



January 24, 2018

USEPA Headquarters  
Office of Pollution Prevention and Toxics (OPPT)  
Document Control Office (7407M)  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Re: Public Meeting on Approaches for Identifying Potential Candidates for Prioritization for Risk Evaluation Under Amended TSCA; Federal Register Docket EPA-HQ-OPPT-2017-0586, Meetings: New Chemicals Review Program Implementation, etc.

To Whom It May Concern:

The Association of Metropolitan Agencies (AMWA) is an organization representing the largest publicly owned drinking water utilities in the United States. Pollution prevention is important to all of our members, as it is easier to stop pollution at the source than it is to remove these contaminants later during treatment at a drinking water facility at the customer's expense.

AMWA appreciates EPA's thorough overview of the options for the pre-prioritization of chemicals for evaluation through the Toxic Substances Control Act (TSCA) and the opportunity to comment. While AMWA does not have a particular preference for which method(s) EPA should use during the pre-prioritization process, the association feels it is imperative to emphasize the importance of protecting drinking water sources through programs like TSCA. AMWA is concerned that portions of the current framework given for the pre-prioritization process, regardless of which method is ultimately used, is lacking sufficient detail and defined parameters. In particular, AMWA encourages EPA to explicitly define key terms and methodologies used to prioritize chemicals. Specific examples are provided within attachment A.

AMWA also values EPA's work and commitment to maintaining transparency and engaging the public throughout the entire TSCA process. Continuation of these practices is crucial to achieving the best possible outcome for both the agency and the public.

Our specific comments are provided as attachment A. If you have any questions, please contact Stephanie Hayes Schlea ([schlea@amwa.net](mailto:schlea@amwa.net)), AMWA's Manager of Regulatory and Scientific Affairs.

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**CHIEF EXECUTIVE  
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Diane VanDe Hei

Sincerely,



Diane VanDe Hei  
Chief Executive Officer

Attachment

CC: Peter Grevatt; Eric Burneson

**Clarifying the following items would be beneficial to both EPA and non-government entities:**

Within the 2014 Work Plan, is there prioritization among chemicals that need more data? How are chemicals prioritized if they are known to come into contact with drinking water sources or are stored near these sources, yet lack “sufficient data?”

Under the functional category approach based on use and exposure potential (method #4), EPA states, “If more than 50% of the chemicals within a functional use category have sufficient data, then the functional use categories associated with those chemicals would be further considered.” Why is the benchmark of 50% used and how was this determined? Is this a hard rule regardless of the quality/quantity of data available? For example, if a category of chemicals is generally stored near drinking water sources, but less than 50% of those chemicals have “sufficient data”, does this mean those chemicals would not move further along in the prioritization process? AMWA cautions EPA against holding back chemicals known to have the potential to impact drinking water from moving through the pre-prioritization process due to this benchmark of 50% (without further explanation/consideration?).

A caveat listed for the functional category approach based on use and exposure potential (method #4) is that it may let a high hazard chemical without a category to not be selected early. The discussion document states “EPA does not expect that the path forward will necessarily entail choosing one single approach, but rather may include a number of differing approaches and tools, or components of differing approaches and tools, that could work in tandem.” With this in mind, could this methodology be combined with one or more other methods in order to ensure that high hazard chemicals are not overlooked within the pre-prioritization process? It is stated within the discussion document that “10 of the first 20 high-priority candidates must be drawn from the 2014 TSCA Work Plan” and that “EPA must continue to draw at least 50 percent of it’s high-priority substances from the 2014 Work Plan until the Work Plan is exhausted.” Therefore, would a combination of the two diminish this concern while allowing for more chemicals to be considered by using the grouping methodology within the functional category approach? If so, AMWA encourages EPA to consider using this multimethod approach.

**EPA should work to define the following terms:**

Within the discussion document, EPA uses the phrase “near significant sources of drinking water” multiple times. While AMWA appreciates EPA singling out and prioritizing drinking water, this phrase is lacking definition. In order for EPA, industry,

and the public to best provide information, data, and feedback the agency must be clear with its reasoning and expectations for this terminology.

Throughout the discussion document, EPA uses the terms “adequate data”, “sufficient data” and “sufficient information.” EPA should work to clarify what constitutes “sufficient” and “adequate” in these cases.

**Communication:**

EPA should ensure that the data needs of the agency and the types and quality of data required are explicitly stated when listing a chemical for the pre-prioritization process. This will help to guarantee that the agency receives the most useful and relevant data from the public and industry.

EPA should strive to continue to keep communication open and transparent in order to encourage the most information from the public, particularly if the agency intends to rely heavily on volunteered information from the public and industry. AMWA appreciates the agency's work so far by engaging stakeholders in the development of the pre-prioritization process and commends EPA for re-iterating their commitment to transparency throughout the discussion document.

**General Comments:**

As a general directive, EPA should lean on the more protective and conservative side when prioritizing chemicals.

Within the decision document, EPA states that in many cases “it would be difficult to require the development of necessary chemical substance information, evaluate that information, and incorporate that information into analyses and decisions within the statutory timeframes associated with the prioritization and risk evaluation processes. Therefore, it will be useful for EPA to identify information needs and determine whether any of these needs should be addressed before initiating the prioritization process.” AMWA agrees with this statement and urges EPA to provide an adequate amount of time between identifying a possible candidate within the pre-prioritization phase and starting the prioritization process. This is particularly important if the agency intends to rely heavily on volunteered information from the public and industry as is stated in the document.

AMWA encourages the Office of Pollution Prevention and Toxics to work with the Office of Ground Water and Drinking Water in order to effectively prioritize chemicals

which have the potential of impacting drinking water sources, both ground water and surface water.

EPA must prioritize chemicals that could potentially impact drinking water. It is vital to work towards preventing pollution as a means to ensure safe, reliable, and high quality drinking water for the public. It is significantly more difficult and expensive to manage chemicals once they are already within the drinking water systems.

AMWA applauds the agency's effort to make scientifically sound and data-supported decisions. However, AMWA cautions EPA on creating a hard rule that would exclude a chemical solely on the ability to hit a certain data-gathering threshold. AMWA would like the agency to consider being more flexible with prioritization decisions when dealing with chemicals that lack data, yet have the potential to be harmful and come into contact with drinking water sources. EPA should work to fill data gaps of those chemicals that lack data within this pre-prioritization phase. A lack of data alone should not automatically be a reason for not prioritizing a chemical if there is a risk to drinking water sources. This is again another reason to ensure that adequate time is given in the pre-prioritization phase so that sufficient data can be obtained.

If using the functional category approach based on use and exposure potential (method #4) and ranking by the suggested tier method, chemicals that may come into contact with drinking water sources should be placed into highest tier of prioritization.