



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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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-(CF<sub>2</sub>)-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 classifications<sup>i</sup>. 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<sup>ii,iii</sup> 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](mailto: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

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<sup>i</sup> 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)

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

<sup>iii</sup> 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>