



August 14, 2023

Dr. Michal Freedhoff  
Assistant Administrator  
Office of Chemical Safety and Pollution Prevention (OCSPP)  
U.S. Environmental Protection Agency

**Re: Perchloroethylene (PCE); Rulemaking under TSCA Section 6(a); Docket ID: [EPA-HQ-OPPT-2020-0720](#)**

Via Regulations.gov

Dear Assistant Administrator Freedhoff,

The Association of State Drinking Water Administrators (ASDWA) appreciates the opportunity to provide comments on the Environmental Protection Agency's (EPA's) proposed rule to regulate perchloroethylene (PCE) under the Toxic Substances Control Act (TSCA). ASDWA is the professional association that serves the leaders (and their staff) of the 57 state and territorial drinking water programs. As co-regulators with EPA, ASDWA's members play a critical role in ensuring that drinking water is of the highest quality possible, and that public health and the environment are protected.

ASDWA has consistently supported EPA's actions under TSCA to keep harmful chemicals out of the environment and protect drinking water sources. ASDWA is supportive of this proposed rule and agrees with EPA's conclusion that "TSCA is the only regulatory authority able to prevent or reduce unreasonable risk of PCE to a sufficient extent across the range of conditions of use, exposures and populations of concern. This unreasonable risk can be addressed in a more coordinated, efficient and effective manner under TSCA than under different laws implemented by different agencies." ASDWA has continually argued that when addressing substances that may impact drinking water sources, a comprehensive and holistic risk assessment and evaluation approach is needed to consider potential impacts to drinking water, human health, and the environment. Assessments should be undertaken throughout any part or all of the chemical's lifecycle - from manufacturing through processing, distribution, and disposal.

PCE has long been a problematic contaminant in source waters used for drinking water, particularly for groundwater systems. PCE was regulated under the Safe Drinking Water Act (SDWA) at 5 parts per billion as part of the [Phase II regulation](#) in 1991. In order to regulate a

new substance under SDWA from the Contaminant Candidate List (CCL), EPA must determine that the substance may have an adverse health effect, is known to occur, or there is a substantial likelihood that the contaminant will occur in public water systems with a frequency and at levels of public health concern, and that a national regulation presents a meaningful opportunity for health risk reduction<sup>i</sup>. These three criteria highlight the need to ensure that the Agency uses all its regulatory authorities, such as phasing out and limiting the uses of PCE under TSCA, to ensure this contaminant does not adversely impact sources used for drinking water.

ASDWA supports the 10-year phaseout of the use of PCE for dry-cleaning activities, as these activities are a significant source of groundwater contamination<sup>ii,iii,iv</sup>. For the 17 uses of PCE that would continue, ASDWA recommends that EPA take actions to ensure that this chemical does not adversely impact drinking water sources. TSCA is the first line of defense for protecting drinking water sources from emerging contaminants. Preventing contaminants from entering drinking water sources is more effective and less expensive than removing them once drinking water is contaminated. Protecting drinking water sources (and preventing contamination) is essential for sustaining safe drinking water supplies, protecting public health and the economy, and protecting the environment.

ASDWA thanks EPA for the opportunity to provide comments on this important rulemaking. Primacy agencies are EPA's co-regulators and the boots on the ground for ensuring safe drinking water, so collecting primacy agency input throughout all regulatory actions is critical. If you would like to discuss these comments further, please contact me ([aroberson@asdwa.org](mailto:aroberson@asdwa.org)) or Stephanie Schlea ([sschlea@asdwa.org](mailto:sschlea@asdwa.org)).

Sincerely Yours,



J. Alan Roberson, P.E.  
ASDWA Executive Director

Cc: Jennifer McLain – EPA OGWDW  
Kelly Summers – EPA OPPT

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<sup>i</sup> Safe Drinking Water Act. 42 U.S.C. § 300f

<sup>ii</sup> Minnesota Department of Health. (2014, July). Tetrachloroethylene (PCE) and Drinking Water. [Tetrachloroethylene \(PCE\) and Water \(state.mn.us\)](#)

<sup>iii</sup> California State Water Resources Control Board Division of Water Quality. (2017, November). GROUNDWATER INFORMATION SHEET Tetrachloroethylene (PCE). [BILL SUMMARY \(ca.gov\)](#)

<sup>iv</sup> Kansas Department of Health and Environment. (Nd). Former American Cleaners Dry Cleaners Site. Retrieved July 31, 2023 from [Former American Cleaners Dry Cleaners Site | KDHE, KS](#)