



July 15, 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 (20–6.B)
Docket ID: EPA-HQ-OPPT-2020-0251

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 about using a holistic approach for 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 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. The holistic 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 recommends that EPA’s Office of Pollution Prevention and Toxics (OPPT)

coordinate closely with the Office of Ground Water and Drinking Water (OGWDW) to identify additional data and information on chemicals in this and future SNURs to better inform holistic decision-making processes throughout the Agency. While we understand that the two regulatory programs do 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 SNURs. For example, the OGWDW may have assessed risks for “analogous chemicals” similar to the new chemicals in the SNUR under various SDWA programs, where OPPT should engage OGWDW to inform new SNURs.

Specific Comments

ASDWA appreciates the information EPA has provided on the risk and toxicity assessments for each of the chemicals, however, ASDWA recommends that additional studies and testing be conducted to better characterize the potential human and environmental health risks. More data and information about these chemicals in advance of the SNURs will help ensure that harmful human and environmental impacts are not found in the future due to the lack of data and information to prevent contamination now. For example, the supporting documents for some of the chemicals in the SNUR specifically exclude evaluation of risks to drinking water based on the expectation that the substance will not be released to surface water. This is particularly concerning when the use and disposal of these chemicals are not required to be reported by the SNUR, and they cannot be removed from wastewater. In this regard, we are pleased to see that EPA has changed the language in the SNURs to now designate releases to surface water as a significant new use “requiring further review by EPA,” though it would be more helpful to have this information in advance.

ASDWA is concerned with the following five chemical substances in this SNUR that have the potential to impact to drinking water sources and human health. Due to the lack of information and the potential risks, ASDWA recommends that EPA undertake a deliberative process using sound science and stakeholder engagement to assess and restrict the release of these chemical into surface waters. Additionally, EPA should investigate the use and disposal of these chemicals where they can migrate into groundwater that may serve as drinking water sources.

PMN Number: P-18-151, Chemical Name(s): Formaldehyde, reaction products with 1,3-benzenedimethanamine and p-tert-butylphenol, CAS number: 158800-93-2.

ASDWA is concerned with the following information provided in the *Federal Register* notice and supporting documents that indicate EPA:

- Calculated the drinking water Acute Dose Rate (ADR) as high as $8.98e-7$ mg/kg/day and lifetime average daily dose (LADD) as high as $2.15e-8$ mg/kg/day.
- Identified concerns for aquatic toxicity, reproductive/developmental toxicity, respiratory sensitization, skin corrosion, skin irritation, skin sensitization, and systemic effects if the chemical substance is used in ways other than as intended by the PMN submitter.
- Expects migration of these chemicals to groundwater to be moderate due to moderate sorption to soil and sediment.
- Expects wastewater treatment to remove these substances with an efficiency of 25% to 50% due to sorption.

- Estimates that the substance is very persistent in the environment but has a low potential for bioaccumulation.
- Indicates that the new chemical substance is expected to have high environmental hazard.

PMN Number: P-19-88, 721.11501 Ethanamine, N-ethyl-, 2-hydroxy-1,2,3-propanetricarboxylate (1:?).

ASDWA is concerned with the following information provided in the *Federal Register* notice and supporting documents that indicate EPA:

- Estimates acute oral toxicity: lethal dose (LD) 50 = 540 mg/kg-bw.
- Has not evaluated risks for the general population via drinking water ingestion or fish ingestion because there are no releases to surface water. However, the SNUR indicates that further review by EPA is required for, “Release of a manufacturing, processing, or use stream associated with any use of the PMN substance exceeding a surface water concentration of 46 ppb.”

PMN Number: P-19-109, 721.11502 Copper, [[2,2',2''-(nitriilo-.kappa.N)tris[ethanolato-.kappa.O]](2-)]-(P-19-109, chemical A) and 721.11503 Copper, bis[2-(amino-.kappa.N)ethanolato-.kappa.O]- (P-19-109, chemical B).

ASDWA is concerned with the following information provided in the *Federal Register* notice and supporting documents that indicate EPA:

- Assessed exposure to the general population was assessed via ingestion of groundwater impacted by landfill leaching but exposure to the general population was not assessed via drinking water or fish ingestion because no releases to surface water are expected. However, the SNUR indicates that further review by EPA is required for, “Release of a manufacturing, processing, or use stream associated with any use of the PMN substance exceeding a surface water concentration of 3 ppb.”
- Identified an oral lowest-observed-adverse-effect level (LOAEL) of 50 mg/kg/day based on developmental toxicity, which was protective for acute toxicity, systemic effects and reproductive toxicity.
- Identified the ATSDR minimal risk level (MRL) for acute toxicity and systemic effects is derived from the no-observed-adverse-effect level (NOAEL) of 0.0272 mg Cu/kg/day for gastrointestinal effects in women ingesting copper sulfate in drinking water for 2 weeks.
- Expected migration to groundwater for the first and second anions (Ethanamine and Triethanolamine) to have moderate potential to migrate to groundwater.
- Estimates that the cation could be very persistent in the environment but has a low potential for bioaccumulation.
- Indicates that the new chemical substance is expected to have high environmental hazard.

PMN Number: P-20-36, 721.11504 Carbonic acid, di(lithium-6Li) salt.

ASDWA is concerned with the following information provided in the *Federal Register* notice and supporting documents that indicate EPA:

- Estimates a worst-case NOAEL of 2.0 mmol Lithium/kg-bw/day, (equivalent to 13.9 mg Lithium/kg-bw/ day) was derived based on these results of a 2-year drinking water study in rats.
- Only assessed worker exposure via the dermal and inhalation routes, as no releases to surface water are expected. However, the SNUR indicates that further review by EPA is required for, “Release of a manufacturing, processing, or use stream associated with any use of the PMN substance exceeding a surface water concentration of 35 ppb.”
- Expects wastewater treatment to remove the hydrolysis product with an efficiency of 0% to 50% due to sorption.
- Expects migration of the hydrolysis product to groundwater to be moderate to rapid due to low to moderate sorption to soil and sediment.

PMN Number: P-20-37, 721.11505 Lithium chloride (6LiCl). 721.11506 [Reserved]. CAS Number: 20227-31-0

ASDWA is concerned with the following information provided in the *Federal Register* notice and supporting documents that indicate EPA:

- Calculated the drinking water Acute Dose Rate (ADR) as high as 2.32E-03 mg/kg-bw/day and lifetime average daily dose (LADD) as high as 7.14E-06 mg/kg-bw/day.
- Has not identified risks for the general population for systemic effects via drinking water exposure based on quantitative hazard data for an analogue (MOEAdultDW = 6,243; MOEInfantDW = 1,486; Benchmark MOE = 100).
- Does not expect irritation hazards to the general population via drinking water ingestion due to dilution of the chemical substance in the media.
- Expects wastewater treatment to remove the cation with an efficiency of 0% to 50% due to possible sorption.
- Expects the cation to have moderate to high potential to migrate to groundwater.
- Estimates that the cation may be very persistent in aerobic environments (e.g., surface water) and anaerobic environments (e.g., sediment).

ASDWA urges EPA to use its authority under TSCA as part of a holistic approach to prevent chemical substances, such as those 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 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
Eric Burneson - OGWDW
Kenneth Moss - OPPT