



September 7, 2023

Dr. Alaa Kamel  
Designated Federal Officer  
Mission Support Division  
Office of Pollution Prevention and Toxics  
Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington, DC 20460-0001  
**ELECTRONICALLY TRANSMITTED**

RE: Draft Supplement to the Risk Evaluation for 1,4-Dioxane ([Docket ID: EPA-HQ-OPPT-2022-0905](#)) and Draft Revision to Toxic Substances Control Act (TSCA) Risk Determination for 1,4-Dioxane ([Docket ID: EPA-HQ-OPPT-2016-0723](#))

Dear Dr. Kamel,

The American Water Works Association (AWWA), Association of Metropolitan Water Agencies (AMWA), and Association of State Drinking Water Administrators (ASDWA) appreciate the opportunity to comment on the U.S. Environmental Protection Agency (EPA)'s recently published "Draft Supplemental Analysis to the Draft Toxic Substances Control Act (TSCA) Risk Evaluation for 1,4-Dioxane" and the Draft Revision to Toxic Substances Control Act (TSCA) Risk Determination. TSCA plays an important role in ensuring that chemicals do not pose an unreasonable risk to the environment and public health, including through the protection of drinking water supplies. The Associations hope that these comments will assist EPA in finalizing the 1,4-dioxane risk evaluation and determination and in structuring future risk evaluations, which consider exposure via drinking water.

TSCA is the cornerstone of the EPA's statutory authorities to protect the environment and the public from unreasonable risks from the use of chemicals in manufacturing and commerce. In conducting risk evaluations under TSCA, EPA has a responsibility to consider chemical contamination of drinking water supplies, but the Frank R. Lautenberg Chemical Safety for the 21<sup>st</sup> Century Act specifically directed EPA to consider drinking water contamination as part of the risk evaluation process.

EPA's 1,4-dioxane risk evaluation failed to consider drinking water contamination as a potential route of exposure subject to TSCA, citing that these risks are managed by the Safe Drinking Water Act (SDWA). While SDWA provides EPA the authority to manage drinking water contaminants, the draft evaluation's reliance on SDWA to mitigate these risks was inappropriate and would shift the burden of risk management away from manufacturers and users to drinking water systems. The Associations appreciate and support the current proposal's consideration of 1,4-dioxane releases to surface water and groundwater as a route of exposure subject to the TSCA risk evaluation and subsequent risk management actions.

In structuring the TSCA approach to evaluating the potential risk of drinking water exposure, it is important that the EPA create a framework with a sound foundation for future risk evaluations that can be applied to both existing and new chemicals. The framework, included in the draft supplement, for assessing groundwater and surface water contamination and the risk to drinking water provides a foundation for modeling contaminant levels based on readily available information. While the draft approach compares these results with monitoring data, it is capable of being used as a screening tool for chemicals for which monitoring data is lacking. While water systems and other entities commonly collect data on emerging contaminants in groundwater, surface water, and drinking water, this data may not always be available. New chemicals being considered for manufacture and commercial use would also not have occurrence data. Therefore, the Associations agree with this approach and support the framework's ability to be leveraged for both existing and new chemicals with, or without, monitoring data.

To identify the potential risk of chemical exposure through drinking water, the draft supplement approach makes two significant assumptions: (i) drinking water treatment will not remove 1,4-dioxane and (ii) potential fate and transport processes are excluded from the assessment. These assumptions are conservative and ensure that the risks of drinking water contamination are characterized for the most susceptible populations with drinking water sources immediately downstream of facility releases. While some drinking water treatment processes may remove 1,4-dioxane, these technologies are not widely used and are very costly for systems – including well-owners – to install. Additionally, while these assumptions may not accurately reflect the potential risk of drinking water exposure across every community in the United States, these assumptions provide a characterization of the risks to both public water systems serving entire communities and private well owners near sources of 1,4-dioxane releases.

The draft approach to assess multiple types of common 1,4-dioxane uses and releases with both a facility-specific and probabilistic methodology is reasonable. However, the EPA's approach poses some transparency challenges and would significantly benefit from additional explanation of how release scenarios are structured, data-driven assumptions that are made, and flow paths for the calculation of release estimates. The Associations recommend that additional information be provided in future applications of this methodology.

Finally, the EPA's draft revision to the TSCA risk determination for 1,4-dioxane proposed to consider 1,4-dioxane through a whole chemical approach, in contrast to evaluating a chemical's various conditions of use, is appropriate for 1,4-dioxane. The Associations support this approach.

The Associations look forward to the EPA's attention and response to these comments. If you have any questions regarding these comments, please contact Chris Moody with AWWA ([Cmoody@awwa.org](mailto:Cmoody@awwa.org)), Stephanie Schlea with ASDWA ([Sschlea@asdwa.org](mailto:Sschlea@asdwa.org)), or Brian Redder with AMWA ([Redder@amwa.net](mailto:Redder@amwa.net)).

Best Regards,



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