



May 2, 2019

Mr. Kenneth Moss
Office of Pollution Prevention and Toxics
Document Control Office (7407M)
1200 Pennsylvania Ave., N.W.
Washington, DC 20460

Re: Significant New Use Rules on Certain Chemical Substances
Docket ID: EPA-HQ-OPPT-2018-0697

Dear Mr. Moss:

The Association of Metropolitan Water Agencies (AMWA) is an organization representing the largest publicly owned drinking water utilities in the United States. Pollution prevention is paramount in protecting water sources for public water supply. For this reason, AMWA feels it is imperative to emphasize the importance of protecting drinking water sources through programs like the Toxic Substances Control Act (TSCA). These programs are the first line of defense against the growing number of contaminants that could pose a risk to drinking water supplies and the public.

Preventing pollutants from entering drinking water supply sources is a complex task. It is easier, more effective and more equitable to control pollutants at the source, where they are highly concentrated, than it is to remove them at the consumer's expense after they have entered a water body or supply source. Controlling pollutants at the source – in this case at the point of manufacture, import or process – also helps ensure that those who pollute our natural resources are not allowed to pass the cost of correcting the problem onto others.

AMWA is concerned with the overall lack of data for compounds included on the latest Significant New Use Rule (SNUR) (84 *FR* 9999). Of the 28 compounds listed, only five have Chemical Abstracts Service (CAS) Registry Numbers. This registry contains over 149 million unique organic and inorganic chemical substances and the registered numbers are used to positively identify these substances. If the other 23 compounds listed within this SNUR have no CAS number, there is likely little to no reliable information easily obtainable by the public as to any health or environmental effects. Indeed, after a cursory search through scientific literature, it appears that few chemicals on the list have reliable information on these critical components. If this is not the case, AMWA suggests the agency make this data more readily available and apparent within the notice and docket.

Furthermore, AMWA has numerous concerns with multiple substances listed in the SNUR. These chemicals are listed below along with details as to the specific concerns the association has for each.

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PMN Numbers: P-16-489, P-16-490, and P-16-491

Chemical Name: Epoxy-amine adduct, methanesulfonates (generic).

This compound currently has no CAS number and appears to have little to no information that is easily accessible, though within the docket EPA concludes “there is low to moderate concern for human health hazard for the chemical substance based on the concern for cationic binding to lung tissue.” However, further within the notice, the agency’s Order requires “no release of the [Premanufacture Notice] substances from manufacturing, processing, or use resulting in surface water concentrations that exceed 208 parts per billion (ppb).” AMWA is concerned by EPA’s apparent determination that this chemical may be released to surface waters at a level which appears to have no scientific basis. If there is empirical support for this determination, AMWA requests that EPA make such information readily available. Surface waters are often the source waters for drinking water utilities and therefore any allowance of chemical discharges to these should be made with this in mind and using scientifically sound data.

PMN Number: P-16-589

Chemical Name: Pentaerythritol ester of mixed linear and branched carboxylic acids (generic).

This compound currently has no CAS number and appears to have little to no information that is easily accessible. Within the notice, the agency identifies concerns for “developmental, kidney, liver, and specific organ effects” and one of the subsequent Orders require “no release of the [Premanufacture Notice] substance resulting in exceedance of a surface water concentration of 330 ppb.” AMWA is concerned by EPA’s apparent determination that this chemical may be released to surface waters at a level which appears to have no scientific basis when it appears that the chemical is known to, or likely will, have significant health effects. If there is empirical support for this determination, AMWA requests that EPA make such information readily available. Surface waters are often the source waters for drinking water utilities and therefore any allowance of chemical discharges to these waters should be made with this in mind and using scientifically sound data.

PMN Number: P-17-374

Chemical Names: Polysiloxanes, di alkyl, substituted alkyl group terminated, alkoxyated, reaction products with alkanolic acid, isocyanate substituted-alkyl carbomonocycle and polyol (generic)

This compound currently has no CAS numbers and though information is available within the docket and notice, AMWA is concerned with the agency’s determination to allow release of the chemical into surface waters so long as it does not exceed 110 ppb. The notice states that EPA has identified concerns for “sensitization, mutagenicity, oncogenicity, liver and kidney toxicities... [as well as] developmental toxicity based on analogy to triethanolamines”. AMWA encourages EPA to gather more data to better inform this decision. Surface waters are often the source waters for drinking water utilities and therefore any allowance of chemical discharges to these waters should be made with this in mind and using scientifically sound data.

PMN Number: P-17-328

2-Furancarboxylic acid, tetrahydro-

This chemical is categorized by the Globally Harmonized System of Classification and Labelling of Chemicals (GHS), an United Nations system to identify hazardous chemicals and to inform users about these hazards, for acute toxicity via oral route¹. AMWA encourages EPA to collect more data on this substance to better determine the health impacts, as well as data to determine what effects it may have on the environment and source waters.

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PMN Number: P-18-47

Chemical Name: 1,2-Ethanediol, 1,2-dibenzoate

According to the notice, EPA has identified test data on comparable chemicals and identified concerns for “blood, liver, and kidney toxicity, neurotoxicity, immunotoxicity, and reproductive and developmental toxicity, and ecotoxicity.” This chemical is also categorized by the GHS as a long-term environmental hazardⁱⁱ. The notice also confirms that the substance “is or will be produced in substantial quantities and that the substance either enters or may reasonable be anticipated to enter the environment in substantial quantities, or there is or may be significant (or substantial) human exposure to the substance.” With this in mind, EPA includes an Order that there will be no release of the substance “resulting in surface water concentrations that exceed 10 ppb.” AMWA is concerned by EPA’s apparent determination that this chemical may be released to surface waters at a level which appears to have no scientific basis when it appears that the chemical is known to, or likely will, have significant health effects. If there is empirical support for this determination, AMWA requests that EPA make such information readily available. Surface waters are often the source waters for drinking water utilities and therefore any allowance of chemical discharges to these waters should be made with this in mind and using scientifically sound data.

PMN Number: P-18-51

Chemical Name: Alkenoic acid, reaction products with polymers with isocyanatoalkane and substituted alkenoic acid, substituted monoacrylate alkenoate-blocked (generic).

This compound currently has no CAS number and appears to have little to no information that is easily accessible. Within the notice, the agency identifies concerns for “developmental toxicity, sensitization, irritation, corrosion, and eye damage” and one of the subsequent Orders require “no release of the [Premanufacture Notice] substance resulting in exceedance of a surface water concentration of 660 ppb.” AMWA is concerned by EPA’s apparent determination that this chemical may be released to surface waters at a level which appears to have no scientific basis when it appears that the chemical is known to, or likely will, have significant health effects. If there is empirical support for this determination, AMWA requests that EPA make such information readily available. Surface waters are often the source waters for drinking water utilities and therefore any allowance of chemical discharges to these waters should be made with this in mind and using scientifically sound data.

PMN Number: P-18-82

Chemical Name: Aspartic acid, tallow modified diester (generic).

This compound currently has no CAS number and appears to have little to no information that is easily accessible. Within the notice, the agency identifies concerns for “irritation, blood effects, neurotoxicity and surfactant effects on the lungs” and one of the subsequent Orders require “no release of the [Premanufacture Notice] substance resulting in exceedance of a surface water concentration of 1 ppb.” AMWA is concerned by EPA’s apparent determination that this chemical may be released to surface waters at a level which appears to have no scientific basis when it appears that the chemical is known to, or likely will, have significant health effects. If there is empirical support for this determination, AMWA requests that EPA make such information readily available. Surface waters are often the source waters for drinking water utilities and therefore any allowance of chemical discharges to these waters should be made with this in mind and using scientifically sound data.

AMWA recommends EPA reconsider approval for SNURs for chemicals known to have an acute toxicity to human health and is identified as a potential contaminant of concern in drinking water supplies. The Office of Pollution Prevention and Toxics (OPPT) should coordinate with the EPA Office of Ground Water and Drinking Water (OGWDW), which not only oversees SDWA implementation but also may have on its radar many of the chemicals

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being considered in this SNUR as potential drinking water contaminants. Furthermore, AMWA strongly encourages OPPT to utilize the knowledge base of the drinking water program at EPA's OGWDW to better inform decision making for future SNURs.

AMWA is also concerned with EPA's method of obtaining "Potentially Useful Information". The agency states that the Orders do not require testing to help determine potential health and/or environmental effects. The only incentive for manufacturers or users of these chemicals to obtain and submit this information is so that a modification or revoking of the Premanufacture Notice (PMN) would be allowed. This seems counterintuitive for chemicals that may have significant health effects. If a manufacturer is aware that a chemical may be as harmful, or more harmful, than is currently listed there could possibly be motivation to avoid further study as it would not remove the PMN and perhaps, would conclude that even more restrictions are necessary.

The agency should always consider the interaction of various existing laws, including the Safe Drinking Water Act (SDWA) as the end result of all of these loadings into the environment could result in a future problem for source water protection and ultimately necessitate additional drinking water treatment at a high cost to the public.

It is crucial to strive towards the prevention of pollutants entering drinking water sources and TSCA provides us with a unique opportunity to protect the environment and public health. AMWA thanks EPA for the opportunity to comment and looks forward to working with the agency to protect drinking water sources in the future.

If you would like to further discuss our concerns, please call Stephanie Hayes Schlea, Regulatory and Scientific Affairs Manager, at 202-331-2820.

Sincerely,



Diane VanDe Hei
Chief Executive Officer

cc: Alexandra Dapolito Dunn, Assistant Administrator, Office of Chemical Safety and Pollution Prevention
Eric Burneson, Director of Standards and Risk Management, Office of Ground Water and Drinking Water
Jennifer McLain, Acting Director, Office of Ground Water and Drinking Water

ⁱ National Center for Biotechnology Information. PubChem Database. CID=86079, <https://pubchem.ncbi.nlm.nih.gov/compound/86079> (accessed on Apr. 16, 2019)

ⁱⁱ National Center for Biotechnology Information. PubChem Database. 1,2-Ethanediol, dibenzoate, CID=66750, <https://pubchem.ncbi.nlm.nih.gov/compound/66750> (accessed on Apr. 16, 2019)