



**ASSOCIATION OF  
METROPOLITAN  
WATER AGENCIES**

**LEADERS IN WATER**

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November 7, 2025

The Honorable Lee Zeldin  
Administrator  
U.S. Environmental Protection Agency (EPA)  
Office of Water, Office of Science and Technology  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

*Submitted electronically*

**Re: EPA–HQ–OPPT–2025–0260 Procedures for Chemical Risk Evaluation under the Toxic Substances Control Act (TSCA)**

Dear Administrator Zeldin:

The Association of Metropolitan Water Agencies (AMWA) appreciates the opportunity to comment on EPA’s proposed rule revising the procedures for conducting risk evaluations under section 6(b) of TSCA. AMWA represents the largest publicly owned drinking water systems in the United States, and its membership serves more than 160 million people. Our members depend on TSCA to function as the nation’s first line of defense against harmful chemical releases. The risk evaluation process must therefore ensure that the responsibility for chemical safety remains with manufacturers and processors, not with water systems or the communities that ultimately face the costs of treating and removing contaminants from source waters. AMWA supports EPA’s goal of improving transparency and consistency in the TSCA risk evaluation process and recognizes the Agency’s intent to address the backlog of chemical risk evaluations. However, we urge the Agency to maintain comprehensive exposure analyses and a unified risk determination framework that ensure drinking water exposures are fully considered, as well as ensuring responsibility for risk management of chemicals remains with their manufacturers, not drinking water systems. The following comments address EPA’s specific requests for input.

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## **1. Burden Estimates and the Real-World Cost of Incomplete Evaluations (Unit I.E)**

EPA requests comment on its assumptions regarding the number of manufacturer-initiated risk evaluations and whether the proposed rule would reduce burdens. From AMWA's perspective, the primary burden concern lies not in the administrative costs to submitters, but in the potential costs to downstream communities when risk evaluations are incomplete or delayed. When chemical risk evaluations fail to fully assess environmental releases or exposure pathways, particularly those affecting surface water and groundwater, the burden shifts to drinking water systems that must remove these substances through treatment. Such costs can reach millions of dollars per contaminant, per system, dwarfing any administrative savings to industry. To support the most effective distribution of costs, EPA should ensure that all exposure pathways, including those involving water sources, are evaluated comprehensively. The Agency's estimates of burden should therefore account for avoided cleanup and treatment costs resulting from effective, preventive TSCA regulation. Doing so aligns with the statutory intent of TSCA to prevent unreasonable risk before contamination occurs, rather than reactively addressing pollution after it reaches source waters.

## **2. Clarity and Scope of Risk Evaluations (Unit III.A.2)**

EPA seeks comment on proposed amendments to 40 CFR 702.37(a)(3) and (4), including whether the revisions provide sufficient clarity for developing fit-for-purpose risk evaluations and how to treat conditions of use identified after an evaluation's conclusion. AMWA recommends that EPA retain explicit language requiring comprehensive evaluation of all reasonably foreseeable conditions of use, including those identified after initial scoping. Chemicals often move through complex supply chains, and new uses or releases may be identified years after initial review. Limiting consideration to conditions known at the time of scoping could result in incomplete or outdated evaluations. EPA should establish a process for reopening or supplementing risk evaluations when new conditions of use or exposure information become available. This approach will ensure that TSCA continues to provide timely protection as chemical markets evolve. AMWA also supports maintaining a clear, public record of how each risk evaluation defines its scope and rationale for inclusion or exclusion of conditions of use, so that affected sectors, such as drinking water systems, can assess potential implications for source water quality.

## **3. Comprehensive Inclusion of Exposure Pathways and Coordination with Other Laws (Unit III.A.3)**

EPA requests comment on whether it should specify that the Agency has discretion to exclude certain conditions of use or exposure pathways, and whether TSCA evaluations should defer to actions under other EPA statutes pursuant to section 9(b). AMWA strongly recommends that EPA not include regulatory text granting broad discretion to exclude exposure pathways, particularly those relating to drinking water. Past decisions to exclude drinking water pathways, such as in the initial 2020 Supplemental Analysis to the TSCA Risk Evaluation for 1,4-dioxane evaluation, led to serious underestimation of risks and shifted the cost of risk management to local water systems and ratepayers.<sup>1</sup>

The role of TSCA is distinct from, and complementary to, the Safe Drinking Water Act (SDWA) and the Clean Water Act (CWA). The latter statutes protect public health and environmental quality by prescribing

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<sup>1</sup> AMWA. (November 30, 2020). Comments on EPA's Supplemental Analysis to the 1,4-Dioxane TSCA Risk Evaluation. <https://www.amwa.net/testimonycomments/comments-epas-supplemental-analysis-14-dioxane-tsca-risk-evaluation>.

requirements to reduce the concentration of contaminants and pollutants in drinking water sources and other water bodies, whereas TSCA is intended to prevent the introduction of harmful chemicals into commerce. Coordinating actions under multiple statutes is valuable, but deference to other programs should not replace full evaluation of drinking water exposure within TSCA's framework. If EPA seeks to include new regulatory text, AMWA recommends language clarifying that coordination under section 9(b) may inform, but not limit, TSCA evaluations. Specifically, EPA should state that TSCA risk evaluations will include all reasonably anticipated exposure pathways, including those potentially addressed under other federal statutes, to ensure comprehensive identification and prevention of unreasonable risks. This preserves EPA's flexibility while ensuring continued protection of drinking water sources.

**Furthermore, limiting TSCA chemical risk evaluations due to the presence of other regulatory statutes would inappropriately move the responsibility of risk management from chemical manufacturers onto other parties that did not benefit from or create the chemicals.** In the case of water, failing to consider drinking water exposures because of the presence of CWA or SDWA regulatory schemes could lead to releases of chemicals into waters that local water systems – and ultimately ratepayers – are then responsible to manage. The proposed procedural revisions should not undermine TSCA's fundamental responsibility structure. Chemical manufacturers are best positioned to generate data, manage risks, and bear the costs associated with their products. Transferring this responsibility to local governments or water systems undermines the efficiency and intent of the statute. Preventing contaminants from entering the environment through effective upstream regulation is consistently more protective and cost-effective than removing them through treatment. EPA should therefore maintain comprehensive evaluation requirements, avoid discretionary exclusions that weaken risk analysis, and ensure that TSCA remains the nation's proactive tool for chemical risk prevention.

## Conclusion

AMWA appreciates the opportunity to comment on EPA's proposed changes to the procedural framework rule for conducting chemical risk evaluations under TSCA. The Association encourages EPA to finalize procedures that keep chemical risk management with manufacturers and ensure full consideration of all exposure pathways, especially those affecting drinking water. Comprehensive and transparent TSCA evaluations will safeguard public health, protect source waters, and reduce long-term costs to communities. If you wish to further discuss the content of this letter, please reach out to Jessica Evans, AMWA's Director of Regulatory Affairs, at [evans@amwa.net](mailto:evans@amwa.net).

Sincerely,



Tom Dobbins  
Chief Executive Officer

cc: Kelly Summers, OPPT  
Jennifer McLain, OGWDW  
Eric Burneson, OGWDW