Association of State
Drinking Water Administrators

April 8, 2024

Bruno Pigott, Acting Assistant Administrator
Office of Water
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

RE: Unregulated Contaminant Monitoring Rule; Methods Request
Docket ID: EPA-HQ-OW-2023-0469

Dear Acting Assistant Administrator Pigott,

The Association of State Drinking Water Administrators (ASDWA) is the professional association that serves the leaders (and their staff) of the 57 state and territorial drinking water programs. ASDWA's members are co-regulators with EPA in implementing the Safe Drinking Water Act (SDWA), ensuring safe drinking water, and improving public health protection every day. ASDWA appreciates the opportunity to comment on EPA's "Unregulated Contaminant Monitoring Rule; Methods Request."

ASDWA supports the EPA's continued data collection of contaminants through the Unregulated Contaminant Monitoring Rules (UCMRs). The UCMRs are a critical component of the regulatory development process under the SDWA to develop robust national occurrence data. However, occurrence data is only one component of regulatory development and making the decisions to move forward with national regulations, or not. Health effects data is needed to provide contextual information on what the occurrence data means for public health protection. The data provided by these two components is critical for the EPA Administrator to make a determination on whether a national regulation provides a meaningful opportunity for risk reduction as required by the SDWA. Health effects, occurrence and treatment data are inextricably linked in the regulatory development process. Based on these linkages, ASDWA recommends that the Agency prioritize testing methods that will move contaminants through the regulatory process, focusing on contaminants that are identified through a stakeholder process, as opposed to methods that developed in an EPA laboratory that may or may not be of the highest regulatory priority. Once the occurrence data is developed through UCMR6 and any future UCMRs, the Agency needs to follow through on the risk assessments to speed up future regulatory determinations.

ASDWA members are concerned that the state and some commercial laboratories will be less likely to participate in the sixth UCMR (UCMR 6) if new methods are required, especially if those methods require equipment that these laboratories do not already have. A new testing method that can meet the sensitivity criteria necessary to characterize a contaminant from the fifth

Contaminant Candidate List (CCL 5) at, or below, the level of concern is not useful if an insufficient number of laboratories are set up to run the method and participate in UCMR 6. ASDWA's members have heard concerns from many laboratories that diverting existing analytical equipment to run a new method or acquiring new equipment is a complex financial business decision. Laboratory capacity continues to be an issue, especially at state laboratories, given the ongoing regulatory focus on per- and polyfluoroalkyl substances (PFAS). A single round of UCMR monitoring, as opposed to compliance monitoring that continues in perpetuity, may not be enough to incentivize these actions.

Additionally, significant concerns with laboratory capacity throughout the country continue. Laboratories are working to balance increased workloads from the fifth UCMR (UCMR 5) and testing for contaminants in other environmental media, especially as new methods and requirements are established for emerging contaminants. Additionally, these laboratories will be under increased stress to manage upcoming SDWA regulatory actions, such as the PFAS regulation and the Lead and Copper Rule Improvements.

Several existing analytical methods can already analyze CCL 5 contaminants. Barring specific needs for more sensitive methods, ASDWA believes laboratories would be more likely to offer UCMR services if they are already running these methods, even if this might require modifications to the procedure to obtain a lower sensitivity or to meet new quality assurance/quality control requirements. Unless absolutely necessary, ASDWA recommends that EPA default to existing methods, and/or modifications to existing methods to increase the number of laboratories participating in the UCMR and bolster laboratory capacity.

Microplastics present a significant challenge under the SDWA regulatory development, in that, there is a lot of concern about the potential health effects and occurrence and limited laboratory capacity. ASDWA supports EPA's goal to characterize the national occurrence of microplastics in drinking water, as well as the Agency's general efforts to better understand the environmental and public health impacts of these substances. However, at this time, inclusion of microplastics within the UCMR methods development is premature. Microplastics are not currently listed on the CCL, and EPA's own definitions for what constitutes a microplastic is not consistent.

In the future, if EPA decides to add microplastics to the CCL, ASDWA recommends that the Agency to work with the states, particularly California that has been spearheading work on microplastics and will have results from the first phase of their testing program available in about two years. ASDWA recommends that the Agency consider California's existing standardized methods for extracting and analyzing microplastics in drinking water for Raman spectroscopy and infrared spectroscopy that were made available on September 28, 2021, in any future method development. Also, because of the expense and time-consuming methods needed for microplastics, a cheaper and faster screening method is needed for microplastics to determine which samples may warrant the costlier methods and which ones don't. The specific analytical method suggestions in the April 5th comments of California Water Resources Control

Board's comments should prove useful in this regard. Through the expertise in state laboratories, ASDWA's members can provide substantial technical insights into the CCL/UCMR process, and ASDWA appreciates the Agency's efforts to form a State-EPA Workgroup to provide additional input.

Thank you again for the opportunity to provide input on this critical work. If you have questions or want to discuss these comments in more detail, please contact Ashley Voskuhl at avoskuhl@asdwa.org or me at aroberson@asdwa.org.

Sincerely,

J. Alan Roberson, P.E.
Executive Director

Cc: Jennifer McLain – EPA OGWDW
Eric Burneson – EPA OGWDW
Melissa Simic – EPA OGWDW
Colleen Flaherty – EPA OST