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**For Further Information:**

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**COURT ORDER: EPA AGREES TO WITHDRAW  
APPROVAL OF IDAHO'S ARSENIC STANDARD**

In a federal court-signed order today, the U.S. Environmental Protection Agency (EPA) agreed to retract its 2010 approval of Idaho's water quality standard for arsenic.

The lawsuit, filed by the Portland, OR-based Northwest Environmental Advocates last year, challenged EPA's approval of standards because they failed to protect human health from the adverse effects of arsenic in fish and drinking water.

The court order requires EPA to repeal its previous approval by September and to establish a new arsenic standard for Idaho by mid-2019. In a separate out-of-court agreement, EPA committed to issue Clean Water Act discharge permits using more protective levels during the interim period before the new standards are in place. The agreement also requires EPA to increase monitoring of pollution discharges to detect arsenic.

"EPA violated the Clean Water Act when it allowed arsenic levels in Idaho waters that are up to 1,000 times greater than the agency has determined are acceptable for this toxic chemical," said Nina Bell, Executive Director of NWEA. "EPA placed political expediency over human health protection," she added.

Idaho adopts water quality standards under the federal Clean Water Act. EPA is required to review and approve state water quality standards before they become effective in pollution control programs.

In 2010, Idaho chose to use EPA's standard under the Safe Drinking Water Act instead of its recommendations for protective standards under the Clean Water Act, resulting in the significant difference in human health protection. The Clean Water Act is intended to protect people from chemicals in rivers and streams whereas the Safe Drinking Water Act protects people at the tap, after drinking water has been treated.

The Clean Water Act does not allow consideration of costs in establishing water quality standards that are intended to keep fish safe to eat and water clean. Idaho chose a standard developed under the Safe Drinking Water Act that does allow the cost of treatment to be factored into what are considered acceptable levels of pollution in drinking water.

“Arsenic doesn’t just sound terribly poisonous, it is really dangerous to people,” noted Bell. “Arsenic can damage almost every human function—including the nervous, cardiovascular, renal, and respiratory systems—and it is known to cause a whole array of cancers, including bladder, skin, liver, kidney, and prostate cancers.”

Idaho’s adoption of a water quality standard of 10 micrograms per liter ( $\mu\text{g}/\text{l}$ ) can be compared to EPA’s 1992 national recommendations for arsenic standards of 0.14  $\mu\text{g}/\text{L}$  for consumption of fish only and 0.018  $\mu\text{g}/\text{L}$  for consumption of both fish and water (both at a cancer risk of one cancer per million people).

Water quality standards set the acceptable levels of pollutants in state rivers and streams. States often adopt water quality standards, which do not become effective under the Clean Water Act until EPA approves them.

Northwest Environmental Advocates was represented by Allison LaPlante and Lia Comerford of the Earthrise Law Center at Lewis and Clark Law School.

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