



State of New Mexico  
*Office of the Governor*

Bill Richardson  
*Governor*

November 2, 2005

Honorable Stephen L. Johnson, Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Room 3000  
Mail Code 1101A  
4601 Washington, DC 20460

Dear Administrator Johnson:

I have been informed that the U.S. Environmental Protection Agency (EPA) is going to review the radionuclide portions of its safe drinking water regulations in 2006. It has also come to my attention that there is existing scientific evidence that indicate that the existing gross alpha Maximum Contaminant Level is no longer protective according to the intent of the original regulation for plutonium-239 and similar radionuclides.

Specifically, my staff have reviewed portions of the report prepared by the Institute for Energy and Environmental Research (IEER), *Bad to the Bone: Analysis of the Federal Maximum Contaminant Levels for Plutonium-239 and Other Alpha-Emitting Transuranic Radionuclides in Drinking Water*. This report concludes that an MCL for alpha-emitting, long-lived transuranic radionuclides should be 100 times smaller than the largest amount that would be allowed under the current rules for gross alpha contamination. According to the IEER report, a tightening of the standard for these man-made radionuclides is warranted in light of scientific research since 1976. I understand that the EPA has published some of the latest relevant scientific research as part of its regulatory guidance documents. However, this research has not yet been used to set an MCL for plutonium-239 and other alpha-emitting, long-lived transuranic radionuclides.

As you know, New Mexico is host to Los Alamos National Laboratory, where a great deal of exciting work of national and global importance is carried out, but where there is, as a result, a considerable amount of radioactive waste, some of which contains significant amounts of plutonium. I know that no public water systems are today contaminated anywhere near the tighter level that is proposed. However, a protective standard in line with the latest science published by the EPA is necessary to ensure continued protection of our water resources for future generations.

The State of New Mexico is in general accord with the recommendation that the EPA consider setting a more stringent limit for alpha-emitting, long-lived transuranic radionuclides as part of its review of drinking water standards next year. Should you have any questions about New Mexico's position on or review of the issue, please contact Fernando R. Martinez, Bureau Chief, of the New Mexico Environment Department's Drinking Water Bureau at [Fernando.martinez1@state.nm.us](mailto:Fernando.martinez1@state.nm.us) or at 505-476-8625.

Sincerely,



Bill Richardson  
Governor

cc: Cynthia Dougherty  
Director, Office of Groundwater and Drinking Water  
U.S. Environmental Protection Agency  
Ron Curry, Cabinet Secretary, New Mexico Environment Department  
Gay Dillingham, Chair, New Mexico Environmental Improvement Board  
Ana Marie Ortiz, Director, Field Operations  
Fernando R. Martinez, Chief, Drinking Water Bureau