



April 23, 2020

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

Re: Docket ID: EPA-HQ-OPPT-2019-0500, *Trichloroethylene; Draft Toxic Substances Control Act (TSCA) Risk Evaluation*

Dear Assistant Administrator Dunn:

The Association of Metropolitan Water Agencies (AMWA) is an organization representing the largest publicly owned drinking water utilities in the United States. AMWA has commented on other Toxic Substances Control Act (TSCA) notices (such as the Significant New Use Rules) and generally to EPA about the importance of considering the whole system of environmental exposure to contaminants, as well as the statutes in place that allow for the agency to protect public health from chemical exposure. It is with this systems approach in mind that AMWA disagrees with EPA’s decision to exclude the evaluation of low level exposures of trichloroethylene (TCE) in drinking water in its risk evaluation. AMWA believes that this decision underestimates the exposure of the population to TCE.

EPA asserts in its draft risk evaluation that other “environmental statutes administered by EPA adequately assess and effectively manage these exposures”, however, a risk evaluation is about assessing all potential exposures to the population, and not managing that risk. TCE is a known carcinogen, and while there is a national primary drinking water regulation for this chemical (a maximum contaminant level of 5 µg/L), it is still detected at levels above 0 in drinking water systems around the country due to contamination from current industrial sources and legacy pollutant sites. EPA’s failure to include drinking water exposure therefore results in an underestimation of exposure and ultimately, risk. Understanding the complete risk picture will help EPA assess whether to use its authorities under TSCA to reduce the introduction of TCE into the environment to reduce the risk to the public.

As AMWA has noted in previous comments to EPA about the TSCA program, 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

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body or supply source. Preventing pollutants from entering drinking water supply sources is a complex task, therefore AMWA urges EPA to consider all sources of known and reasonably foreseen TCE exposure – including drinking water – and include them all in the risk evaluation. Ultimately, EPA has the authority under TSCA to control the introduction into the environment of contaminants such as TCE that degrade water quality and increase the cost of water treatment.

By not including the totality of potential exposures of TCE to the population, EPA is falling short in developing a comprehensive risk evaluation under TSCA, which requires the agency “to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment under the conditions of use, including an unreasonable risk to a relevant potentially exposed or susceptible subpopulation.” EPA must look holistically at risk and include all exposures in our environmental system as part of that risk evaluation. To ignore exposures in drinking water, and from other media where there is already an environmental regulation, ignores the reality that there still may be (and are) exposures to TCE across these media, despite the regulation. EPA should be leveraging its ability to minimize exposures to carcinogenic chemicals by leveraging all of the potential regulatory programs available to reduce exposure and ultimately risk, across the environmental spectrum.

Thank you for the opportunity to comment. 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

Association of Metropolitan Water Agencies

cc: Dr. Stan Barone, Office of Pollution Prevention and Toxics