



July 2, 2020

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

Re: Docket ID: EPA-HQ-OPPT-2019-0502, Perchloroethylene; 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 perchloroethylene in drinking water in its risk evaluation. AMWA believes that this decision underestimates the exposure of the population to perchloroethylene.

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, rather than determining how to manage that risk. Perchloroethylene is likely to be carcinogenic to humansⁱ, 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 countryⁱⁱ. EPA’s failure to include drinking water exposure 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 perchloroethylene 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 body or supply source. Preventing pollutants from entering drinking water supply sources is a

BOARD OF DIRECTORS

PRESIDENT

Steve Schneider
Saint Paul Regional Water
Services

Mike Armstrong
WaterOne

Yvonne Forrest
Houston Public Utilities
Division

James S. Lochhead
Denver Water

VICE PRESIDENT

Angela Licata
New York City Department of
Environmental Protection

Shane Chapman
Metropolitan Water District of
Southern California

Richard Harasick
Los Angeles Department of
Water and Power

Ron Lovan
Northern Kentucky Water
District

TREASURER

John Entsminger
Las Vegas Valley Water
District

Robert L. Davis
Cleveland Department of Public
Utilities

Robert Hunter
Municipal Water District of
Orange County

Sue McCormick
Great Lakes Water Authority

SECRETARY

Kathryn Sorensen
Phoenix Water Services

Scott Dewhirst
Tacoma Water

Ghassan Korban
New Orleans Water and Sewer
Board

Jeffrey Szabo
Suffolk County Water Authority

**CHIEF EXECUTIVE
OFFICER**

Diane VanDe Hei

Steve Edgemon
Fairfax Water

Carrie Lewis
Portland Water District

John P. Sullivan, Jr.
Boston Water and Sewer
Commission

Assistant Administrator Dunn

July 2, 2020

Page 2

complex task, therefore AMWA urges EPA to consider all sources of known and reasonably foreseen perchloroethylene 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 perchloroethylene that degrade water quality and increase the cost of water treatment.

By not including the totality of potential exposures of perchloroethylene 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 perchloroethylene across these media, despite the regulation. EPA should be leveraging its ability to minimize exposures to possibly carcinogenic chemicals by leveraging all of 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.

Sincerely,



Diane VanDe Hei
Chief Executive Officer
Association of Metropolitan Water Agencies

Cc: Dr. Stan Barone, OPPT
Jennifer McLain, Office of Ground Water and Drinking Water

ⁱ Agency for Toxic Substances & Disease Registry. <https://www.atsdr.cdc.gov/toxprofiles/tp18-c2.pdf>

ⁱⁱ Agency for Toxic Substances & Disease Registry. <https://www.atsdr.cdc.gov/ToxProfiles/tp18.pdf>