



April 17, 2020

The Honorable Alexandra Dapolito Dunn
Assistant Administrator
Office of Chemical Safety and Pollution Prevention
Environmental Protection Agency

Re: Docket ID: EPA-HQ-OPPT-2013-0225, *Long-Chain Perfluoroalkyl Carboxylate and Perfluoroalkyl Sulfonate Chemical Substances; Significant New Use Rule; Supplemental Proposal*

Dear Assistant Administrator Dunn,

The Association of Metropolitan Water Agencies (AMWA) appreciates the opportunity to comment on the Environmental Protection Agency's request for public comment, *Long-Chain Perfluoroalkyl Carboxylate and Perfluoroalkyl Sulfonate Chemical Substances; Significant New Use Rule; Supplemental Proposal* (EPA-HQ-OPPT-2013-0225). 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 Toxic Substances Control Act (TSCA). These programs are the first line of defense against the growing number of contaminants that could pose a risk to drinking water supplies and the public.

AMWA members have become increasingly concerned with per- and polyfluoroalkyl substances (PFAS) as our knowledge of these substances has grown. Though PFAS have been used for decades, these substances have been shown to be increasingly problematic, being highly persistent within the environment and bioaccumulative. EPA has just recently proposed a positive determination to regulate under the Safe Drinking Water Act both PFOA and PFOS, two of the most well-studied PFAS, due to the high likelihood of negative health effects at high levels. PFAS have highlighted the overwhelming need to better evaluate chemicals before allowing them to be used in commerce in order to prevent chemicals that may pose health risks from entering the environment and contaminating source waters.

In EPA's initial 2015 proposal, the agency proposed to "make the exemption from notification requirements from persons who import the chemical substance as part of an article inapplicable for the import of a subset of LCPFAC chemical substances, [along with their salts and precursors], in all articles" (page 12480). This new supplemental proposal proposes to limit the exemption inapplicability to only those articles which contain LCPFAC chemicals as part of a surface coating.

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To justify this change, EPA references the provision within TSCA section 5(a)(5), which states that articles can be subject to notification requirements as a significant new use if the Administrator makes an affirmative finding in a rule that the reasonable potential for exposure to a chemical from an article or category of articles justifies notification. AMWA fails to see how the agency has made the determination that there is reasonable potential of exposure from LCPFAC chemicals from articles with surface coatings yet not from other items imported containing such chemicals.

Although AMWA understands the reasoning behind EPA's analysis that those items which have coatings that include LCPFAC chemicals would be more likely to enter the environment, the association feels it is short-sighted to exclude other imported items that utilize these substances. Considering the persistence of these chemicals, any possibility that they could enter the environment, regardless of how the chemicals are included within an item, must be considered. AMWA shares EPA's concern, stated in the 2015 proposal, that the "commencement of the manufacture (including import) or processing for any new uses, including resumption of past uses, of LCPFAC chemical substances could increase the magnitude and duration of exposure to humans" (page 12484). Due to the persistent and bioaccumulative characteristics of these compounds, AMWA urges the agency to retain the language previously included in the 2015 proposal.

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. Controlling pollutants at the source, in this case importation, helps ensure that those who pollute our natural resources are not allowed to pass the cost of correcting the problem onto others.

It is crucial to strive towards the prevention of pollutants entering drinking water sources. TSCA provides us with a unique opportunity to protect the environment and public health and EPA should utilize all the agency's authorities to do so. 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
Association of Metropolitan Water Agencies

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