June 12, 2025

Mr. David Turk
Data Gathering, Management, and Policy Division
Office of Pollution Prevention and Toxics
Environmental Protection Agency
Mail Code: 7406M
1200 Pennsylvania Ave. NW
Washington, DC 204600

RE: Joint AWWA, AMWA, NACWA, and WEF Comments on Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) Data Reporting and Recordkeeping Under the Toxic Substances Control Act (TSCA); Change to Submission Period (Docket ID: EPA-HQ-OPPT-2020-0549)

Dear Mr. Turk,

The American Water Works Association (AWWA), the Association of Metropolitan Water Agencies (AMWA), the National Association of Clean Water Agencies (NACWA), and the Water Environment Federation (WEF) appreciate the opportunity to provide comment on the Environmental Protection Agency's (EPA's) interim final rule amending the data submission period for the Toxic Substances Control Act (TSCA) section 8(a)(7) PFAS reporting rule. The EPA's authorities under TSCA provide a critical regulatory framework which works to prevent potentially harmful chemicals from being discharged into source waters used to deliver drinking water to millions of people across the country. AWWA, AMWA, NACWA, and WEF offer the following recommendations for consideration on the Agency's amendment to the rule's data submission period and as the Agency considers further revision to the PFAS reporting rule under TSCA.

AWWA, AMWA, NACWA, and WEF understand that the EPA's amendment of the data submission period for the PFAS reporting rule is necessary to prepare the reporting application the Agency needs to effectively collect these data. AWWA, AMWA, NACWA, and WEF hope that the EPA employs the necessary resources to meet this new timeline (i.e., data submission beginning on April 13, 2026) so that the Agency can move forward with the PFAS reporting rule as expeditiously as is possible.

AWWA, AMWA, NACWA, and WEF appreciate that the Agency is considering reopening other aspects of the rule to public comment. Both timely data collection and stakeholder engagement are critical as the EPA moves ahead with reevaluating components of the rule, particularly given that the EPA has regulated PFAS in drinking water while simultaneously evaluating thousands of additional PFAS for regulation as drinking water contaminants, and has established ambient water quality criteria for aquatic life for PFOA and PFOS.[1,2,3] To effectively advance Administrator Zeldin's revival of the regulatory controls included in

[1] EPA. 2024. PFAS National Primary Drinking Water Regulation. 89 FR 32532.
[2] EPA. 2022. Drinking Water Contaminant Candidate List 5-Final. 87 FR 68060.
[3] EPA. 2024. Final Recommended Aquatic Life Criteria and Benchmarks for Select PFAS. 89 FR 81077.

EPA's PFAS Action Plan, accurate data will be critical to drive informed decision-making.[4] As such, AWWA, AMWA, NACWA, and WEF hope the delay in the reporting date will allow EPA to organize and streamline the data collection and data systems such that the data received can be compiled quickly and efficiently organized to effectively support timely decision-making by the TSCA program and across other program offices.

The Agency's authorities under the TSCA should be used to protect our nation's most precious resource—water—from problematic PFAS releases. Preventing contaminants from entering drinking water sources is significantly more effective and less costly than removing contaminants once they have already dispersed into the nation's surface and ground waters. Most water resource recovery facilities (WRRFs) are not equipped to remove PFAS from treated water before it enters the environment and rely on industrial pretreatment programs to remove PFAS at the source of contamination. Enhanced data reporting under TSCA will help WRRFs establish more robust pretreatment agreements with their industrial users and more effectively prevent further contamination to our nation's drinking water sources.

EPA has maintained that PFAS chemistries pose a significant potential risk to human health.[5,6] If this is the case then: (1) PFAS should not be used in commerce until a thorough review of those contaminants has been completed by EPA and adequate controls on that use established; and (2) PFAS already in use should be subject to appropriate controls. Collecting information on where PFAS have been manufactured is essential in addressing unintended releases into the environment, particularly in proximity to drinking water sources. As the Agency considers additional revisions to the PFAS reporting rule, EPA should ensure information on the locations of PFAS manufacturing, production, and use is made available to the public through the use of its central data repository. The Agency should also ensure that detailed information about potential PFAS releases is made available, including information such as the type of release, the amount of the chemical released into the environment, and the volume released. Should new research at a later date indicate that PFAS previously thought to not have impacts to human health do have adverse health effects, this information will help the Agency and the impacted entities, including public water systems and WRRFs, in identifying the locations of potential contamination as well as the responsible parties.

As EPA looks toward potential revisions to the rule, AWWA, AMWA, NACWA, and WEF recommend that the Agency retain its previous stance that PFAS be ineligible for low volume exemptions (LVE) and low release and exposure exemptions (LoREX). The Agency's 2024 amendments to New Chemicals Regulations under TSCA made PFAS "categorically ineligible for LVEs and LoREXs", including "any chemical substance where any of the reasonably anticipated metabolites, environmental transformation products, byproducts, or reasonably anticipated impurities are a PFAS".[7] The EPA cited the "complexity of PFAS chemistry, potential health effects, and their longevity and persistence in the environment" as its rationale for ineligibility of PFAS for these exemptions. Additionally, as various EPA program offices have taken action on PFAS contaminants at very low levels, AWWA, AMWA, NACWA, and WEF believe it is logical that EPA continue to exclude PFAS from LVE and LoREX.

AWWA, AMWA, NACWA, and WEF also recommend that the rule retain monitoring and reporting requirements for article manufacturers. The National Defense Authorization Act for Fiscal Year 2020

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[4] EPA. 2025. Administrator Zeldin Announces Major EPA Actions to Combat PFAS Contamination. Accessed May 19, 2025 at https://www.epa.gov/newsreleases/administrator-zeldin-announces-major-epa-actions-combat-pfas-contamination.
[5] EPA. 2022. Drinking Water Contaminant Candidate List 5-Final. 87 FR 68060.
[6] EPA. 2024. Our Current Understanding of the Human Health and Environmental Risks of PFAS. Accessed May 19, 2025 at https://www.epa.gov/pfas/our-current-understanding-human-health-and-environmental-risks-pfas.
[7] EPA. 2024. Updates to New Chemicals Regulations Under the Toxic Substances Control Action (TSCA). 89 FR 102773.

(NDAA 2020) states that EPA's statutory responsibility applies the rule requirements to "each person who has manufactured a chemical substance that is a perfluoroalkyl or polyfluoroalkyl substance" with no exception. Further, articles which contain PFAS contribute to PFAS contamination in the environment via their use, degradation, and disposal. As the intention of the PFAS reporting rule under TSCA is to best characterize sources and quantities of PFAS manufactured in the United States, eliminating the requirement for article manufacturers to report their PFAS uses and releases would prove inconsistent with Congressional intent under the NDAA 2020. In fact, in response to comments on this issue, the EPA stated in the 2023 TSCA PFAS reporting rule that "the FY 2020 NDAA's direction to EPA to require data from PFAS manufacturers necessarily includes those PFAS manufactured (including imported) within articles".[8]

Additionally, AWWA, AMWA, NACWA, and WEF recommend that the Agency retain rule requirements to collect data related to PFAS byproducts and PFAS mixtures. The formation of PFAS byproducts is anticipated to occur during manufacturing processes, even when manufacturers are not directly using PFAS during the manufacturing process. The prevalence of PFAS in various consumer products is well known and PFAS in consumer products have been found to contribute to a large share of PFAS contamination in wastewater. Additionally, because the formation of PFAS byproducts can occur during the manufacturing process due to degradation of other contaminants, PFAS releases into drinking water sources can occur due to the accumulation from various smaller scale applications, not solely due to the deliberate addition of large volumes of PFAS during manufacturing.[9,10,11,12] For instance, Desgens-Martin et al. (2023) found that while perfluorooctanoic acid (PFOA) is now removed during the manufacturing process following its phase-out, small quantities still make their way into consumer products, which are discharged to household wastewater, ultimately contributing to PFAS loading into municipal wastewater treatment influent.[13]

As such, understanding the types of manufacturing processes that can form or transform PFAS into different chemicals, or chemicals that produce PFAS degradation byproducts, will provide practical insights for the EPA to utilize for PFAS risk management. For example, Hazen and Sawyer worked with the City of Burlington, North Carolina to identify which of the City's businesses served as substantial contributors to PFAS in drinking water sources. In assessing different groups of PFAS in the City's wastewater, PFAS precursors, or chemicals that can transform into measurable PFAS as they move through the environment, were quantified. Upon completing a risk assessment of these sources, identifying dischargers, and implementing local changes by negotiating with leading PFAS contributors to relocate production or reduce PFAS in wastewater, the City was able to reduce PFAS levels in the City's

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[8] EPA. 2023. Toxic Substances Control Act Reporting and Recordkeeping Requirements for Perfluoroalkyl and Polyfluoroalkyl Substances. 88 FR 70516.
[9] Lin, Diana, et al. "Residential wastewater as a major source of per-and polyfluoroalkyl substances to municipal wastewater." *ACS ES&T Water* 4.11 (2024): 4847-4857.
[10] Krlovic, Nikola, et al. "A source-based framework to estimate the annual load of PFAS in municipal wastewater." *Science of the Total Environment* 920 (2024): 170997.
[11] Harfmann, Jennifer. 2024. "Presence of PFAS in Domestic Wastewater and Potential Sources." NHDES Drinking Water and Groundwater Bureau. Accessed May 19, 2025 at https://www.newmoa.org/wp-content/uploads/2024/09/HarfmannSepticSystemsDec2024.pdf.
[12] Water UCI. "Determining the PFAS contribution of residents to municipal wastewater – Final Report." Accessed May 19, 2025 at https://bpb-us-e2.wpmucdn.com/sites.uci.edu/dist/2/3949/files/2024/08/Final-PFAS-report-exec.summary.pdf.
[13] Desgens-Martin, Violaine, et al. "Estimated influent PFAS loads to wastewater treatment plants and ambient concentrations in downstream waterbodies: case study in southern and Central California." *Acs Es&T Water* 3.8 (2023): 2219-2228.

wastewater effluent by over 90%.[14] Additionally, AWWA, AMWA, NACWA, and WEF support the EPA's inclusion of data collection of studies and information with respect to the use and release for individual PFAS and PFAS present in mixtures as this information will prove meaningful in informing a better understanding of contaminant co-occurrence, exposures, and environmental and human health impacts.

AWWA, AMWA, NACWA, and WEF appreciate the opportunity to provide feedback on this important regulatory action. As previously stated, the TSCA provides meaningful opportunities for establishing robust pretreatment agreements, ensuring source water protection. Source control of PFAS producers and manufacturers is a step demonstrated to be cost-effective and serves as a successful measure to mitigate or eliminate PFAS contaminants from entering our nation's water supply. The agency's authorities under the TSCA should provide the first line of defense for protecting drinking water sources from PFAS contamination, which is essential in protecting public health, the economy, and the environment.

If you have any questions regarding this correspondence or if we can be of assistance in some other way, please contact us at: AWWA: Tracy Mehan at tmehan@awwa.org or Rachel Gonsenhauser at rgonsenhauser@awwa.org; AMWA: Thomas Dobbins at dobbins@amwa.net or Jessica Evans at evans@amwa.net; NACWA: Emily Remmel at eremmel@nacwa.org; WEF: Steve Dye at sdye@wef.org or Ashley Voskuhl at avoskuhl@wef.org.

Best regards,

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[14] Khunjar, Wendell. "Holistic Testing Helped this City Cut PFAS in Its Wastewater by More than 90%." Hazen and Sawyer. Accessed May 19, 2025 at https://www.hazenandsawyer.com/projects/holistic-testing-helped-this-city-cut-pfas-in-its-wastewater-by-more-than-90.

Who is AWWA

The American Water Works Association (AWWA) is an international, nonprofit, scientific and educational society dedicated to providing total water solutions assuring the effective management of water. Founded in 1881, the Association is the largest organization of water supply professionals in the world. Our membership includes more than 4,500 utilities that supply roughly 80 percent of the nation's drinking water and treat almost half of the nation's wastewater. Our 50,000-plus total membership represents the full spectrum of the water community: public water and wastewater systems, environmental advocates, scientists, academicians, and others who hold a genuine interest in water, our most important resource. AWWA unites the diverse water community to advance public health, safety, the economy, and the environment.

Who is AMWA

The Association of Metropolitan Water Agencies (AMWA) is an organization of the largest publicly owned drinking water systems in the United States. AMWA's membership serves more than 160 million people across the United States with safe drinking water.

Who is NACWA

The National Association of Clean Water Agencies represents the interests of more than 330 municipal clean water utilities across the country of all sizes that provide an essential public service of managing billions of gallons of wastewater and stormwater each day. Our members are environmental stewards and every day demonstrate their commitment and dedication to protecting public health and the environment.

Who is WEF

The Water Environment Federation (WEF) is a not-for-profit technical and educational organization of 31,000 individual members and 75 affiliated Member Associations representing water quality professionals around the world. Since 1928, WEF and its members have protected public health and the environment. As a global water sector leader, our mission is to connect water professionals; enrich the expertise of water professionals; increase the awareness of the impact and value of water; and provide a platform for water sector innovation.