ASSOCIATION OF METROPOLITAN WATER AGENCIES

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Richard Keigwin
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Submitted electronically

RE: Docket EPA-HQ-OPPT-2018-0448; Vinyl Chloride; Draft Scope of the Risk Evaluation Under the Toxic Substances Control Act (TSCA); Notice of Availability and Request for Comment

Dear Deputy Assistant Administrator Keigwin,

The Association of Metropolitan Water Agencies (AMWA) appreciates the opportunity to provide comments on the *Draft Scope of the Risk Evaluation Under the Toxic Substances Control Act (TSCA)* for vinyl chloride. AMWA members consist of the largest drinking water systems in the United States, collectively providing safe and affordable drinking water to over 160 million people.

AMWA shares EPA's goal to protect public health through the risk assessment process leveraged to foster a safe and affordable drinking water supply. Vinyl chloride is already regulated under the Safe Drinking Water Act (SDWA), so any evaluation under TSCA to determine whether vinyl chloride poses an unreasonable risk should carefully consider that existing regulatory framework. EPA should also appropriately tailor any risk determination under TSCA to avoid imposing unnecessary costs on public water systems through inconsistent and duplicative regulation.

EPA has established an MCL for vinyl chloride

Vinyl chloride in drinking water is regulated by EPA under the SDWA, with a Maximum Contaminant Level (MCL) of 2 parts per billion.

In the *Draft Scope*, EPA cites one source that raises the potential for residual vinyl chloride leaching from PVC pipes to drinking water (Walter et al., 2011). This study found that levels of vinyl chloride at the tap were "less than or equal to 25 ng/L after 101 hours of exposure to new PVC and chlorinated PVC (CPVC) pipes." These concentrations are far below the SDWA MCL for vinyl chloride. Rather than raising a concern through the drinking water pathway, this study demonstrates the efficacy of the MCL measured at the point-of-entry to the distribution system in providing safe water at the tap.

PVC pipes are increasingly utilized in the provision of drinking water

Water systems face a number of considerations when determining the most appropriate material for their pipes. A recent analysis[1] found that, of multiple pipe materials assessed, polyvinyl chloride (PVC) increased in use from 22.1% of total pipe length in 2018 to 29.1% in 2023, indicating that over half of the pipe installed since 2018 was PVC. Vinyl chloride is used in the production of PVC pipes from which a modest amount of residual vinyl chloride monomer may remain.

Under EPA's Lead and Copper Rule Improvements, public water systems are required to replace virtually all lead service lines with alternative pipe materials by 2038.[2] This will lead to massive costs to communities and ratepayers. As noted in EPA's Economic Analysis for the Final Lead and Copper Rule Improvements, PVC materials are lower in cost than other replacement pipe options.[3] Accordingly, many water systems will likely leverage PVC as a cost-effective replacement material.

Given that many water systems will effectively replace their lead pipes with those made of PVC, systems are concerned about the potential consequences of this proposed risk assessment. If EPA fails to recognize the protections provided under SDWA and determines under TSCA that PVC pipes present an "unreasonable risk," what feasible pipe material options will remain? Could water systems be faced with a subsequent mandate to eliminate and replace PVC pipe, after completing the task of eliminating and replacing lead pipe under the Lead and Copper Rule Improvements?

It is also worth noting that premise plumbing, over which water systems have no authority, is often comprised of PVC. Therefore any determination under TSCA that PVC pipes represent an "unreasonable risk" of vinyl chloride exposure will leave millions of homeowners with no clear guidance on what steps they should take to protect themselves from this newly-identified threat.

Execution of this risk assessment should remain consistent with NSF 61

Materials used by community water systems[4] must already meet the strict scrutiny of the standards established by NSF 61, which addresses materials and products that come into contact with drinking

[1] Barfuss, S.L. and Fugal, M. (2025), Water Main Break Rates in the United States and Canada. J AWWA, 117: 22-33. https://doi.org/10.1002/awwa.2401
[2] https://www.federalregister.gov/documents/2024/10/30/2024-23549/national-primary-drinking-water-regulations-for-lead-and-copper-improvements-lcri
[3] https://www.epa.gov/system/files/documents/2024-10/508_lcri_final_ea_10-21-2024.pdf
[4] https://nsfinternational.widen.net/s/lgqxrrhtr7/wd_asdwa-survey-2019_lt_en_lwd1221

water, including pipes. EPA references this fact in its *Draft Scope* and acknowledges that residual vinyl chloride monomer (RVCM) concentrations must remain below the compliance metric of 3.2 mg vinyl chloride monomer/kg PVC. In performing analyses regarding exposures to vinyl chloride through drinking water infrastructure, EPA should maintain consistency with the protocols established in this standard.

If further action is required to address acceptable levels of RVCM in PVC pipe, this should take place strictly through the established NSF 61 standard adhered to by the water sector and within the framework of the SDWA. Public water systems offer deep expertise on risk management approaches offered by SDWA and NSF 61, and any further regulation should occur in accordance with this sector expertise.

Conclusion

PVC is increasingly relied on by public water systems and individual homeowners as a durable, cost-effective pipe material for delivering drinking water to the tap. While the use of PVC as a pipe material does introduce some risk of exposure to vinyl chloride, AMWA believes that this risk is adequately managed by EPA's existing MCL for the contaminant and the binding standards of NSF 61.

However, should EPA proceed with an "unreasonable risk" determination for vinyl chloride under TSCA, the agency should exercise caution in relying on a *single study* to justify this determination. Instead, any conclusions drawn should be from an expansive and compelling body of research on the subject.

If there was determined to be a public health risk from RVCM in PVC pipes, replacement alternatives for delivery of water would be severely limited. An unreasonable risk determination should be immediately accompanied by guidance from EPA to 1) manufacturers on methods to minimize or eliminate the risk from RVCM, and 2) water utilities on best practices for risk management while using this pipe material.

AMWA thanks EPA for the opportunity to provide comments on this proposed scope for the risk assessment of vinyl chloride. AMWA looks forward to continued collaboration in promoting public health through this effort. If there is any additional information needed on these comments, please contact AMWA's Manager of Regulatory and Scientific Affairs, Kaline Gabriel, at gabriel@amwa.net.

Respectfully,

Thomas Dobbins
Chief Executive Officer
Association of Metropolitan Water Agencies

CC: Marcy Card, Existing Chemicals Risk Assessment Division