



American Water Works  
Association



ASSOCIATION OF  
METROPOLITAN  
WATER AGENCIES

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RE: Draft Toxic Substances Control Act (TSCA) Risk Evaluations and TSCA Science Advisory Committee on Chemicals (SACC) Meetings; Cyclic Aliphatic Bromide Cluster (HBCD) and 1,4-Dioxane; Notice of Availability and Public Meetings (Docket ID: EPA-HQ-OPPT-2019-0238)

Dear Sirs,

On July 1, the U.S. Environmental Protection Agency provided notice under Administrator Wheeler's signature of draft TSCA risk evaluations for HBCD and 1,4 dioxane. The notice cited 15 USC 2601 as the basis for this notice. The referenced statutory language reads in part:

"...(2) among the many chemical substances and mixtures which are constantly being developed and produced, there are some whose **manufacture, processing, distribution in commerce, use, or disposal may present an unreasonable risk of injury to health or the environment;** and ..."

Consequently, as the American Water Works Association (AWWA) and Association of Metropolitan Water Agencies (AMWA) pointed out in prior comments to the Agency, the current draft risk evaluation framework is inconsistent with the authorizing statute.<sup>1,2</sup> EPA's decision to exclude drinking water exposure from the current risk evaluation inappropriately constrains the analysis, such that it does not meet a reasonable and prudent definition of "fit for purpose" given the clear intent for actions under the

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<sup>1</sup> 2018, AWWA Comment Letter, Docket Id. #: EPA-HQ-OPPT-2018-0210-0099

<sup>2</sup> 2019, AMWA Comment Letter, Docket Id. #: EPA-HQ-OPPT-2018-0772-0110

Toxic Substances Control Act (TSCA) to prevent avoidable health risks due to the use of chemicals in commerce.

“... (3) authority over chemical substances and mixtures should ... while fulfilling the **primary purpose** of this chapter to assure that such innovation and commerce in **such chemical substances and mixtures do not present an unreasonable risk of injury to health** or the environment. ...”<sup>3</sup>

AWWA and AMWA urge the TSCA Science Advisory Committee on Chemicals to reject the current TSCA risk assessment for 1,4 dioxane because it is based on an inadequate problem formulation and is thus incomplete. Regardless of the SACC recommendation with respect to 1,4 dioxane, AWWA and AMWA recommend that EPA reform its TSCA problem formulation framework. AWWA and AMWA agree with EPA that TSCA actions must be coordinated with other environmental statutes including the Safe Drinking Water Act. However, TSCA implementation that does not reduce the hazards posed from a chemical being allowed in commerce beyond those envisioned in the current risk formulation framework, is a failed process and inconsistent with clear statutory intent. TSCA should, when properly implemented, support and eliminate the need for controls under other environmental statutes. In the instance of 1,4 dioxane, multiple states are responding to groundwater contamination that is a threat to drinking water supplies. The fact that these controls are being implemented does not obviate the Agency’s responsibility to limit the introduction of a problematic chemical into public water supplies and groundwater used by individual household wells.

AWWA and AMWA look forward to the SACC providing clear instruction to EPA to revisit its problem formulation framework. The current draft 1,4 dioxane risk evaluation clearly illustrates that framework’s shortcomings. If you have any questions regarding these comments, please contact either of us or our staff, Steve Via at AWWA (202.326.6130) or Stephanie Hayes Schlea at AMWA (202.331.2820).

Best regards,



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Executive Director – Government Affairs



Diane VanDe Hei  
Chief Executive Officer

cc: Andrew Wheeler  
Alexandria Dunn  
Jennifer McLain

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<sup>3</sup> 15 U.S. Code § 2601(b)(3)

***Who is AWWA***

*The American Water Works Association is an international, nonprofit, scientific and educational society dedicated to providing total water solutions assuring the effective management of water. Founded in 1881, the Association is the largest organization of water supply professionals in the world. Our membership includes more than 4,000 utilities that supply roughly 80 percent of the nation's drinking water and treat almost half of the nation's wastewater. Our 50,000-plus total membership represents the full spectrum of the water community: public water and wastewater systems, environmental advocates, scientists, academicians, and others who hold a genuine interest in water, our most important resource. AWWA unites the diverse water community to advance public health, safety, the economy, and the environment.*

***Who is AMWA***

*The Association of Metropolitan Water Agencies is an organization of the largest publicly owned water utilities in the United States. AMWA's membership serves more than 156 million people – from Alaska to Puerto Rico – with safe drinking water. AMWA is the nation's only policy-making organization solely for metropolitan drinking water suppliers. The association was formed in 1981 by a group of general managers of metropolitan water systems who wanted to ensure that the issues of large publicly owned water suppliers would be represented in Washington, D.C. Member representatives to AMWA are the general managers and CEOs of these large water systems.*