



THE UNITED STATES
CONFERENCE OF MAYORS



March 9, 2026

Dr. Jennifer McLain
Director, Office of Ground Water and Drinking Water
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

**RE: National Primary Drinking Water Regulation for Perchlorate
Docket ID No. EPA-HQ-OW-2024-0592**

Dear Dr. McLain,

On behalf of the nation's mayors, cities and counties, we appreciate the opportunity to submit comments on the U.S. Environmental Protection Agency's (EPA) proposed rulemaking, the *National Primary Drinking Water Regulation (NPDWR) for Perchlorate*. We further appreciate the briefing EPA held for state and local government organizations on January 5, 2026.

Collectively, our organizations represent the nation's 3,069 counties, more than 19,000 cities, towns and villages and the mayors of the 1,400 largest cities throughout the United States. The health, well-being and safety of our residents and communities are top priorities for local leaders. Local governments serve as co-regulators in implementing and enforcing many federal laws with states, including Safe Drinking Water Act (SDWA) programs, and our members take these responsibilities seriously.

Our specific comments on the proposed rule are outlined below, however we want to highlight upfront EPA's own conclusion in the summary section of the [Federal Register notice](#) that states, "The Administrator has determined that the benefits of this regulation **would not justify the costs** [emphasis added]; however, the EPA is required to issue a [Notice of Proposed Drinking Water Regulation (NPDWR)] and [Maximum Contaminant Level Goal (MCLG)] for perchlorate in response to the D.C. Circuit's decision in *NRDC v. Regan*."

While we recognize that the Agency is required to promulgate this regulation pursuant to a court decision, its own finding that the costs do not justify the benefits of this rulemaking should not be discounted. At a time when local governments are struggling to balance new federal mandates with pressing local challenges and growing affordability concerns, we are concerned about the ramifications of requiring additional regulatory costs on public water systems that would yield little to no incremental public health benefits.

Forcing public water systems to divert already limited resources towards compliance for this proposed rule will further constrain their ability to address other critical water and public health priorities, including but not limited to removing lead pipes, addressing PFAS, upgrading infrastructure, and strengthening cybersecurity protections. When these other priorities are delayed or otherwise underfunded, it increases the risk of serious consequences for the delivery of safe and affordable municipal drinking water services. Additionally, as the needs gap for water infrastructure continues to grow for local governments, the burden of these costs will fall to local ratepayers, many of which are already struggling with affordability due to higher water, sewer and electricity bills. As such, **imposing additional costs on public water systems without clear and measurable public health benefits is neither sustainable nor reflective of practicable regulatory policy.**

We offer the following comments on the proposed rule for consideration as EPA moves forward with this rulemaking:

1. Regulating Perchlorate as a National Issue of Concern

This proposed rule would establish a NPDWR for perchlorate, which would require public water systems to conduct initial and ongoing monitoring and implement treatment solutions. As stated in our previous comments to the Agency, we continue to emphasize that perchlorate remains a contaminant of concern in very limited areas across the country, and is more geographically concentrated rather than nationwide. We recognize the Agency's action to regulate perchlorate through a NPDWR stems from a 2023 legal decision to vacate the Agency's previous determination (2020) that found that the health risk of perchlorate in drinking water would not be best addressed by promulgating a national drinking water standard. Therefore, the decision to now regulate the contaminant in drinking water at the federal level is not being charged by the Agency, but rather from judicial directive.

To the greatest extent possible, EPA's final rule should prioritize protecting public health for the very few systems impacted by perchlorate, while not burdening the vast majority of public water systems across the nation with additional regulatory requirements for a contaminant that is not a concern for those systems.

2. Recommended Maximum Contaminant Level (MCL)

Given the court's directive, we acknowledge the Agency must promulgate a final NPDWR and health-based Maximum Contaminant Level Goal (MCLG) for perchlorate by May 21, 2027. However, the Agency's cost-benefit analysis does not support regulatory action in this manner. We urge the Agency to reassess whether it can establish an MCL for which the benefits justify the associated costs, as is consistent with the SDWA. If an enforceable Maximum Contaminant Level (MCL) MUST be set, we recommend the Agency adhere to the SDWA requirements and set the MCL as close to the MCLG as feasible. Furthermore, if the Agency proceeds with testing and monitoring requirements that do not meet the cost-benefit threshold, it should ensure maximum flexibility in implementation.

In general, our organizations support the provisions in the 1996 Amendments to the SDWA that require drinking water standards be based on sound science, public health protection and occurrence of contaminants in drinking water supplies at levels of public health concern to reduce risk to the public while also balancing costs.

3. Monitoring and Treatment Recommendations

The proposed rule states that the monitoring and administrative costs for this regulation comprises a higher proportion of total rule costs than is typical for an NPDWR “amounting to about half of the total cost, given the low occurrence of perchlorate at levels of concern in [public water systems].” Given this and perchlorate’s limited concentration of occurrence, we support the Agency’s proposal to move forward with an initial reduced monitoring framework to minimize the implementation and financial burdens on communities. This approach better targets impacted areas and reduces unnecessary monitoring costs on public water systems across the country where perchlorate is not a concern.

Additional suggestions to improve the proposed rule’s monitoring and sampling framework include:

- Ensuring the established trigger level is consistent with the Standard Monitoring Framework.
- Adjusting the first reduced monitoring period to seven years, to better account for existing testing schedules for other inorganics.
- Providing testing flexibility for systems to avoid an overly prescriptive time schedule for sampling.
- Determining an exceedance of the MCL should be based on the average of the initial sample and confirmation sample instead of a running annual average.

Finally, we urge the Agency to continue coordinating with appropriate stakeholders to develop achievable perchlorate treatment options at the local level. Additionally, any additional insights the Agency can provide on treatment efficacy, source reduction guidelines, and implementation would be extremely valuable for local governments. Particularly as it relates to source reduction, focusing on strategies to reduce perchlorate rather than having to rely solely on treatment can aid public water systems in maximizing operational management.

4. Funding and Rule Compliance

Public water systems will be required to make monitoring, treatment, and operational changes to comply with any new NPDWR for perchlorate. Ultimately, these costs will be passed on to community ratepayers through higher water bills. This may include costs associated with meeting new monitoring and sampling requirements, equipment and installation of new sampling infrastructure, and necessary capital upgrades or replacement of treatment facilities. Moreover, EPA’s own Water Affordability Needs

Assessment Report, released in December 2024, noted unaffordable water bills in the United States as a “widespread and growing issue.”

Therefore, we urge EPA to consider providing additional and direct funding to support any unfunded mandates created by this rulemaking. Any federal mandate on local governments should be accompanied by additional federal resources and also offer municipal water systems flexibility in implementation and compliance options. As the Agency is aware, water systems are concurrently working to comply with other SDWA regulations, including the recently finalized Lead and Copper Rule Improvements and PFAS drinking water standards. The Agency should carefully consider the potential conflicts and costs associated with a new NPDWR for perchlorate and the ongoing efforts of local governments to comply with other water regulations.

Finally, the Agency notes the Drinking Water State Revolving Loan Fund (DWSRF) as a potential funding source for compliance activities associated with perchlorate. It is important to note that the historic investments made through the state revolving loan funds via the Infrastructure Investment and Jobs Act (IIJA) expire in September 2026. Without reauthorization—ideally at IIJA levels plus an additional amount to account for inflation, at a minimum—and an increase in appropriations, the DWSRF funding level is likely insufficient to support communities in meeting recent EPA regulations.

Furthermore, this Administration has already proposed significantly reducing funding for the DWSRF and other water infrastructure programs in recent budget requests.

Continue meaningful, timely and frequent engagement with local governments

It is important that federal, state and local governments work together to craft reasonable and practicable rules and regulations. As partners in protecting our residents’ public health, it is essential that local leaders have a clear understanding regarding their responsibilities in implementing this rule.

As EPA moves forward with finalizing a NPDWR and MCLG for perchlorate, we urge the Agency to continue to adhere to Executive Order 13132: Federalism, as well as EPA’s own implementing guidance. Specifically, we request EPA continue to engage with state and local government organizations to provide opportunities for input into the development process to ensure that the rule is effective, implementable and cost efficient.

On behalf of the nation's mayors, cities and counties, thank you for considering the local government perspective on this important issue. If you have any questions, please contact us: Judy Sheahan (USCM) at 202-355-8540 or jsheahan@usmayors.org; Carolyn Berndt (NLC) at 202-626-3101 or Berndt@nlc.org; or Charlotte Mitchell Duyshart (NACo) at 202-661-8826 or cmitchell@naco.org.

Sincerely,



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