

Health Risk Limits Rules Amendments Meeting Questions and Answers Summary

FEBRUARY 2, 2022

Background

Minnesota Department of Health (MDH) plans to propose new and updated Health Risk Limits (HRL) Rules during 2022. An informational meeting was held on February 2, 2022. The meeting included a presentation that covered basic information about rulemaking in Minnesota, the status of rulemaking progress to date for the HRLs, how HRLs are made, and how to comment on proposed rules. The meeting also provided an opportunity for questions and answers. Below is a summary of the questions asked and the answers provided.

The Health Risk Assessment Unit encourages questions or comments about the HRLs or the rulemaking process. Please contact us at Health.Risk@state.mn.us or call 651-201-4899.

Question and Answer Summary

- 1) What is typical length of time from when a chemical nomination for evaluation to the time the water guidance value is adopted into rule?

Answer: The time can vary from one chemical to another. Just because a chemical is nominated that does not mean that we derive guidance. Not all chemicals have sufficient data. The review and derivation of guidance can take from four months to 18 months. The rule making process itself takes several months as well. To go from start of review to the rule adoption is usually a minimum of 2 years.

- 2) Do you perform rule changes in collaboration with other agencies aligned with some of these chemicals (e.g., Minnesota Department of Agriculture) or does MDH act alone?

Answer: Minnesota Department of Health works independently from other agencies on the Health Risk Limit Rules process.

- 3) Do the Administrative Law Judges only work on this agency work, or are they a public justice system?

Answer: The ALJs work for the Office of Administrative Hearings and not for any particular state agency. When an agency proposes a rule, an ALJ is assigned to the case. ALJs review all rules proposed by any state agency in Minnesota.

- 4) Can the presentation be made available?

Answer: Yes. The slides and a meeting summary will be available on MDH's website about a week after this meeting.

- 5) Can you elaborate on use of other cancer slope factors? (ex. from California.) Why would you not defer to federal U.S. Environmental Protection Agency (EPA)?

Answer: EPA doesn't always have a cancer slope factor for the chemical under review. This gives MDH the option to use a more current value that considers more recent information. The statute change does not mean that we won't use an EPA value; it simply gives us the opportunity to review values and select the best one.

- 6) Can we ask about specific contaminants? I am just curious what the change to manganese is. I am reading the guidance document but it still seems like 100 µg/l?

Answer: The current HRL [from 1993] does not consider sensitivity of infants to the neurotoxic effects of Mn. MDH's last review of manganese resulted in a tiered, lifestage-based set of guidance values which was not compatible with rulemaking. The HBV currently proposed for rulemaking is a duration-based, reformatted version of the lifestage-based guidance, and it ensures that [short-term] durations and infants are protected.

Link Resources:

Health Risk Limits Rules for Groundwater: Rules Amendments -Overview and Links

<https://www.health.state.mn.us/communities/environment/risk/rules/water/overview.html>

Human Health-Based Water Guidance Table

<https://www.health.state.mn.us/communities/environment/risk/guidance/gw/table.html>

Office of Administrative Hearings:

<https://mn.gov/oah/>

Contact information:

Email: Health.Risk@state.mn.us

Phone: 651-201-4899

Mail: Minnesota Department of Health

Health Risk Assessment Unit

625 N. Robert St.

PO Box 64975

St. Paul, MN 55164