



LEADERS IN WATER

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January 6, 2022

Dr. June Weintraub
Chair, Drinking Water Committee – CCL 5 Review
Science Advisory Board
United States Environmental Protection Agency
1300 Pennsylvania Ave NW (Mail Code 3204R)
Washington, DC 20002

Re: Science Advisory Board Drinking Water Committee Augmented for the CCL 5 Review

Dear Dr. Weintraub,

The Association of Metropolitan Water Agencies (AMWA), an organization representing the largest publicly owned drinking water utilities in the United States, appreciates the opportunity to provide public comments to the Science Advisory Board (SAB) as it reviews EPA's Drinking Water Contaminant Candidate List 5 (CCL 5) – Draft (86 FR 37948). AMWA has consistently supported this scientific and data-driven process under the Safe Drinking Water Act (SDWA). The association has previously submitted comments to the Environmental Protection Agency (EPA) relevant to SAB's charge questions and have attached them here for your consideration.

The association believes that following the process outlined in the SDWA remains the best way to prioritize the agency's limited resources by focusing on those contaminants most likely to present human health risks through drinking water. While the CCL remains a crucial first step to the process, AMWA believes that EPA should focus the CCL in a way that will best utilize the agency's limited resources and optimize its resource budget.

AMWA encouraged the agency to continue to improve the transparency of CCL 5 and in future endeavors by clearly documenting when and how EPA experts or authorities outside of the agency were consulted and making their assessments public. The association is pleased to provide the attached two comment letters, which were previously submitted to the CCL rulemaking docket. These comments outline proposed improvements to increase transparency throughout the process.

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While AMWA does not have any suggestions for any additions to the CCL 5, the association believes that improvements to the process and greater transparency from the agency will produce a more manageable list of contaminants that will allow greater protection of human health.

As SAB reviews its charge, AMWA appreciates consideration of our concerns related to EPA's approach to developing CCL 5. If you have any questions about these comments, please contact Brian Redder, AMWA's Manager of Regulatory and Scientific Affairs, at Redder@amwa.net.

Sincerely,

A handwritten signature in blue ink that reads "Diane VanDe Hei". The signature is written in a cursive, flowing style.

Diane VanDe Hei
Chief Executive Officer

Attachments

cc: Carolyn Kilgore, Science Advisory Board
Jennifer McLain, Office of Ground Water and Drinking Water



December 3, 2018

The Honorable Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: Docket No. EPA-HQ-OW-2018-0594, *Request for Nominations for Drinking Water Contaminants for the Fifth Contaminant Candidate List*

Dear Acting Administrator Wheeler,

The Association of Metropolitan Water Agencies (AMWA) appreciates the opportunity to comment on the Environmental Protection Agency's (EPA) *Request for Nominations for Drinking Water Contaminants for the Fifth Contaminant Candidate List* (83 FR 50364). AMWA is an organization of the nation's largest publicly owned drinking water utilities, and our members provide drinking water service to more than 156 million people. The Contaminant Candidate List (CCL) process is a mechanism that has been created to help the agency effectively determine which contaminants to regulate. AMWA strongly supports this scientific and data-driven process and believes Congress intended for it to help determine future drinking water regulations.

AMWA does not have contaminants to nominate for the fifth CCL at this time. However, the association welcomes the opportunity to give feedback on the CCL process at large. AMWA believes that EPA should focus the CCL in a way that will best utilize its limited resources and optimize its resource budget. As stated in earlier comments regarding previous CCLs, the association maintains the need for EPA to reduce the number of substances included in each CCL to better accomplish the agency's goal of accurate and meaningful regulatory determinations for currently unregulated substances. AMWA offers the following comments on various aspects of the development of CCL 5 and recommendations for the CCL process in general.

First and foremost, AMWA urges EPA to establish ways in which the agency can better focus the CCL so that it may best identify contaminants of greatest public health concern and utilize the current available staff and funding resources. The Safe Drinking Water Act (SDWA) states that the Administrator shall regulate contaminants that will provide a "meaningful opportunity for health risk reduction for persons served by public water systems" (§1412 (b)(1)(A)(iii)). EPA has maintained through previous comments that the SDWA does not limit the number of contaminants that may be included in the CCL. AMWA agrees with this assessment, but counters that it remains unclear how the agency can best accomplish the

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Department

William Stowe
Des Moines Water Works

prioritization of these contaminants when the list continues to grow exponentially. The size of the list more than doubled between CCL 2 and CCL 4, with 51 contaminants on the list for CCL 2, and 109 contaminants on CCL 4. AMWA therefore recommends that EPA reduce the number of substances on the CCL in order to keep the list at a more manageable level so that the agency can more effectively and efficiently prioritize the chemicals currently on the list and those that are deemed necessary to be added.

AMWA appreciates EPA's work in previous CCLs of including in the final notice a table that identifies data needs for contaminants. EPA has previously characterized each chemical contaminant by their data needs into three categories; health effects, occurrence, and analytical method. The data needs were then characterized into three groups: no data needs, specific data needs, or substantial data needs. AMWA encourages EPA to continue this process in the CCL 5 and future work in order to maintain increased transparency and clarity. Having this information available helps research organizations and institutions, that may also be working in these areas, better focus their own research priorities.

To further increase transparency, AMWA encourages EPA to expand upon the research needs table included in the final notices and to use the CCL as an opportunity to more thoroughly communicate the progress and results of research on CCL contaminants. The screening data that EPA releases for the development of the preliminary contaminant candidate list provides more detailed information and AMWA encourages EPA to continue to make these documents readily available on the agency's CCL webpage. Including this information online informs the public about the research that has been completed up to this point and could help guide other experts in deciding where to focus their research efforts. Furthermore, AMWA requests that EPA show documentation for the ongoing state of prioritization of contaminants that have been carried over from previous CCLs. This might be as simple as stating a contaminant is currently a "high", "low", or "medium" priority and including the agency's rationale behind the characterization. As with the previous listed documents, AMWA encourages EPA to provide this information online.

AMWA commends EPA for maintaining transparency throughout the previous CCL processes when utilizing expert recommendations from the National Academy of Sciences' National Research Council, the National Drinking Water Advisory Council and the Science Advisory Board (SAB). The association encourages the agency to continue to improve the transparency of CCL 5 and in future endeavors by clearly documenting when and how EPA experts or authorities outside of the agency were consulted and by making their assessments public. Similarly, while EPA does provide information on the data utilized to characterize each contaminant and the factors used for determining the viability of each data source, AMWA encourages the agency to clearly identify the reasoning for when data sources are evaluated but excluded from use, particularly in regard to sources submitted by the public during the agency's requests for nominations and data.

AMWA encourages EPA to continue to facilitate the combining of efforts between the Office of Groundwater and Drinking Water (OGWDW) and the Office of Research and Development (ORD). It is vital for the work included in ORD's multiyear strategic research action plan be in concert with the current CCL in order to best prioritize research needs and to utilize the agency's resources. OGWDW relies on ORD to perform the research needed to support its mission. AMWA encourages ORD to clearly

Acting Administrator Wheeler

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identify how it intends to support the CCL process. Listing contaminants on the CCL should enable all offices in EPA responsible for supporting regulatory determinations with the ability to focus precious research dollars on those chemical and microbial contaminants that are a potential health risk to drinking water consumers.

A second criterion that must be considered before regulating a contaminant listed under the SDWA is whether a contaminant occurs, or is likely to occur, in drinking water at a level and frequency of public health concern. AMWA encourages EPA to improve correlation of the CCL and the Unregulated Contaminant Monitoring Rule (UCMR) wherever possible by using the UCMR to gather occurrence data for contaminants on the CCL that have a high potential to be a public health threat but have large gaps in the occurrence data. Having more thorough occurrence data will help the agency remove contaminants from the CCL that are not likely to occur in drinking water and therefore not likely to be in need of regulation.

Finally, AMWA requests that EPA clarify the process for removing a contaminant from the CCL. In a 2016 report from the SAB where the group of experts reviewed the agency's draft for the fourth CCL, the SAB requested that EPA clearly describe the "off-ramp" process for removing contaminants from the list. This process was unclear to the SAB and is equally unclear to AMWA. If no process currently exists, AMWA urges EPA to develop a clear and concise protocol, to be reviewed by the SAB, that may be used to help the agency further prioritize future CCLs. Reiterating our comments above, AMWA feels a process of this type is critical to maintaining a more concise CCL which could be used more effectively by the agency for prioritizing research, UCMR determinations and similar usages.

AMWA appreciates the opportunity to comment. If you have any questions, please contact Stephanie Hayes Schlea (schlea@amwa.net), AMWA's Manager of Regulatory and Scientific Affairs.

Sincerely,



Diane VanDe Hei
Chief Executive Officer

cc: David Ross, Assistant Administrator for Water
Peter Grevatt, Director, Office of Ground Water and Drinking Water



September 16, 2021

The Honorable Radhika Fox
Principal Deputy Assistant Administrator
Office of Water
U. S. Environmental Protection Agency

Via [regulations.gov](https://www.regulations.gov)

Re: Drinking Water Contaminant Candidate List 5 – draft (EPA–HQ–OW–2018–0594)

Dear Assistant Administrator Fox,

The Association of Metropolitan Water Agencies (AMWA) is an organization representing the largest publicly owned drinking water utilities in the United States. AMWA appreciates the opportunity to comment on the Environmental Protection Agency’s (EPA) draft Drinking Water Contaminant Candidate List 5 (CCL 5). AMWA has continually supported the scientific and data-driven process under the Safe Drinking Water Act (SDWA). The association believes following the process outlined in the SDWA remains the best way to prioritize the agency’s limited resources by focusing on those contaminants most likely to present human health risks through drinking water while also being conscious of the finite resources available to public water systems across the country. The CCL process remains an essential first step for the agency to determine which contaminants should move further through the SDWA process.

As AMWA has stressed in previous comments to the agency, the association believes that EPA should focus the CCL in a way that will best utilize the agency’s limited resources and optimize its resource budget. AMWA maintains the need for EPA to reduce the number of substances included in each CCL. The association believes that restricting the CCL to a more manageable number will better accomplish the agency’s goal of accurate and meaningful regulatory determinations for currently unregulated substances.

The SDWA states that the Administrator shall regulate contaminants that will provide a “meaningful opportunity for health risk reduction for persons served by public water systems” (§1412 (b)(1)(A)(iii)). EPA has maintained in (or throughout) previous statements that the SDWA does not limit the number of contaminants that may be included in the CCL.

Although AMWA agrees with EPA’s assessment that the SDWA does not limit to the size of the CCL, it remains unclear how the agency can best prioritize these contaminants when the list grows exponentially, yet EPA’s budget to study emerging contaminants does not. For example, the number of contaminants included more than doubled between CCL 2 and CCL 4, with 51 contaminants on the list for CCL 2 and 109 contaminants on CCL 4. It appears that EPA has acknowledged this issue and reduced the number of substances on this most recent CCL by not automatically carrying over all chemicals from CCL 4 to CCL 5,

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				Timothy Thomure Tucson Water

but instead revisiting the available information for each contaminant before including it again. AMWA encourages the agency to continue this procedure when creating future CCLs to keep the list more manageable.

In this same vein, AMWA requests that EPA clarify the process for removing a contaminant from the CCL. In a 2016 report from the Science Advisory Board (SAB) reviewing the agency's draft CCL 4, the SAB requested that EPA clearly describe the "off-ramp" process for removing contaminants from one CCL to another. This process was unclear to the SAB and continues to be unclear to AMWA. If no process currently exists, AMWA urges EPA, with the help of the SAB, to develop a clear and concise protocol to help the agency further prioritize contaminants on future CCLs. A process of this type is critical to maintaining a more concise CCL, which the agency could use more effectively for prioritizing research. If this process already exists and was used for CCL 5, AMWA requests that EPA make this more apparent by including the relevant documents within the docket.

Correspondingly, AMWA requests that EPA provide a simple one or two-page document highlighting any changes from the previous CCL. Most importantly, this document should contain information on which chemicals were carried over, removed, and added. Currently, to determine this, a member of the public must dig through supplemental documents within the docket. AMWA also suggests that EPA include a simple explanation as to why a substance was removed or retained. Including a single document explaining which chemicals were added or removed would improve transparency and clarity for the public.

The association also greatly supports the agency's use of preliminary UCMR 4 data, as was suggested by the SAB. This occurrence data comes directly from drinking water utilities and should be used to inform any initiatives under the SDWA. The association agrees with EPA's assessment that it "is important to use more recent occurrence data in the screening process to ensure that new and potentially relevant information is not disregarded and that potentially hazardous chemicals are not discounted."

AMWA also supports EPA's decision to no longer exclude chemicals that could pose a public health risk through drinking water exposure from the CCL universe solely because they lack health or occurrence data. This change to the CCL development process resulted in the compilation of the most chemical and data-rich CCL universe to date. The association believes that the CCL process should start by capturing all data on possible contaminants of note before moving to later steps where qualifiers like occurrence and health effects data can be used to reduce the list to a more manageable length for inclusion in the final CCL.

AMWA thanks EPA for including a table within the Federal Register notice that summarizes the available occurrence data, health assessments, and analytical methods for each CCL 5 contaminant. AMWA encourages EPA to show similar documentation for the ongoing state of prioritization for the contaminants included in the CCL. This documentation might be as simple as stating a contaminant is currently a "high," "low," or "medium" priority and including the agency's rationale behind the characterization. The association also suggests that EPA develop similar documentation on the state of the research for each contaminant. AMWA encourages the agency to provide this information online and to update this information regularly outside of the standard CCL publication within the Federal Register.

AMWA appreciates EPA's clarification that including a set of substances as a group, such as per- and polyfluoroalkyl substances (PFAS), cyanotoxins, and disinfection byproducts, does not necessarily mean it will be moved further through the SDWA process as a group. AMWA believes this is appropriate but asks

EPA to include more information as to how the agency plans to prioritize substances within these groups, specifically related to EPA's research priorities.

While AMWA does not have initial concerns with EPA's inclusion of PFAS as a group on CCL 5, the association does have concerns with EPA's definition for PFAS included in the notice. EPA has defined PFAS as those chemicals containing the structure unit R-(CF₂)-C(F)(R')R''. This definition for PFAS restricts this group to substances that contain a two-carbon chain, where one carbon is fully fluorinated and therefore captures far fewer PFAS than other more broad classificationsⁱ. AMWA is concerned that this restriction excludes PFAS that are already known to be found in drinking water. For example, perfluoro-2-methoxyacetic acid (PFMOAA) is a perfluoro-ether carboxylic acid that has been found in the North Carolina Cape Fear River and within nearby drinking water supplies^{ii,iii} but would not be included in the PFAS group under the definition contained in CCL 5. As a result, this definition is not in line with EPA's stated goal for the group to be "inclusive of any PFAS (except for PFOA and PFOS)." AMWA suggests that EPA use a broader definition that will capture all relevant PFAS.

AMWA encourages EPA to continue to align efforts between the Office of Ground Water and Drinking Water (OGWDW) and the Office of Research and Development (ORD). It is vital that the work included in ORD's multiyear strategic research action plan be in concert with the current CCL to best prioritize research needs and utilize the agency's resources. OGWDW relies on ORD to perform the research needed to support its mission. AMWA encourages ORD to clearly identify how it intends to support the CCL process. Listing contaminants on the CCL should enable all offices in EPA responsible for supporting regulatory determinations with the ability to focus precious research dollars on those chemical and microbial contaminants that are a potential health risk to drinking water consumers.

Thank you for the opportunity to provide comments on EPA's CCL 5. If you have any questions about these comments, please contact Stephanie Hayes Schlea, AMWA's Director of Regulatory and Scientific Affairs, at schlea@amwa.net.

Sincerely,



Diane VanDe Hei
Chief Executive Officer

cc: Jennifer McLain, Director, Office of Ground Water and Drinking Water
Eric Burneson, Director, Standards and Risk Management Division

ⁱ Organization for Economic Co-operation and Development, 2018. Toward a New Comprehensive Global Database of Per- and Polyfluoroalkyl Substances (PFASs): Summary Report on Updating The OECD 2007 List of Per- and Polyfluoroalkyl Substances (PFASs). [https://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=ENV-JM-MONO\(2018\)7&doclanguage=en](https://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=ENV-JM-MONO(2018)7&doclanguage=en)

ⁱⁱ North Carolina PFAS Testing Network, 2019. NC PFAST Quantitative Screening Results for Raw Drinking Water.

ⁱⁱⁱ Hopkins et al., 2018. Recently Detected Drinking Water Contaminants: GenX and other Per- and Polyfluoroalkyl Ether Acids. Journal AWWA. <https://doi.org/10.1002/awwa.1073>