



**ASSOCIATION OF  
METROPOLITAN  
WATER AGENCIES**

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November 30, 2020

The Honorable Alexandra Dapolito Dunn  
Assistant Administrator  
Office of Pollution Prevention and Toxics  
U.S. Environmental Protection Agency

Via Regulations.gov

Re: Docket ID: EPA-HQ-OPPT-2019-0238, 1,4-Dioxane; Supplemental Analysis to the Draft Toxic Substances Control Act (TSCA) Risk Evaluation – Request for Comment Period Extension and Initial Comments

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 thanks the agency for the opportunity to comment on this supplemental analysis to EPA’s draft risk evaluation for 1,4-dioxane. First, AMWA would like to ask for a 30-day extension to the comment period to allow for more thorough review and response. Though this document is only supplemental to the agency’s original evaluation, it is still a nearly hundred-page document with entirely new considerations, such as the surface water pathway. The current comment period of 20 days is not enough time for AMWA to review the document and engage our membership to provide more meaningful input.

Although AMWA would prefer more time for review, the association does have initial comments to provide EPA. AMWA has commented on previous risk evaluations for both perchloroethylene and trichloroethylene, as well as submitted joint comments made with the American Water Works Association regarding the agency’s initial release of the 1,4-dioxane draft risk assessment. Through these comments AMWA has continued to stress 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 again disagrees with EPA’s decision to exclude the evaluation of low-level exposures of 1,4-dioxane in drinking water in its risk evaluation. AMWA believes that this decision underestimates the exposure of the population to 1,4-dioxane.

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EPA again justifies the exclusion of drinking water exposures within this draft risk assessment due to this pathway falling under the jurisdiction of the Safe Drinking Water Act (SDWA). The agency states, “it is both reasonable and prudent to tailor TSCA risk evaluations when other EPA offices have expertise and experience to address specific environmental media, rather than attempt to evaluate and regulate potential exposures and risks from those media under TSCA.” AMWA strongly disagrees with the agency’s reasoning. A risk evaluation is about *assessing* all potential exposures to the population and not necessarily regulating all of those potential exposures. However, if reducing exposures in drinking water is most achievable or economical via regulation under TSCA, then EPA should work to use its authorities under TSCA to strengthen pollution prevention. 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 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 1,4-dioxane exposure – including drinking water – and include them all in the risk evaluation.

As the agency highlights within the supplemental document, 1,4 dioxane is a potential concern for EPA as a drinking water contaminant, as it was included within both the Candidate Contaminant List and the third Unregulated Contaminant Monitoring Rule. However, currently, there is no maximum contaminant level for the chemical. EPA’s failure to include drinking water exposure within its risk assessment therefore results in an underestimation of exposure and ultimately, risk to the public. Understanding the complete risk picture will help EPA assess whether to use its authorities under TSCA to reduce the introduction of 1,4-dioxane into the environment to reduce the risk to the public.

Within this supplemental analysis EPA has now included exposures to the general population via ambient surface waters due to there currently being no nationally recommended Ambient Water Quality Criteria under the Clean Water Act. AMWA would like to request further explanation as to why the exclusion of a standard under CWA calls for the agency to consider exposure via surface water, but a lack of national standard under SDWA does not. This seems inconsistent and again calls into question the agency’s decision to exclude drinking water exposure.

AMWA also requests that EPA expand upon how the agency’s offices work to coordinate actions regarding a chemical’s risk or necessity to be regulated under existing programs. Within EPA’s Fourth Regulatory Determination (FR 85 14098) the agency declines to make a determination for 1,4-dioxane citing that EPA is currently unable to determine whether there is a meaningful opportunity for public health risk reduction. The agency then mentions the necessary science that it would need to utilize to make a determination, which includes the finalization of this risk evaluation. AMWA would like the agency to further explain why, if the Office of Water is relying on this risk assessment to make a regulatory determination for 1,4-dioxane, the Office of Chemical Safety and Pollution Prevention excludes drinking water exposure from their analysis.

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By not including the totality of potential exposures of 1,4-dioxane 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. Ultimately, EPA has the authority under TSCA to control the introduction into the environment of contaminants such as 1,4-dioxane that degrade water quality and increase the cost of water treatment. EPA should be leveraging its ability to minimize exposures to possibly harmful chemicals by leveraging all the potential regulatory programs available to reduce exposure and ergo 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](mailto:schlea@amwa.net).

Sincerely,



Diane VanDe Hei

Chief Executive Officer

Association of Metropolitan Water Agencies

Cc: Yvette Selby-Mohamadu, OPPT

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