



April 18, 2023

The Honorable Radhika Fox
Assistant Administrator
Office of Water
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Via electronic submission

Re: Docket ID No. EPA-HQ-OW-2022-0946: *Drinking Water Contaminant Candidate List 6; Nominations*

Dear Assistant Administrator Fox,

The Association of Metropolitan Water Agencies (AMWA) appreciates the opportunity to comment on the Environmental Protection Agency’s (EPA) request for nominations of chemicals, microbes, or other substances that are not currently regulated in drinking water for possible inclusion on the Sixth Contaminant Candidate List (CCL 6). AMWA is an organization of the nation’s largest publicly owned drinking water utilities, and our members provide drinking water services to more than 160 million people. The 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 currently have contaminants to nominate for the CCL 6. 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. The association continues to emphasize 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 6 and recommendations for the CCL process in general.

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First and foremost, AMWA urges EPA to establish ways in which the agency can better focus the CCL to best identify contaminants of greatest public health concern and utilize the currently 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 prioritization of these contaminants when the list continues to grow exponentially.

Past CCLs have included between 51 and 116 named chemical and microbial contaminants. CCL 4 included a total of 109 contaminants, while CCL 5 included 78 contaminants and three chemical groups. One of those groups, PFAS, is a group containing thousands of chemicals. AMWA, therefore, recommends that EPA reduce the number of substances on the CCL 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 deemed necessary to be added. The number should align with EPA's research plans for these unregulated contaminants, specifically for those where health effects and analytical methods are not yet available. AMWA thinks a number between 50 and 75 is more manageable than a larger list.

In previous CCLs, EPA included in the final notice a table that identified data needs for contaminants. This information made clear to stakeholders the data gaps for listed contaminants related to needs for a regulatory determination. Specifically, EPA previously characterized each chemical contaminant by its 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 6 to maintain increased transparency and clarity.

To further increase transparency, AMWA also encourages EPA to expand upon the research needs table included in the final notices by using the CCL to thoroughly communicate the progress and results of research on CCL contaminants. The screening data that EPA releases for the development of the preliminary CCL 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 current research efforts and helps guide other experts in deciding where to focus 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 may be as simple as assigning a "high," "low," or "medium" priority for contaminants and including the agency's rationale behind the characterization. AMWA encourages EPA to continue providing this information online.

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AMWA commends EPA for transparency efforts 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/or the Science Advisory Board. The association encourages continued transparency in the CCL 6 process and future endeavors by publicly documenting when and how EPA experts or authorities outside of the agency were consulted. 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 requests the agency clearly identify the reasoning for when data sources are evaluated and then excluded from use, particularly for those sources submitted by the public during the agency's requests for nominations and data.

AMWA encourages EPA to continue to facilitate coordinating efforts between the Office of Groundwater and Drinking Water and the Office of Research and Development (ORD). It is vital that work included in ORD's multiyear strategic research action plans be aligned with the current CCL to best prioritize research needs and resources. All offices in EPA responsible for supporting regulatory determinations should focus precious research dollars on those contaminants on the CCL that are a potential health risk to drinking water consumers.

One consideration EPA must examine before regulating a contaminant 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 the 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 having 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 move forward those contaminants that do occur in drinking water or remove contaminants from the CCL that are not likely to occur in drinking water and therefore are not likely to need regulation.

AMWA appreciates the opportunity to comment on the CCL 6. If you have any questions, please contact Brian Redder (Redder@amwa.net), AMWA's Manager of Regulatory and Scientific Affairs.

Sincerely,



Tom Dobbins
Chief Executive Officer

cc: Jennifer McLain, OGWDW
Thomas Lombardi, OGWDW