



August 18, 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 (20–7.B)
Docket ID: EPA-HQ-OPPT-2020-0303-0001

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 significant new uses “requiring further review by EPA,” and that EPA “is proposing to designate these reasonably foreseen conditions of use and other circumstances of use as significant new uses...(that) cannot occur without...a separate, subsequent EPA review and determination process associated with a Significant New Use Notification (SNUN).” ASDWA also supports EPA efforts to encourage companies to consult with the Agency and “promote the development and implementation of alternative test methods and strategies (New Approach Methodologies (NAMs)) to reduce, refine or replace vertebrate animal testing and provide information of equivalent or better scientific quality and relevance for assessing risks of injury to health or the environment of chemical substances or mixtures,” to meet both the data needs and the objective of TSCA section 4(h).

ASDWA is concerned with the following two 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 potential risk, ASDWA recommends that EPA undertake a deliberative process using sound science and stakeholder engagement to assess and restrict the release of these chemicals 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-17-333, Chemical Name(s): 2-Propenoic acid, mixed esters with heterocyclic dimethanol and heterocyclic methanol (generic).

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

- Identifies a no-observed-adverse-effect level (NOAEL) of 84 mg/kg-bw/day for Oral (drinking water).
- Estimates that the new chemical substance has moderate potential to migrate to groundwater.
- Expects wastewater treatment to remove these substances with an efficiency of 50% due to sorption and possible partial biodegradation.
- Estimates that the substance could be very persistent but has low potential for bioaccumulation.
- Expects the new chemical substance to have high environmental hazard but that risks to the environment were not identified due to no releases to water. However, EPA has identified concerns for aquatic toxicity, reproductive toxicity, respiratory sensitization, skin sensitization, and specific target organ toxicity if the chemical is not used following the SNUR limitations for surface water concentration releases and determined that the results toxicity testing would help characterize the potential environmental and health effects of the PMN substance.

PMN Number: P-20-38,

1,3,5-Triazine-2,4,6(1H,3H,5H)-trione, 1,3,5-tris[3-(2-oxiranyl)propyl]-.

CAS number: 91403-64-4.

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

- Calculated Drinking Water Equivalent Levels (DWELs) for drinking water lifetime exposure at the 0.02 mg/L (20 ppb) for adults and 0.005 mg/L (5 ppb) for infants, given a point of departure (POD) of 0.72 mg/kg-bw/day and a benchmark margin of exposure (MOE) of 1000.
- Estimates indicate that the new chemical substance and the hydrolysis product have high potential to migrate to groundwater.
- Expects wastewater treatment to remove the new chemical substance with an efficiency of 0% to 25% due to hydrolysis and remove the hydrolysis product with an efficiency of 0% due to low biodegradability, low sorption, and low stripping.
- Estimated that the hydrolysis product could be very persistent but has low potential for bioaccumulation.
- Expects the new chemical substance to have moderate environmental hazard and that risks to the environment were evaluated by comparing estimated surface water concentrations with the acute and chronic concentrations of concern, but that risks to the environment were not identified due to no releases to water. However, the SNUR indicates that EPA has identified concerns for toxicity if the chemical is not used following the SNUR limitations for surface water concentration releases and determined that the results toxicity testing would help characterize the potential environmental and health effects of the PMN substance.

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