



Drinking Water Guide Fact Sheet: Safe Drinking Water Act

Key Points

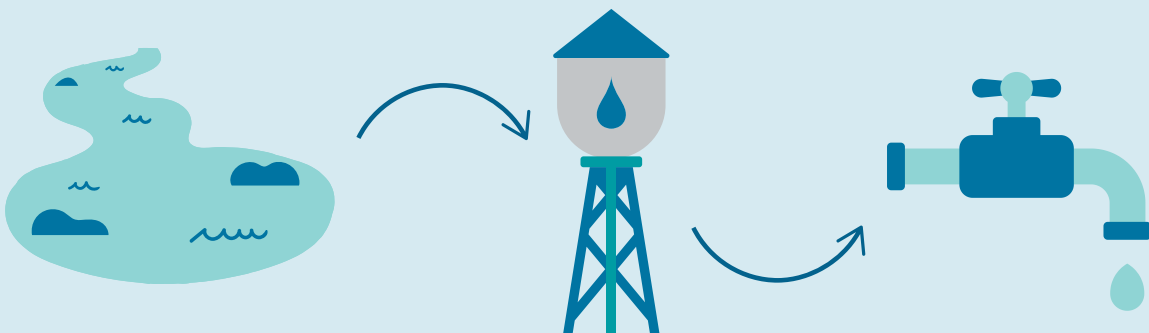
- The Safe Drinking Water Act is a national law designed to protect our drinking water.
- The Safe Drinking Water Act establishes health-based standards for drinking water contaminants through the Environmental Protection Agency.
- The public has opportunities to be involved in proposed drinking water regulations and should be notified by their water system when their water isn't safe.
- State and territory governments generally provide oversight of drinking water regulations through Public Water System Supervision programs.

What Is the Safe Drinking Water Act?

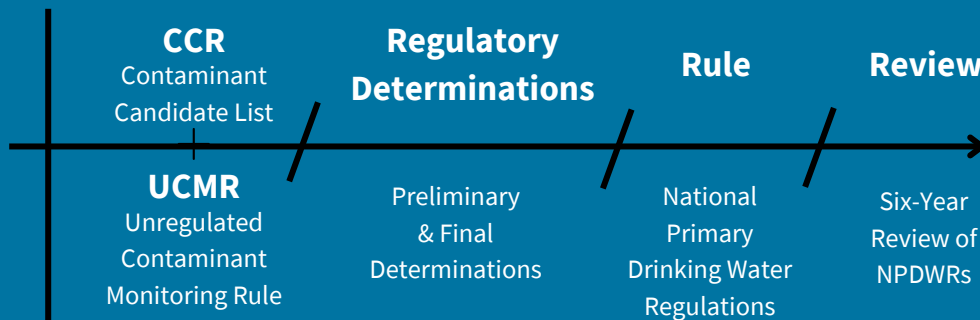
The [Safe Drinking Water Act](#) (SDWA) is our nation's main law to protect the quality of our drinking water at the tap. Like the Clean Water Act (CWA), responsibility for oversight and implementation of the SDWA rests mainly with the U.S. Environmental Protection Agency (EPA). Further, the SDWA only regulates public water systems. It does not apply to private wells, water systems serving fewer than 25 persons or bottled water.

Community water systems are required to prepare and distribute an annual Consumer Confidence Report (CCR) to customers that includes information on their drinking water source(s), levels of contaminants and any associated regulatory violations, including the health effects of contaminants. Read more about [CCRs here](#).

In 2016, the Water Infrastructure Improvements for the Nation (WIIN) Act further amended the SDWA to strengthen and enhance public notification requirements related to exceedances of national standards for [lead in drinking water](#).



Process for Establishing a National Primary Drinking Water Regulation (NPDWR)



Establishing National Primary Drinking Water Regulations

Under the SDWA, EPA is authorized to establish national health-based standards for naturally occurring or human-made drinking water contaminants. To create National Primary Drinking Water Regulations (NPDWRs), the SDWA requires EPA to publish a Contaminant Candidate List (CCL) every five years. The CCL includes contaminants that are known or anticipated to be detected in public water supplies but are not currently regulated. EPA must evaluate the public health effects and occurrence of contaminants when considering which ones to include in the CCL. As part of this process, EPA solicits public input on contaminants for consideration.

EPA usually provides several opportunities for public comment on draft proposed regulations. When proposing a regulation, EPA publishes a Notice of Proposed Rulemaking in the Federal Register. EPA evaluates all submitted public comments when developing the final regulation and creates formal responses to public comments.

After publication of the CCL, EPA moves into the “Regulatory Determination” process. The SDWA requires EPA to select at least five contaminants from the CCL and evaluate whether to establish a NPDWR for those contaminants.

The SDWA specifies that the following criteria must be used for that evaluation:

- The contaminant may have an adverse effect on the health of persons;
- The contaminant is known to or likely to occur in public water systems with a frequency/level of public health concern; and
- Regulation of the contaminant will meaningfully reduce health risks for persons served by public water systems.

If EPA makes a positive regulatory determination, the effort to develop a national regulation begins. EPA must first establish a Maximum Contaminant Level Goal (MCLG) based on the adverse health risks to sensitive populations. An MCLG is set below known or anticipated public health risks. MCLGs are not enforceable and are therefore not tied to any legal requirements.

Contaminant Type	Definition	Example
Maximum Contaminant Level (MCL)	The highest allowable level of that contaminant in drinking water.	EPA has set MCLs for contaminants including disinfection byproducts, arsenic, uranium, nitrate, and radium, among any others. - See EPA's fact sheet on proposed MCLs for six PFAS from March 2023.
Treatment Technique (TT)	A treatment process required for a contaminant to effectively reduce the level of that contaminant in drinking water.	EPA has set TT requirements for lead and copper, microorganisms such as Cryptosporidium, Legionella, and E. Coli, as well as for turbidity (cloudiness of water).
Maximum Residual Disinfectant Level (MRDL)	Specific to disinfectants and is the highest level of that disinfectant allowed in drinking water.	EPA has set MRDLs for disinfectants including chlorine, chloramines, and chlorine dioxide.

Then, to continue to develop a national regulation, EPA establishes an enforceable health standard, depending on contaminant type (see table above). Lastly, EPA develops a regulatory impact analysis that considers the health risk reduction and cost, which evaluates the anticipated benefits and costs of compliance with the new standard.

The SDWA requires EPA to review all existing NPDWRs every six years. Known as the [Six-Year Review](#), this process determines whether any of the regulations need to be revised by analyzing new data, information, and technology. This generally consists of an initial review of all NPDWRs followed by a more focused, in-depth review of the regulations identified as candidates. For example, [recent revisions](#) considered new information on chlorite and haloacetic acids.

Role of State Regulators

State governments also play a role in the implementation of the SDWA. Public Water System Supervision (PWSS) programs provide oversight of the NPDWRs, among other core activities. Every state and territory (except Wyoming and Washington, D.C.) and one tribe, the Navajo Nation, has primary enforcement responsibility, or primacy, for all NPDWRs.

Under the PWSS program, [primacy agencies](#) are responsible for a variety of activities including, but not limited to: developing and maintaining drinking water regulations, conducting on-site reviews, providing technical assistance to operators and managers, reviewing plans and specifications for new systems, enforcing state regulatory requirements, and overseeing consumer notification efforts.

Case Studies

State Drinking Water Standards

States can also adopt standards that are more stringent than the federal standards. Some states have established standards for contaminants that EPA is not regulating at all.

In the Great Lakes region, for example, Wisconsin's standard for vinyl chloride is more stringent than that set by EPA. For more information, see American Rivers' [primer on drinking water protection in the Great Lakes](#). Other states have established standards for contaminants that EPA is not regulating at all. New Jersey adopted an MCL for perfluorononanoic acid (PFNA), one of the many chemicals known as per- and polyfluoroalkyl substances (PFAS).



Questions to Ask

Overall the SDWA is crucial to ensuring drinking water quality throughout the country. Here are a few questions to ask and consider regarding your own state's drinking water regulations:

- What agency in my state administers federal drinking water programs?
- Does my state have stricter limits for any contaminants regulated under the SDWA or regulate any contaminants that are currently unregulated under the SDWA?
- Are there ongoing state or federal regulatory processes with upcoming public opportunities?
- What is my state doing to support the technical, financial, and managerial capacity of drinking water systems?
- Is PFAS contamination a concern in my state? If so, what is my state doing to address it?

Resources

- [Safe Drinking Water Act \(SDWA\): A Summary \(Congressional Research Service\)](#).
- [Understanding the Safe Drinking Water Act \(River Network\)](#).
- [Regulatory Resource Center \(Center for Effective Government\)](#).
- [Protecting Drinking Water in the Great Lakes \(American Rivers & Great Lakes Environmental Law Center\)](#).