideally, the CCR would contain an objective grade or report card for the water system.
- On the topic of translation, Mr. Olson added that EPA and primacy agencies should help translate for different languages. Report card and visual cues would be useful, and data visualization templates should be available for easing translation.
- On the topic of units and data understandability, there should not be numbers with many zeroes. Units should be clear and in plain language.

## NDWAC Discussion of Preliminary Working Group Recommendations

After the presentations and public comment, NDWAC members had comments, questions, and suggestions relating to different subjects across the four charges. Their comments and discussion with Working Group members are presented by subject area below.

### Discussion on Charge One – Addressing Accessibility Challenges, Including Translating CCRs and Meeting Americans with Disabilities Act (ADA) Requirements

Ms. Daniels emphasized the importance of recognizing the CCR as one of several communication tools and requirements—in particular, that the SDWA requires water systems to notify consumers of immediate health threats through the Public Notification (PN) Rule and that the CCR, as a part of the SDWA, is one tool in a suite of consumer information tools to provide information to the public about their drinking water. She emphasized that some tools like PN are more immediate for sharing information of immediate health threats, while the CCR is less immediate. This framed her discussion about how the public should understand how CCRs fit into the wider context of online tools for immediate access to information. She also stated that many of the accessibility recommendations apply

to the PN rule and encouraged EPA to consider whether some amendments for CCR should apply to PN as well.

Saeid Kasraei added that urgent information should still be distributed by PN, but Tier 3 PNs could be included in CCRs, if possible and the timing was right. He added that this could replace the need to send multiple notifications out, but only if it makes sense to include it in CCRs, rather than having that be the only method of notification.

Ms. Daniels and Mr. Kasraei expressed interest in developing strategies for providing CCRs to renters and noted that this is an issue that should be resolved in the new CCR Rule revisions. John Brady suggested that it would be simple to add language to encourage landlords to provide CCRs to renters and encouraged EPA to consider language that can create avenues to provide CCRs for people that are not at the billing address. Jeffrey Tiberi suggested that landlord associations could recommend including information about how to access the CCR in leases with their renters.

Ms. Daniels suggested that CCR Rule language should encourage local service agencies to help notify consumers that the CCR is available, adding that public service campaigns could provide further information about CCRs being accessible to consumers in the service area.

On the matter of translation thresholds, Mr. Brady and Sridhar Vedachalam discussed the differing points of view that led the CCR<sup>3</sup> Working Group to a non-consensus recommendation (in the presentation slides in Attachment C). Ms. Daniels agreed that a national standard is needed for determining whether translation should be provided for a non-English language. She stated that the U.S. Census data may not be granular enough, and lower thresholds based on the demographics of water service areas could be helpful. Mr. Kasraei explained that Maryland is one of 24 states where thresholds cannot be more stringent than EPA standards, and recommended that the language in the recommendation be changed from “more stringent” to “greater flexibility.”

James Proctor suggested that EPA should provide accessibility and translation help to water systems that need help with translation services. He believed that it would provide needed support to small systems.

## Discussion on Charge Two – Advancing Environmental Justice and Supporting Underserved Communities

Scott Borman explained that water utility budget information is often publicly available or available upon request and does not belong in the CCR.

Nancy Quirk and Ms. Daniels noted concern about online translation tools and expressed interest in ensuring that cultural translations are considered, as word for word translations in online tools may not be appropriate. Dr. Vedachalam noted that online tools may not always be accurate, but the costs of mistranslations can be weighed against the benefit of providing language options to underserved communities. Mr. Brady explained that there could be a verification process with a volunteer or a hired translator provided by the primacy agency to verify CCRs translated using online translation tools. Ms. Daniels added that she liked the idea of a central repository or a telephone line for translation services at the EPA or state level to provide translations in languages requested.

Mr. Kasraei expressed concern for disadvantaged communities within large water systems, stating that members of those communities often do not have access to online tools or are renters. He encouraged EPA to ensure that there is language for providing reassurance to those often-forgotten communities.

### Discussion on Charge Three – Improving Readability, Understandability, Clarity, and Accuracy of Information and Risk Communication of CCRs

Mr. Borman expressed interest in including zone information for larger water systems, if it is basic and general, to provide clarity on how larger water systems operate. He noted that water systems may not want to provide specific distribution information for security reasons.

On the topic of corrosion control, Mr. Borman agreed that an explanation of why utilities are not conducting corrosion control could be very technical. He thought that it would be sufficient for utilities to state that they do not conduct corrosion control treatment. He also thought that systems with corrosion control should include language that describes their corrosion control treatment. He also requested that EPA clarify whether CCR requirements, particularly those related to corrosion control, apply to wholesale providers as well as the purchasing system. He suggested that there may need to be different requirements for these types of water providers.

Ms. Daniels noted that challenges can occur when the units of measure presented on the CCR differ from the units provided in state online platforms. Mr. Brady and Mr. Kasraei believed that it was difficult to read numbers with several zeroes after the decimal point, and they expressed that it is easy to overlook or dismiss deviations from the regulatory standard, even when the problem is orders of magnitude. They generally agreed that there needs to be improved language about the consistency of units.

Mr. Tiberi and Dr. Vedachalam explained the importance of finding creative ways to interest consumers in water quality, such as an app that provides water quality data for different water systems. They explained that the closest example is a weather app that has centralized data that individual users can access by entering their zip codes.

Alexandra Campbell-Ferrari expressed interest in developing a system for utilities to gather feedback from customers to find out if the CCRs are effective and reaching the customers. She noted that there was concern about smaller utilities not having the bandwidth to reach their customers, but Working Group members agreed that gathering information and expressing interest in stakeholder engagement could help improve readership.

Ms. Daniels agreed with the recommendation to include a summary page, as it helps the reader find the most important information and prevents violations from being buried in the text. Ms. Daniels also suggested pulling general information (such as definitions) out of the CCR and incorporating this information into a list of instructions that go along with the CCR. She noted that this would help consumers focus on system-specific information.

Ms. Daniels, Mr. Kasraei, and Benjamin Pauli discussed the recommendation that CCRs should clarify that legal standards (Maximum Contaminant Levels or MCLs) are a compromise between what is an acceptable health risk and what is financially or technically feasible. Mr. Kasraei believed that this distinction would open the door to misinformation and that the discussion is outside of the purpose of the CCR. Ms. Daniels said her water systems state in their CCRs whether their water meets standards,

not that it is “safe.” She expressed concern about whether MCLs and their benefits, costs, and limitations can be explained succinctly, and she suggested that a link to the EPA webpage on how MCLs and Maximum Contaminant Level Goals (MCLGs) are developed may suffice. She added that this messaging could be provided in a statement that informs consumers about the limits of regulations to show that sometimes regulatory standards are not necessarily the safest due to all of the factors that must be considered.

Ms. Campbell-Ferrari, Taka Wiley, and Dr. Pauli expressed interest in including as much information as possible about water safety and quality to improve transparency. They expressed that effective risk communication and transparency creates trust and allows consumers to make informed decisions about what questions to ask and where to find the information they need. Dr. Pauli expressed that it may be appropriate to inform consumers about the limits of regulation and have them question if their water is safe even if it meets regulatory standards.

### Discussion on Charge Four – CCR Delivery Manner and Methods, Including Electronic Delivery

Mr. Borman noted concern that small systems could have problems with a lot of the recommendations, and small systems may not want to produce very long CCRs.

Mr. Borman supported the AWWA public comment suggestion that biannual CCRs should contain the same information and expressed that if consumers want more frequent testing results they can ask the utility to provide that information. Ms. Daniels agreed that the biannual CCRs should contain the same information and added that CCRs are meant to be retrospective, and they will never reflect real-time water quality data. Ms. Quirk expressed concern about producing two unique reports a year, saying that it would be a burden on water systems.

Ms. Quirk also recognized the importance of developing new ways to deliver CCRs and emphasized the use of social media as a tool of communication to provide multiple ways of spreading awareness of CCRs. She also supported AWWA’s suggestion of a “multi click” resource that can describe more detail if it is laid out in different resources rather than a “one click” resource containing all information. Mr. Proctor suggested that utilities should make online versions of CCRs more interactive to encourage more effective communication with consumers.

Ms. Daniels expressed concern for hearing and vision impaired customers, and Ms. Littlewood and Mr. Brady explained how they discussed this issue during Working Group meetings. Ms. Littlewood directed the NDWAC members to the recommendation under the fourth charge that encourages utilities to make good faith efforts to convey CCRs to customers with uncommon needs (in the presentation slides in Attachment C).

### Wrap-up and Adjourn

Ms. Corr thanked all who joined the call and expressed appreciation to the NDWAC and CCR<sup>3</sup> Working Group. Before adjourning the meeting, she provided instructions for filing a written statement and noted that information from this meeting will be taken into consideration by the CCR<sup>3</sup> Working Group as they develop their report back to the Council.

## ATTACHMENT A

### **National Drinking Water Advisory Council (NDWAC) Members And Centers for Disease Control (CDC) Liaisons**

<b>NDWAC Members</b>
Lisa D. Daniels (Chair): Director, Bureau of Safe Drinking Water, Pennsylvania Department of Environmental Protection
Yolanda Barney: Environmental Program Manager, Navajo Nation, Environmental Protection Agency's Navajo Public Water System Supervision Program
D. Scott Borman: General Manager, Benton/Washington Regional Public Water Authority
John L. Brady: Deputy Director, Operations and Engineering, Central Coast Water Authority
Alexandra Campbell-Ferrari <sup>1</sup> : Co-Founder and Executive Director, The Center for Water Security and Cooperation
Shellie R. Chard: Director, Water Quality Division, Oklahoma Department of Environmental Quality
Ann Marie Chischilly: Executive Director, Institute for Tribal Environmental Professionals, Northern Arizona University
Saeid Kasraei: Maryland Water Supply Administrator, Maryland Department of the Environment
Jana Littlewood: Board of Directors, Alaska Representative, National Rural Water Association
Jennifer L. Peters: National Water Programs Director, Clean Water Action/Clean Water Fund
James M. Proctor, II: Senior Vice President and General Counsel, McWane, Inc.
Nancy A. Quirk: General Manager, Green Bay Water Utility
Jeffrey W. Szabo: Chief Executive Officer, Suffolk County Water Authority
Jeffrey Tiberi: Montana Association of Conservation Districts Member
Macaroy Underwood: Principal Consultant, Raftelis Financial Consultants, Inc.
<b>CDC Liaisons</b>
Dr. Arthur S. Chang: Chief Medical Officer, Division of Environmental Health Science and Practice, National Center for Environmental Health
Dr. Vincent Hill: Chief, Waterborne Disease Prevention Branch, Division of Foodborne, Waterborne, and Environmental Diseases, National Center for Emerging and Zoonotic Infectious Diseases

NDWAC member Shellie Chard did not attend the October 12, 2021 NDWAC meeting. All others listed above attended.



## ATTACHMENT B

### **National Drinking Water Advisory Council (NDWAC) Consumer Confidence Report Rule Revision (CCR<sup>3</sup>) Working Group Members**

*The CCR<sup>3</sup> Working Group includes members of the NDWAC and EPA's National Environmental Justice Advisory Council (NEJAC) and Childrens' Health Protection Advisory Committee (CHPAC) as indicated.*

Jana Littlewood (CCR <sup>3</sup> Working Group Chair): Board of Directors, Alaska Representative, National Rural Water Association <i>(NDWAC member)</i>
Yolanda Barney: Environmental Program Manager, Navajo Nation, Environmental Protection Agency's Navajo Public Water System Supervision Program <i>(NDWAC member)</i>
John L. Brady: Deputy Director, Operations and Engineering, Central Coast Water Authority <i>(NDWAC member)</i>
Alexandra Campbell-Ferrari: Co-Founder and Executive Director, The Center for Water Security and Cooperation <i>(NDWAC member)</i>
Shellie R. Chard: Director, Water Quality Division, Oklahoma Department of Environmental Quality <i>(NDWAC member)</i>
Michael Hansen, PhD: Senior Scientist, Consumer Reports
Olga Naidenko, PhD: Vice President for Science Investigations, Environmental Working Group <i>(CHPAC member)</i>
Benjamin Pauli, PhD: Assistant Professor of Social Science, Kettering University <i>(NEJAC member)</i>
Jennifer L. Peters: National Water Programs Director, Clean Water Action/Clean Water Fund <i>(NDWAC member)</i>
Jeffrey W. Szabo: Chief Executive Officer, Suffolk County Water Authority <i>(NDWAC member)</i>
Sridhar Vedachalam, PhD: Director of Water, Environmental Policy Innovation Center
Taka Wiley: Health Communication Specialist, Centers for Disease Control and Prevention's National Center for Environmental Health and the Agency for Toxic Substances and Disease Registry

CCR<sup>3</sup> Working Group members Shellie Chard and Olga Naidenko did not attend the October 12, 2021 NDWAC meeting. All others listed above attended.

ATTACHMENT C

**National Drinking Water Advisory Council (NDWAC)**

**October 12, 2021 Meeting Presentation Slides**

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# NDWAC CCR Rule Revision Working Group

Preliminary Working Group Recommendations  
for the Council

October 12, 2021

Jana Littlewood, Working Group Chair

10/12/2021

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## Teams Meeting Information

- When the meeting starts, we ask that you please keep your webcam enabled as much as possible and please remain muted when not speaking.
- If you would like to speak during the meeting, please use the raise hand feature (*click* the “face/hand” icon, then *click* the “hand” icon, or Alt+Y) and wait for the facilitator to call on you. After speaking, we ask that you please ensure your hand is lowered (*click* the “face/hand” icon again, then *click* the “hand” icon again).
- Please note that the Teams chat feature is disabled for this meeting.
- If you experience any technical issues, please email:  
[CadmusCCR3Support@cadmusgroup.com](mailto:CadmusCCR3Support@cadmusgroup.com)

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## Written Comments

- Any person who wishes to file a written statement can do so by sending them to [OGWDWCCRrevisions@epa.gov](mailto:OGWDWCCRrevisions@epa.gov). Any statements received will become part of the permanent file and will be forwarded to the CCR<sup>3</sup> WG members for their information.
- Written comments received within the 30-day window after today's Council meeting will be shared with the Council and Working Group members.
- Members of the public wishing to submit written comments should refer to the procedures outlined in the public meeting notice published on 9/22 in the Federal Register [86 FR 52672].

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## Agenda

- Background
- Introduction of Working Group Members and Procedures
- Charges 1-4 and Recommendations
- Public comment
- NDWAC Discussion on Workgroup Recommendations

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# Background

Sarah Bradbury and Edward Viveiros  
EPA Office of Ground Water and Drinking Water

## Purpose of the CCR

- Consumer Confidence Reports (CCRs) help to:
  - Raise consumer awareness of where their water comes from
  - Start a dialogue between consumers and their community water systems (CWSs) and increase consumer participation in decisions affecting their drinking water
  - Inform consumer decision making (especially for those with special health needs) regarding their drinking water
  - Educate consumers on the importance of water safety measures (e.g., source water protection)

Federal Register, Volume 63 Issue 160 (August 19, 1998) ([govinfo.gov](http://govinfo.gov))

## CCR Revision History

### History and Background

- 1996 Safe Drinking Water Act (SDWA) amendments created “Right-to-Know” rules to increase the availability of information to those served by CWSs
- The CCR is one of the “Right-to-Know” rules stemming from the 1996 SDWA amendments
- The CCR was promulgated in 1998 and founded on the principle that consumers have a “right to know what is in their drinking water and where it comes from”
  - In 2013, EPA issued the delivery options memorandum following a Retrospective Review of the CCR
- America’s Water Infrastructure Act (AWIA), signed into law in 2018, amended portions of the SDWA directly related to the CCR



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## AWIA’s CCR Rule Revisions

- AWIA requires changes to the content, form, manner, and frequency of CCRs
  - CWSs serving 10,000 or more persons must deliver CCRs biannually
  - Increase the readability, clarity, understandability, accuracy of information and risk communication of CCRs
  - Allow electronic delivery
  - CWSs must include additional information on:
    - Corrosion control efforts
    - Any lead action level exceedances that required corrective action

SDWA Section 1414(c)(4)(F)

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## NDWAC Charge

- EPA is seeking advice and recommendations from the National Drinking Water Advisory Council (NDWAC) on targeted issues related to revisions to the CCR Rule, as required by the AWIA of 2018
- In particular, EPA seeks advice and recommendations on:
  - 1) Addressing accessibility challenges
  - 2) Advancing environmental justice and supporting underserved communities
  - 3) Improving readability, understandability, clarity, and accuracy of information and risk communication of CCRs
  - 4) CCR delivery manner and methods, including electronic delivery

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# Members of the Working Group and Working Group Procedures

Jana Littlewood, Working Group Chair

10/12/2021

## Working Group Members

- **Jana Littlewood (CCR<sup>3</sup> Working Group Chair, NDWAC Member):** Board of Directors—Alaska Representative, *National Rural Water Association*
- **Yolanda Barney (NDWAC Member):** Environmental Program Manager, *Navajo Nation Environmental Protection Agency's Navajo Public Water System Supervision Program*
- **John Brady (NDWAC Member):** Deputy Director, Operations & Engineering, *Central Coast Water Authority*
- **Alexandra Campbell-Ferrari (NDWAC Member):** Co-Founder and Executive Director, *The Center for Water Security and Cooperation*
- **Shellie Chard (NDWAC Member):** Director, Water Quality Division, *Oklahoma Department of Environmental Quality*
- **Olga Naidenko, PhD:** Vice President for Science Investigations, *Environmental Working Group* and Member of *EPA's Children's Health Protection Advisory Committee*

*Continued on next slide*

## Working Group Members (Cont'd)

- **Benjamin Pauli, PhD:** Assistant Professor of Social Science, *Kettering University*; Member of *EPA's National Environmental Justice Advisory Committee*
- **Jennifer Peters (NDWAC Member):** National Water Programs Director, *Clean Water Action/Clean Water Fund*
- **Jeffrey Szabo (NDWAC Member):** Chief Executive Officer, *Suffolk County Water Authority*
- **Sridhar Vedachalam, PhD:** Director of Water, *Environmental Policy Innovation Center*
- **Taka Wiley:** Health Communication Specialist, *Centers for Disease Control and Prevention's (CDC's) National Center for Environmental Health (NCEH) and the Agency for Toxic Substances and Disease Registry (ATSDR)*



## NDWAC CCR<sup>3</sup> Working Group Process

- The Working Group held 15 sessions to discuss EPA's charge
  - 10 sessions focused on how to improve the CCR Rule to address the charges and to draft the recommendations
  - During the final 5 sessions the Working Group discussed and voted on the draft recommendations
- Experts on risk communication, corrosion control, and accessibility presented to the Working Group members
- The Working Group reviewed public comments before voting on moving each draft recommendation forward to the NDWAC

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## NDWAC CCR<sup>3</sup> Working Group Recommendations to the NDWAC

- The Working Group developed recommendations for NDWAC consideration under each of the four charges
- The Working Group reached consensus on recommendations when the members “could live with” the recommendation
- When consensus on a particular topic was not reached, the Working Group developed options that reflect the differing viewpoints, with pros and cons for NDWAC consideration
- This presentation separates recommendations where consensus was reached from alternatives where consensus was not reached

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# Charge 1

Addressing Accessibility Challenges

Jana Littlewood, Working Group Chair

10/12/2021

## NDWAC CCR<sup>3</sup> Working Group Charge 1

- EPA seeks advice and recommendations on ways to **address accessibility challenges**, including:
  - Translating CCRs
  - Meeting Americans with Disabilities Act (ADA) requirements

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## Working Group Discussions on Charge 1

- Some CCRs lack basic accessibility features. Specific examples include:
  - Some electronic CCRs are not searchable, preventing customers from easily finding information that interest or concerns them
  - Some electronic CCRs do not have “tags”, which are necessary for many document readers
  - Some CCRs (paper and electronic) use features, such as color, that are problematic for visually-impaired readers
  - Some paper CCRs may have small font size that is difficult for some customers to read
- Some non-English-speaking customers may not have adequate access to a CCR in their native language, preventing them from understanding water quality in their area.
  - The group discussed whether EPA should set national thresholds for the percentage of non-English speakers in a water system service area or whether states should continue to have discretion in this area
  - Water systems may not have financial resources to develop translated copies of their CCRs to meet the needs of their community
  - Even when water systems have access to translation services, a water purveyor who does not speak the language has no way of knowing whether the translation is accurate and appropriate for public communication
- In general, increasing CCR accessibility can be costly and should be considered when considering rule development or revisions

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- The Working Group reached consensus on the following recommendations

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## Accessibility Guidelines

1. EPA should offer implementation guidance and support for the use of basic guidelines to improve CCR accessibility, such as:
  - A. Materials that explain the basic features of an “accessible” document
  - B. Standards for improving accessibility, such as:
    - i. The World Wide Web Consortium’s (W3C) Web Accessibility Initiative (WAI) Web Content Accessibility Guidelines (WCAG 2.0)
    - ii. Guidelines for developing text that online translation tools can easily translate
    - iii. Standards established under Section 508 of The Rehabilitation Act of 1973
    - iv. Usability.gov
    - v. The Plain Writing Act of 2010
  - C. Basic accessibility thresholds, such as searchable text in electronic documents, tags, etc.
  - D. EPA should regularly audit a small but representative set of CCRs to measure adherence to these standards, and create new guidance based on findings of these audits

Consensus Recommendation

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## Flexibility for Accessibility Standards

2. The specific needs of communities served by water systems vary greatly. Therefore, any guidelines or changes to the rule that address accessibility must allow water systems flexibility to communicate with their customers in a way that is most appropriate and effective for those customers.

Consensus Recommendation

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## Translation Thresholds

3. The Working Group recommends that for water systems serving 100,000 or more people, the rule should define “large portion of non-English speaking residents” as a minimum threshold (to be established by EPA) of the population served by the water system speaking the same non-English language. The rule should also give primacy agencies the authority to establish a more stringent (lower) threshold or identify other situations in which a translated copy of the CCR is needed. Any group speaking a non-English language that meets the threshold should have a high-quality translated copy of the report available to them. The reasons for this approach include:
  - a. A national threshold would provide consistency across the country.
  - b. Limiting any additional translation requirements to large water systems would avoid potential burdens to small water systems.

Allowing primacy agencies to set a lower threshold would allow for flexibility to meet the specific needs of communities in cases when the threshold should be lower.

Consensus Recommendation

10/12/2021

## Translation Services for Small Water Systems

4. EPA should provide translation services for small water systems that lack the financial resources to pay for translation of their CCR. High quality translation services can be very expensive and a financial burden to small water systems, and this type of support from EPA would help small systems better serve their non-English-speaking populations.

Consensus Recommendation

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## Other Tools for Improving Non-English Speakers' Access to CCRs

5. Other recommendations for improving CCR access for non-English speakers include:
  - A. Information about accessing CCRs in another language should be placed in a uniform, easily accessible location, such as the front page
  - B. The CCR should include the name or title of a contact at the water system who can offer translation assistance
  - C. The rule could provide examples of tools or data sets that could help inform the water system about the composition of water customers in terms of the language they speak (such as Census data on proficiency levels)

Consensus Recommendation

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## Methods of Translating CCRs

6. Whenever possible, water systems should enlist a certified translator to develop translated copies of the CCR or evaluate a CCR translated using an online translation tool, when a translated copy is needed.
  - A. Water systems should develop online versions of CCRs in a format that can be translated using online tools. When it is not possible to use a certified translator to translate the CCR, the systems and customers can use online translators.
  - B. Water systems should use online guides to develop CCRs in a way that improves accuracy of translation tools that may be used on CCRs.
  - C. Water systems could provide directions to customers on how to use online translation tools. These directions can be provided on the water system's website along with a phone number of a water system contact who could assist with this process.

Consensus Recommendation

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## Change Rule Language to Ensure Accessibility

7. Water systems may have customers with unique accessibility needs, such as customers who require CCRs written in large fonts. For these types of needs that general accessibility guidelines do not address, the Working Group recommends the following revision to existing rule language (changes underlined and in red):
  - A. 141 CFR 155(e): [Currently reads:] Each community water system must make its reports available to the public upon request. [The workgroup recommends adding the following:] and to make a reasonable attempt to provide the CCR in a format that addresses accessibility issues in the community and provide an accessible format to anyone who requests accessibility accommodations.
  - B. EPA should provide guidance to systems about accessible formats and tools that would help systems meet the requirement of “reasonable attempt.”

Consensus Recommendation

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# Charge 2

Advancing Environmental Justice and  
Supporting Underserved Communities

Jana Littlewood, Working Group Chair

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## NDWAC CCR<sup>3</sup> Working Group Charge 2

- EPA seeks advice and recommendations on **advancing environmental justice and supporting underserved communities**



## Working Group Discussions on Charge 2

- Customers in underserved communities may be more likely to:
  - Lack trust in the water system and the accuracy or transparency of information in their CCRs
  - Speak a language other than English
  - Not be accustomed to reading highly technical information
  - Not have a clear understanding of how their water system functions
  - Not have access to information to help understand the nuances and health risks associated with water quality data
  - Be a majority renter population (i.e., non bill-paying customers), making them less likely to receive the same amount of CCR information that billpaying customers do through direct delivery methods
- Water systems serving underserved communities may be more likely to:
  - Have limited financing, staff, and expertise
  - Have unique challenges in maintaining access to a safe water supply and may not know how to communicate those circumstances in a CCR
  - Have difficulty developing clear CCRs that convey important messages



- ▀ The Working Group reached consensus on the following recommendations

- ▀ 

## Improving Engagement by Primacy Agencies

1. The CCR Rule should **encourage Primacy Agencies to be more engaged in the CCR process** to help systems serving underserved communities, specifically:
  - A. Help ensure accuracy and completeness of CCR information
  - B. Provide technical assistance to help systems develop and understand CCRs
  - C. Serve as an alternative resource to systems to answer customer questions
  - D. Develop guidance materials
  - E. Ensure underserved communities know who makes decisions regarding drinking water

Changes to the CCR Rule to address these concerns should:

- A. Be flexible
- B. Recommend that Primacy Agencies coordinate with the system when responding to requests from the public
- C. Be accompanied by funding if EPA imposes specific mandates on Primacy Agencies to support those mandates

## Improving Renters' Access to CCRs

2. The CCR Rule should **improve access to CCRs by renters and non-bill paying customers** by delivering postcards to every household served by the system which contain a link or QR code that directs both bill paying and non-bill paying customers to their CCR.

Consensus Recommendation

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## Encouraging States to Adopt Templates

3. The CCR Rule should **encourage states to adopt templates** to reduce the burden of CCR development. Many underserved communities with limited staffing and financial resources use templates (e.g., CCR iWriter) to create CCRs.
  - A. Templates should be improved (e.g., CCR iWriter) by providing suggested content for systems that meet certain conditions (e.g., geographically isolated, experiencing drought, or experiencing source water problems)
  - B. Create a guide or toolkit to supplement templates that help systems include the proper information in CCRs and ensure the effectiveness of relaying information to their underserved communities

Consensus Recommendation

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- ▀ The Working Group did not reach consensus on the following recommendations

- ▀ 

## Help Underserved Communities Understand Overall Water System Health

1. Recommendation: The CCR Rule should **encourage water systems to include more information about the overall health of their water system in their CCRs**. For example, factors driving the system's financial health.

**Reasoning in favor were as follows:**

- A. Gives context to customers for why particular decisions are made
- B. Informs customers about their system's water quality challenges and what they can do at the household level
- C. Helps customers advocate for themselves and understand the drivers behind water quality decisions
- D. Increases transparency

## Help Underserved Communities Understand Overall Water System Health (Cont'd)

### Reasoning against the Recommendation included:

- A. Information unrelated to water quality (e.g., financial health) does not belong in CCRs
- B. The additional information may not speak to the system's compliance status or targeted compliance levels
- C. *Funding* and *financial health* differ between public and private systems – private systems' consumers may not want their system's financial health in their CCRs

# Charge 3

Improving Readability, Understandability,  
Clarity, and Accuracy of Information and Risk  
Communication of CCRs

Jana Littlewood, Working Group Chair



## NDWAC CCR<sup>3</sup> Working Group Charge 3

- EPA seeks advice and recommendations on **information comprehension**: improving readability, understandability, clarity, and accuracy of information and risk communication of CCRs



## Working Group Discussions on Charge 3

- CCRs are long and contain a lot of information
  - Especially those from large systems with multiple zones and service areas
  - Readers often struggle to identify key messages about their water quality
- CCRs are complex
  - Contain highly technical information and jargon
  - CCR's do not use units that are consistent with units used in other technical resources (this can be confusing and erode trust in accuracy)
- CCRs are difficult to understand
  - CCRs typically score low on CDC's Clear Communication Index (CCI)
  - Do not clearly communicate risk (e.g., health risks associated with MCLs)
- CCRs may not be completely transparent about system compliance and contaminant detections
- CCRs may contain ambiguous information about corrosion control

- ▀ The Working Group reached consensus on the following recommendations

- ▀ The CCR should include a Summary Page That Includes Important Messages in the CCR

1. CCRs should include a summary page at the beginning of the document that **conveys important information and key messages** in a simple, clear, and concise manner using plain English. The remainder of the CCR would provide more detailed, scientific information.

The summary could include:

- A. A value statement that explains why the water system is sending the CCR
- B. General description of water quality and whether the water system is meeting SDWA Standards
- C. A statement that clarifies:
  - i. Where water samples were taken
  - ii. How water quality changes through the distribution system
  - iii. How the system monitors for water quality changes and protects water quality
  - iv. That most samples are not taken at homes
  - v. Additional resources to address water quality issues related to internal plumbing

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Consensus Recommendation

## Include a Summary Page That Includes Important Messages in the CCR (Cont'd)

- D. Identification of violations, exemptions, and exceedances, and measures the system took, and actions the water system will take to prevent these in the future
- E. Description of unique circumstances that affect the water system
- F. Contact information for a point of contact at the Primacy Agency, contact information for the water system, and information about where to find additional resources
- G. An introductory paragraph that provides a table of contents or text about "how to read this document"
- H. A "report card" to help convey overall quality of drinking water and water system operations in straight-forward, simple terms\*

\* Some Working Group members expressed concern that this may over-simplify information, provide unclear information, and cause alarm.

Consensus Recommendation

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## Improving the Clarity and Simplicity of Messaging

2. The CCR Rule should **encourage systems to develop clear and simple messaging** to streamline the document by guiding readers through a "story", avoiding overloading readers with too much information.
  - If readers are interested in learning more, CCRs could link to additional technical information that can be found in resources such as CDC's [Agency For Toxic Substances and Disease Registry \(ATSDR\) ToxFAQs](#) and additional information provided by the Primacy Agency.

Consensus Recommendation

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## The CCR should communicate Numbers and Standards in a Meaningful Way

3. The CCR Rule should require CCRs to **communicate numbers and standards in a way that is more meaningful to the public.**
  - A. Real-world examples of concentrations and risk, such as 0.5 teaspoons of water in a swimming pool is roughly 1 part per billion, would help the public understand the scale of risk
  - B. Analogies and examples to illustrate units should reflect the contaminant level and the public health goal or standard
  - C. CCRs should improve context for terms and definitions. For example, clarify the meaning of an MCL, how it is different from the MCLG, and why

## The CCR should use Best Practices to Improve Readability, Understandability, and Clarity

4. Improve readability, understandability, and clarity by **encouraging systems to use the following best practices:**
  - A. Evaluate CCRs using the CDC's Clear Communication Index (CCI)
    - i. CCRs should be set at a reading level and CCI score recommended by EPA - EPA's recommendations should be based on CDC guidance on the CCI
  - B. Use common language that is easy to understand
    - i. The rule could reference resources such as the Plain Writing Act – trainings, examples, and guidelines that are available at [plainlanguage.gov](https://www.plainlanguage.gov)
  - C. Use the SALT framework as a guide for improving risk communication

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## ▀ The CCR should use Best Practices to Improve Readability, Understandability, and Clarity (*Cont'd*)

- D. Order the contaminants table in a way that brings the most important issues to the reader's attention
  - i. For example, list exceedances/violations at the top and the rest in alphabetical order
  - ii. Symbols can convey important information if they are easy to interpret and clearly defined
- E. Define terms that are not user friendly (e.g., cross-connection, green sand filter) in understandable, day-to-day language

## ▀ CCR's should improve Risk Communication

- 5. CCRs could **improve risk communication about the quality of water** by:
  - A. Including a guide on acute versus chronic issues and the respective risks of each;
  - B. Providing information on how the concentrations of drinking water contaminants have changed over time, and indicate if they have gotten better or worse, or stayed the same;
  - C. Including a statement about contaminants that are tested but not detected and providing access to that list upon request;
  - D. Describing risk related to unregulated contaminants (e.g., PFAS) and, if available, provide information about where to find more information about related EPA health advisories;
  - E. Clarifying what the CCR tells a customer (system-wide water quality) and what it does not (their tap water quality), and what could be affecting their tap water quality;
  - F. Communicating risks that could affect access to a safe drinking water supply in the future and describing potential protection measures.

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## The CCR should help Customers Identify Information Most Relevant to Them

6. Large water systems could help readers identify relevant information by **breaking out information by zone** or service area.

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Consensus Recommendation

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## The CCR should explain Reasons for Reissuance of a CCR

7. If a CCR has an inaccuracy (a data error or other type of error), the CCR should be corrected and reissued as quickly as possible, consistent with SDWA requirements. The revised CCR should include **information about why it was reissued and what has been corrected.**

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Consensus Recommendation

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## Updated Contaminant Detections Language

8. The Working Group recommends that EPA:
  - A. Revise, simplify, and clarify required language for contaminant detections at 40 CFR 141.154, specifically arsenic and nitrate
  - B. EPA should update all references such as those at 40 CFR 141.153(d)(4)(v) and 141.154(e)

## CCR's should address Corrosion Control

9. The AWIA amendment to the SDWA requires that **CCRs directly address corrosion control efforts**. The Working Group recommends that water systems report the following in their CCRs.
  - A. For systems that are not required to have corrosion control treatment (CCT), the CCR should explain why no treatment is needed. When the system is monitoring corrosion, the CCR should clearly and concisely describe those activities.
  - B. CCRs should concisely interpret the lead and copper results:
    - i. Identify the system's total number of service connections and state that not all service connections are sampled, and sample sites are selected based on highest risk
    - ii. Describe the CCT used at the system if CCT is required
    - iii. State the Optimum Water Quality Parameters for the selected CCT
    - iv. Describe the relevant water quality parameters
    - v. Identify when the lead was detected, actions taken by the water system, how long it took to address them, and what the system is doing to prevent this from happening again
  - C. EPA should develop example language for each of the situations above. This will support small water systems that may have difficulty developing their own language.

- ▶ The Working Group did not reach consensus on the following recommendations

- ▶ The CCR should communicate Numbers and Standards in a Meaningful Way

1. Consider removing the requirement to convert data into specific units for the purpose of the CCR.
  - A. **Opinions in favor included** : Converting data into units for the purpose of the CCR can lead to confusion when people read other information (like lab results) and see other units used
  - B. **Opinions against the recommendation:** Converting data into units for the purpose of the CCR help communicate that some contaminants cause higher health risks at lower concentrations
    - It's very easy to confuse orders of magnitude when there are several zeroes to the right of the decimal

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Did Not Reach Consensus

## CCR's should communicate Numbers and Standards in a Meaningful Way (*Con't*)

2. CCRs could clarify that legal standards (MCLs) are a compromise between what is an acceptable health risk and what is financially and technically feasible.
  - A. **Opinions in favor had this reasoning:** This clarity will help people understand the context of those terms and what they mean for public health.
  - B. **Opinions against this reasoning included:** The purpose of the CCR is to inform consumers about compliance status, not to explain how regulations are set. Including this text could make the CCR more confusing.

Did Not Reach Consensus

10/12/2021

# Charge 4

CCR Delivery Manner and Methods,  
Including Electronic Delivery

Jana Littlewood, Working Group Chair

10/12/2021



## NDWAC CCR<sup>3</sup> Working Group Charge 4

- EPA seeks advice and recommendations on **CCR delivery manner and methods, including electronic delivery**



## Working Group Discussions on Charge 4

- Electronic CCR delivery methods are becoming increasingly common and effective
- CCR delivery methods listed in the rule are outdated and do not include modern methods of information distribution
- The nature of electronic communications should be expected to change in the future
- Current CCR delivery methods are not generally successful at reaching non-bill paying consumers or consumers who do not live in, but may work in, the water system service area
- In most cases, water systems are best suited to determine the most effective delivery method for their customers
- Many delivery options should be available to water systems so they can find the most effective combination of efforts to deliver CCRs

- ▶ The Working Group reached consensus on the following recommendations

- ▶ 

## CCR Minimum Posting Requirements

1. If a water system posts its CCR online, **the CCR should be posted online for a minimum of 3 years** with the intent to comply with the records retention requirements at 40 CFR 141.155(h)
  - A. This will provide customers with more context and history of their system and its changes
  - B. This would eliminate the burden of trying to manually search for past information
  - C. The most current CCR should be prominently displayed to avoid any confusion as to which is the current CCR

## EPA Posting CCRs Online

2. **EPA should reduce the burden on small systems by posting PDFs of their CCRs online** (or links to their CCRs) on their behalf. The rule should encourage Primacy Agencies to post their water systems' CCRs on the Primacy Agencies' websites or, at a minimum, post information on the Primacy Agency's website to encourage customers to contact their water systems on how to review their CCRs.

Consensus Recommendation

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## Improve "Find Your Local CCR" Page

3. EPA should **improve/update its "Find Your Local CCR" webpage**:
  - A. On an annual basis, EPA should update links to these CCRs or to the webpages that host the CCRs.
  - B. EPA should add additional search terms to help both bill paying and non-bill paying customers find their CCRs.

Consensus Recommendation

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## Expanded Electronic Delivery Options

4. **Electronic delivery options outlined in EPA's 2013 memo "Safe Drinking Water Act - Consumer Confidence Report Rule Delivery Options" could be expanded** and include the following options:
  - A. Deliver CCRs via text message link with the option to opt-out of text deliveries
    - Younger generations look at their phones quite often and would be more likely to read CCRs if links to the CCR were delivered via text message
  - B. Electronic delivery should occur through a trusted means of communication that is acceptable to the customer and water system in order to minimize cyber security issues (such as phishing or spreading misinformation)
  - C. The rule should clarify that advertising the availability of the CCRs (such as through social media) should be encouraged but should not be considered a form of "delivery"

Consensus Recommendation

10/12/2021

## "Good Faith" Effort

5. The CCR rule requires water systems to directly deliver a copy of the CCR to each bill-paying customer. It also requires the system to make a **"good faith effort" to reach non-bill-paying customers**. The Working Group recommends the existing language in the rule at 40 CFR 144.155(b) be expanded to include examples of more modern outreach efforts (such as social media options).

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Consensus Recommendation

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## "Good Faith" Effort (*Cont'd*)

The Working Group recommends that EPA modify 40 CFR 141.155(b) to include the following delivery methods:

**40 CFR 141.155(b):** "...A good faith effort to reach consumers would include a mix of methods appropriate to the particular system such as..."

- A. Including mailing postcards or CCRs directly to the service address (in addition to the billing address, as required under the direct delivery requirement)
- B. Posting in public places a QR code that links directly to the CCR
- C. Advertising the availability of the report in the news media and through direct texts to residents
- D. Providing a direct link to CCRs on water bills
- E. Holding public forums

Consensus Recommendation

10/12/2021

## Gathering Input From Customers

6. Water systems could improve their CCRs by **gathering input from customers**.

- A. This could be achieved by providing customers with contact information (such as a phone number) to let them directly contact their system with feedback regarding the format, readability, accessibility, etc. of the CCR they received.
- B. The water system can incorporate input at its discretion.
- C. Water systems can include a link or QR code at the bottom of the CCR to solicit feedback from customers. Examples of ways to solicit feedback include:
  - i. A survey that asks the customers questions to understand whether they think the CCR is clear and accessible.
  - ii. A quiz or game that would ask questions about the content of the CCR to give the utility a sense as to how much the customer understood the CCR, and therefore whether it is clear and accessible.

Consensus Recommendation

10/12/2021

## Providing CCRs to Renters

7. **Landlords should provide CCRs to renters**, who would not otherwise directly receive delivery of the CCR. EPA could consider this recommendation when developing implementation support (e.g., guidance for landlords, and condominium HOAs).

Consensus Recommendation

10/12/2021

## Deliver CCRs to Other Consumers

8. The CCR rule should encourage water systems to **deliver CCRs to local community organizations and to consumers who regularly use the water but do not live within the water system's service area** (e.g., people who work or go to school in a service area that is different from where they live). Water systems could provide a way for local community organizations and consumers to "opt in" to be added to the mailing list to receive CCRs on a regular basis.

Consensus Recommendation

10/12/2021

## Clarify Time Period of Biannual CCRs

9. For biannual CCRs, each CCR should contain the following information to avoid confusion about the information provided in each report:
  - A. Include brief language that clarifies the CCR is a federal requirement and that they must be delivered biannually for systems serving 10,000 or more people
  - B. Specify the time period covered by the specific CCR
  - C. If two identical CCRs are delivered each year, the second report should clearly state that the information contained in the CCR is identical to the information in the first CCR

Consensus Recommendation

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The Working Group did not reach consensus  
on the following recommendations

10/12/2021

## Biannual CCRs

1. Working Group members disagreed on the purpose of the biannual CCR delivery. Specifically, **the group disagreed on whether the second CCRs should contain the same content as the first CCR or contain an addendum to the first CCR with updated information.** The group preliminarily developed two potential recommendations:

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## First Option: Two Identical CCRs

- A. **Both CCRs for a given year should contain identical information** with the goal of increasing readership of the CCR.

**Opinions in support of this approach include:**

- i. Sending the same CCR twice would reach more customers, particularly new residents of a service area
- ii. Other mechanisms may be used to current water quality, other mechanisms (like required public notifications and other community outreach)
- iii. Other resources are available to provide up-to-the-minute data on water quality if customers are interested (e.g., Drinking Water Watch)

**Opinions against this approach include:**

- i. Sending the same report twice would not provide customers with the most up to date information about the quality of their water

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## Second Option: Two Different CCRs

**B. CCRs should be issued once every six months and should reflect the most current water sampling data collected by the water system.**

▪ **Opinions in support of this approach include:**

- i. This approach would provide customers with the most up-to-date information about the quality of their water, which is believed to be consistent with the intent of the changes in AWIA.

▪ **Opinions against this approach include:**

- i. Delivering two CCRs with different content each year could confuse readers.
- ii. It would be a large burden for water systems and Primacy Agencies to develop a CCR "update" every 6 months
- iii. This approach may be inconsistent with the intent of the AWIA amendments to improve clarity of the CCRs and would not improve access to CCRs relative to the first opinion.

# Public Comment

# NDWAC Discussion

10/12/2021