



June 17, 2020

Ms. Alexandra Dapolito Dunn, Assistant Administrator  
Office of Chemical Safety and Pollution Prevention  
Environmental Protection Agency

**Re: Significant New Use Rules on Certain Chemical Substances (20–5.B)**  
**Docket ID: EPA-HQ-OPPT-2020-0222**

Dear Assistant Administrator Dunn,

The Association of State Drinking Water Administrators (ASDWA) appreciates the opportunity to provide comments on EPA’s Significant New Use Rules on Certain Chemical Substances. ASDWA is the professional association that serves the men and women (and their staff) who lead and implement the 57 state and territorial drinking water programs serving as the primacy agencies to administer the Safe Drinking Water Act (SDWA). Formed in 1984 to address a growing need for state administrators to have national representation, ASDWA has become a respected voice for states with Congress, EPA, and other Federal agencies.

*Overarching Comments*

ASDWA would like to reiterate our recommendations provided in multiple comment letters to EPA for the Agency to use a holistic approach to address the challenges from per- and polyfluoroalkyl substances (PFAS). A holistic approach is applicable to all chemical compounds in this and other Significant New Use Rules (SNURs). This holistic approach includes close coordination across all EPA programs and with other federal agencies to administer all possible federal regulatory authorities to understand, assess, address, remove, and most importantly, to prevent harmful chemicals from entering the environment from all contributing media under the Toxic Substance Control Act (TSCA). Considerations for this approach must include drinking water treatment; disposal of chemical substances in wastewater, sludge, and biosolids applications; and at landfills, in leachate, and in air emissions from incineration to ensure complete consideration of a substance’s lifecycle in the environment. This approach is particularly important for chemical substances where there is a lack of data and information to determine potential impacts to drinking water and human health, and that may present unforeseen risks in the future, such as was the case with PFAS when manufacturing began in the 1960s and continues today.

ASDWA urges EPA to use its authorities under TSCA to prohibit or restrict the use of chemicals that may adversely impact drinking water sources and public health throughout any part or all of the chemical’s lifecycle - from manufacturing through processing, distribution, and disposal. In

this regard, ASDWA further recommends that EPA's Office of Pollution Prevention and Toxics (OPPT) coordinate more closely with the Office of Ground Water and Drinking Water (OGWDW) that is responsible for SDWA implementation and may be considering or have additional data and information on chemicals in this and future SNURs to better inform holistic decision-making throughout the Agency. While we understand that the two regulatory programs coordinate to some extent, ASDWA would like to emphasize that the requirements of the respective statutes should not exclude OPPT from further considering drinking water impacts in TSCA SNUR decision making processes. Additionally, these statutes do not restrict these regulatory programs from undertaking more holistic coordination approaches that move beyond program silos created by the two different statutes and by existing EPA protocols.

*Specific Comments on PMN Number: P-17-86, Chemical Name(s): Cycloalkyl, bis(ethoxyalkyl)-, cis- (generic) (P-17-86, chemical A) and Cycloalkyl, bis(ethoxyalkyl)-, trans- (generic) (P-17-86, chemical B)*

ASDWA is particularly concerned with this chemical substance in the SNUR that has the potential to impact drinking water sources and human health. ASDWA recommends that EPA undertake a deliberative process using sound science and stakeholder engagement to assess and restrict the release of this chemical into surface waters and the use and disposal of this chemical where it can rapidly migrate into ground water that may serve as drinking water sources, due to the lack of information and potential risk. ASDWA's concern is based on the following information provided in the *Federal Register* notice and supporting documents that indicate EPA has:

- Identified concerns for reproductive and organ toxicity, and systemic and developmental effects as hazards based on submitted test data for the new chemical substance.
- Calculated the drinking water lifetime exposure limit (DWEL) given a point of departure (POD) of 5 mg/kg-day and a benchmark margin of exposure (MOE) of 100 results in an adult DWEL of 1.3 mg/l and an infant DWEL of 0.33 mg/l.
- Determined that drinking water toxicity may occur at concentrations that exceed 330 ppb.
- Restricts manufacturing and processing release of the PMN substances resulting in surface water concentrations that exceed 330 parts per billion (ppb).
- Exempts processors receiving the PMN substances from fragrance compounding processors at concentrations below 10% (by weight) from the water release provisions.
- Expects migration of these chemicals to groundwater to be moderate to rapid due to low to moderate sorption to soil and sediment.
- Expects wastewater treatment to remove these substances with an efficiency of 50% due to sorption.
- Estimates that the substance is very persistent in the environment but has a low potential for bioaccumulation.
- Determined that the results of environmental exposure monitoring would help characterize the potential health effects of the PMN substances. However, the FR notice does not include information on whether EPA will take actions to address this gap in monitoring results.

ASDWA urges EPA to use its authority under TSCA as part of a holistic approach to prevent chemical substances, such as the one identified in this letter, from entering the environment.

State drinking water programs and water utilities are having to assume the burden and cost of removing these harmful chemicals from both surface water and ground water sources of drinking water. State drinking water programs and water utilities are having to clean up contamination that could have been prevented through improved source water protection, while the manufacturers continue to profit from the use and sale of these chemical substances. The SDWA uses a “multiple-barrier approach” that includes source water protection and treatment to ensure that drinking water is safe from many potential contaminants. This approach is not intended to leave the burden of responsibility on the drinking water utility to remove toxic chemicals from the environment; it is to ensure that these barriers will minimize human exposure. Preventing contaminants from entering drinking water sources is much more effective and less expensive than having to remove them once drinking water has become contaminated. Protecting drinking water sources (and preventing contamination) is essential for sustaining safe drinking water supplies, protecting public health and the economy, and has many additional environmental benefits.

ASDWA appreciates this opportunity to provide comments and looks forward to further engaging with EPA on this topic. Please feel free to contact me at [aroberson@asdwa.org](mailto:aroberson@asdwa.org) if you would like to discuss these comments in more detail.

Sincerely,



J. Alan Roberson, P.E.  
Executive Director  
Association of State Drinking Water Administrators

cc: David Ross - Assistant Administrator, OW  
Jennifer McLain - OGWDW  
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