



June 3, 2020

The Honorable Alexandra Dapolito Dunn  
Assistant Administrator  
Office of Chemical Safety and Pollution Prevention  
Environmental Protection Agency

**Re: Significant New Use Rules on Certain Chemical Substances (20–1.5e)**  
**Docket ID: EPA–HQ–OPPT–2019–0596**

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 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. This 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.

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 further recommends that EPA's Office of Pollution Prevention and Toxics (OPPT) closely coordinate with the Office of Ground Water and Drinking Water (OGWDW) that is responsible for Safe Drinking Water Act implementation and may be considering or have additional data and information on chemicals in this and future SNURs to better inform decision making.

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. They are essentially having to clean up contamination they did not cause and 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.

#### *Specific Comments*

ASDWA is particularly concerned with the following four chemical substances in this SNUR that have the potential to impact to drinking water sources and human health. ASDWA recommends that EPA undertake a deliberative process using sound science and stakeholder engagement to assess and restrict the release of these chemical into surface waters and the use and disposal of these chemicals where they can rapidly migrate into ground water that may serve as drinking water sources, due to the lack of information and potential risk. ASDWA also requests that EPA make additional data and information available that supports and provides justification for these determinations, including why the Agency is not ordering testing for chemicals that would help characterize potential human and environmental health effects.

*PMN Number(s): P-17-193, Chemical Name(s): Pentaerythritol ester of mixed linear and branched carboxylic acids and Dipentaerythritol ester of mixed linear and branched carboxylic acids (generic).*

The information provided in the *Federal Register* notice indicates that EPA:

- Has identified concerns for developmental and reproduction toxicity.
- Predicts drinking water toxicity may occur at concentrations that exceed 330 ppb.
- Restricts releases into surface water above 330 ppb.
- EPA has determined that the results of testing may be potentially useful to characterize the human health effects. However, it should be noted that the TSCA Order does not require these tests.

*PMN Number: P-17-282, Chemical Name: Isocyanic acid, polymethylenepolyphenylene ester, caprolactam- and phenol-blocked. CAS Number: 2093945-13-0.*

The information provided in the *Federal Register* notice indicates that EPA:

- Has identified concerns for membrane irritation, blood toxicity, and developmental toxicity.
- Predicts toxicity to aquatic organisms may occur at concentrations that exceed 1 ppb.
- Restricts releases into surface water above 330 ppb.
- EPA has also determined that the results of testing would help characterize the potential human and environmental effects. However, it should be noted that the TSCA Order does not require these tests.

*PMN Number: P-17-334, Chemical Name: Benzamide, 2-(trifluoromethyl)-, CAS Number: 360-64-5.*

The information provided in the *Federal Register* notice indicates that EPA:

- Has identified concerns for aquatic and/or terrestrial toxicity, reproductive, developmental and neurotoxicity, lung, liver, and kidney effects.
- Predicts environmental effects may occur at surface water concentrations that exceed 39 ppb.
- Restricts releases into surface water above 39 ppb.
- EPA has also determined that the results of testing would help characterize the potential human and environmental effects. However, it should be noted that the TSCA Order does not require these tests.

In addition, the information included in the docket indicates that:

- Migration of these chemicals to groundwater is expected to be rapid.
- Removal of these substances during wastewater treatment is expected to be between 0%-25%.

*PMN Number: P-18-62, Chemical Name: Oxirane, 2,2'-[cyclohexylidenebis(4,1-phenyleneoxymethylene)]bis-. CAS Number: 13446-84-9.*

The information provided in the *Federal Register* notice indicates that EPA:

- Has identified concerns for carcinogenicity and reproductive, mutagenicity and kidney effects.
- Predicts toxicity to aquatic organisms may occur at concentrations that exceed 1 ppb.
- Requires submission to EPA of certain toxicity testing before manufacturing the chemical for more than 18 months.
- Restricts releases into surface water.
- EPA has also determined that the results of testing would help characterize the potential human and environmental effects. However, it should be noted that the TSCA Order does not require these tests.

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. 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](mailto: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  
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