



February 3, 2020

The Honorable Alexandra Dapolito Dunn  
Assistant Administrator  
Office of Chemical Safety and Pollution Prevention  
Environmental Protection Agency  
1201 Constitution Avenue, N.W.  
Washington, DC 20460

Re: Docket ID: EPA–HQ–TRI–2019–0375, *Addition of Certain Per- and Polyfluoroalkyl Substances: Community Right-to-Know Toxic Chemical Release Reporting*

Dear Assistant Administrator Dunn,

The Association of Metropolitan Water Agencies (AMWA) appreciates the opportunity to comment on the Environmental Protection Agency’s advance notice of proposed rulemaking, *Addition of Certain Per- and Polyfluoroalkyl Substances: Community Right-to-Know Toxic Chemical Release Reporting*. 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 Toxics Release Inventory (TRI) under the Emergency Planning and Community Right-to-Know Act. Programs such as these are crucial to ensuring that the source waters consumers rely on for drinking water are safe and reliable.

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. Equally important is being aware of how these substances are being managed, disposed of after their use, and when releases of contaminants have occurred so that appropriate preparation and action may be taken. Under TRI a “release” of a chemical means that it is emitted to the air or water or placed in some type of land disposal. All of these routes could result in these chemicals reaching public drinking water utilities’ source waters.

One group of chemicals included within the TRI are those which are considered Persistent Bioaccumulative Toxic chemicals. According to EPA’s TRI website, these chemicals are “of particular concern because they remain in the environment for long periods of time, are not readily destroyed and build up or accumulate in body tissue.”<sup>1</sup> Recently, we have learned of the persistent, bioaccumulative, and possible toxic characteristics of certain per- and polyfluoroalkyl substances (PFAS). These chemicals have been used for decades, but as our knowledge of these substances has grown, PFAS have been shown to be increasingly problematic. The

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agency itself has stated that various PFAS can accumulate within the human body and that they are very persistent within both the environment and the body<sup>ii</sup>. Indeed, this current action of determining whether to include PFAS within the TRI is being undertaken because of its inclusion within the agency's own PFAS Action Plan<sup>iii</sup>. Therefore, it would seem logical and reasonable to include PFAS within the TRI list.

Specifically, AMWA recommends that EPA include any PFAS which are included within the Unregulated Contaminant Monitoring Rule (UCMR) on the Toxics Release Inventory. If a chemical is deemed necessary by EPA to be included in the list of substances which drinking water systems must test for, the agency should be using the TRI to track their management and releases to ensure that we are looking at these substances holistically. Additionally, as more PFAS are added to the UCMR they should be simultaneously added to the TRI. This should hold true regardless of the process in which the PFAS have been added to the UCMR, either through normal procedures under the Safe Drinking Water Act or through other methods such as the 2020 National Defense Authorization Act (S. 1790) which requires the next UCMR to include all unregulated PFAS that have a validated drinking water measurement method, in addition to the maximum of 30 unregulated contaminants that may also be subject to water utility screening.

Finally, AMWA encourages the Office of Pollution Prevention and Toxics to coordinate with the Office of Ground Water and Drinking Water in developing and refining the TRI. It is imperative that these two offices work together in order to not only better protect source waters and drinking water, but to ensure that the agency's limited resources are utilized in the most efficient manner. The Toxics Release Inventory provides us with a unique opportunity to further protect the environment and public health from emerging contaminants of concern. 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, Director of Regulatory and Scientific Affairs, at 202-331-2820.

Sincerely,



Diane VanDe Hei  
Chief Executive Officer

cc: David Ross, Assistant Administrator, OW  
Jennifer McLain, OGWDW  
Eric Burneson, OGWDW

<sup>i</sup> <https://www.epa.gov/toxics-release-inventory-tri-program/tri-listed-chemicals>

<sup>ii</sup> <https://www.epa.gov/pfas/basic-information-pfas>

<sup>iii</sup> <https://www.epa.gov/pfas/epas-pfas-action-plan>