



July 11, 2022

Michal Freedhoff, Ph.D., Assistant Administrator
Office of Chemical Safety and Pollution Prevention
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

RE: Confidential Business Information Claims under the Toxic Substances Control Act
Docket ID: EPA-HQ-OPPT-2021-0419

Dear Dr. Freedhoff,

The Association of State Drinking Water Administrators (ASDWA) appreciates the opportunity to provide comments on EPA's "Procedures for Submitting Information Subject to Business Confidentiality Claims Under the Toxic Substances Control Act (TSCA)." ASDWA is the non-partisan professional association that serves the men and women (and their staff) who represent the 57 state and territorial drinking water programs serving as the primacy agencies to administer the Safe Drinking Water Act (SDWA). However, these comments do not necessarily represent the specific views and concerns of individual states or consensus from all states.

Overarching Comments

ASDWA has provided multiple comment letters to EPA on TSCA actions. A theme consistently repeated in our past comments is the recommendation for the Agency to use a holistic lifecycle approach that includes close coordination with other Federal agencies to administer all possible federal regulatory authorities to assess, address, and remove or prevent new and existing chemicals from entering the environment (and drinking water sources) from all contributing media to protect public health. The holistic approach is particularly important for TSCA programs where the exclusion of Confidential Business Information (CBI) could inhibit the ability of EPA, states, water systems, and the public to fully understand potential impacts to drinking water and human health from new and existing chemicals - that may present unforeseen risks in the future, such as was the case with PFAS when manufacturing began in the 1950s and continues today.

New and Amended CBI Requirements

ASDWA supports the Agency's efforts to develop new and amended requirements in the proposed rule to ensure access to chemical health and safety data and information, increase transparency, and modernize reporting and review procedures to ensure consistency with the 2016 Lautenberg Chemical Safety Act amendments to TSCA. Federal agencies (including EPA), states, and water systems need timely access to chemical health and safety information and

studies, information about chemicals and mixtures, and reporting data. Everyone needs this information to adequately assess and address potential impacts to drinking water and public health such as:

- Understanding where chemical facilities are located and what chemicals (and volumes of chemicals) are used and produced on-site to properly identify sources of possible contamination and necessary response actions;
- Preparing for and responding to potential spills; and
- Implementing remediation actions after chemical contamination has occurred.

Chemical Health and Safety Information and Studies

In past comments to the Agency, ASDWA has been particularly concerned with the availability and access to health and safety-related information and studies on new and existing chemicals. ASDWA supports the requirements for CBI data in the proposed rule that will help ensure that this information is readily accessible for determining actions both before and after chemicals are manufactured and used in commerce. EPA must ensure easy access to health and safety-related information and studies from companies for both new and existing chemicals that is necessary for EPA to be transparent in its actions to:

- Conduct assessments of potential exposures and releases associated with new chemicals, Significant New Use Rules, and risk evaluations of existing chemicals;
- Make determinations on whether new chemicals pose an unreasonable risk to human health or the environment and develop risk management rules for existing chemicals;
- Require additional studies and testing to better characterize the potential human and environmental health risks for both new and existing chemicals;
- Apply prohibitions and use restrictions in advance of a chemical or mixture being manufactured or for an existing chemical or mixture; and
- Add chemical substances to Chemical Substance Inventory.

Chemical Inventory Data and Reporting

ASDWA supports the procedures in the proposed rule to require each CBI claim for a specific chemical identity to be accompanied by a structurally descriptive generic name for that substance, as well as for adding new chemicals to the TSCA Inventory. ASDWA also supports limiting chemical data reporting exemptions on the basis of CBI and recommends that EPA be transparent and provide detailed explanations for its determinations when granting CBI exemptions. This transparency will help ensure that EPA's efforts to grant CBI exemptions for inventory data and reporting will not perpetuate gaps in chemical data that states and water systems need to assess and address potential impacts to drinking water sources and public health.

In closing, ASDWA recommends that EPA move forward with the proposed changes to TSCA as part of a holistic approach to ensure access to chemical data and information that will help inform actions to reduce public health risks from chemicals throughout any part or all of their lifecycle - from manufacturing through processing, distribution, and disposal. Protecting drinking water sources (and preventing chemical 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,

A handwritten signature in blue ink that reads "J. Alan Roberson". The signature is fluid and cursive, with the first name "J." being particularly prominent.

J. Alan Roberson, P.E.
Executive Director

Cc: Radhika Fox – EPA OW
Jennifer McLain – EPA OGWDW

