

EXECUTIVE COMMITTEE

PRESIDENT

Adel H. Hagekhalil

Assistant Director

City of Los Angeles -

LA Sanitation

Los Angeles, CA

VICE PRESIDENT

Raymond J. Marshall

Executive Director

Narragansett Bay Commission

Providence, RI

TREASURER

Cathy Gerali

District Manager

Metro Wastewater

Reclamation District

Denver, CO

SECRETARY

David St. Pierre

Executive Director

Metropolitan Water

Reclamation District of

Greater Chicago

Chicago, IL

PAST PRESIDENT

Karen L. Pallansch

Chief Executive Officer

Alexandria Renew Enterprises

Alexandria, VA

CHIEF EXECUTIVE OFFICER

Adam Krantz

June 10, 2016

Mr. Steven Snyderman

Office of Pesticide Programs

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, NW

Washington, DC 20460

Submitted via www.regulations.gov

Re: Docket EPA-HQ-OPP-2009-0317, Draft Biological Evaluation for Malathion

The National Association of Clean Water Agencies (NACWA) appreciates this opportunity to comment on the draft Biological Evaluation (BE) for malathion. NACWA represents the interests of nearly 300 publicly owned wastewater treatment agencies nationwide, serving the majority of the sewered population in the U.S.

NACWA's members continue to face challenges as they strive to meet increasingly stringent Clean Water Act (CWA) requirements, while having limited control over the toxic pollutants and other substances in the wastewater they treat. These requirements include acute and chronic whole effluent toxicity (WET) tests that may be influenced by pesticides in the wastewater. If a publicly owned treatment work (POTW) fails a WET test, additional tests and treatment or removal of identified toxic compound(s) are required, which can be extremely costly for the utility. In some cases, total maximum daily loads (TMDLs) for pesticides must also be met by POTWs. Since POTWs cannot control or limit the indoor use of pesticides and their subsequent discharge to the sewer system, expensive additional treatment of the wastewater may be required. Thorough EPA assessment of pesticides is therefore necessary to avoid these burdens on POTWs and protect their receiving waters.

NACWA provides the comments below on the BE for malathion. In addition, NACWA also supports the more detailed comments and information submitted by the Bay Area Clean Water Agencies (BACWA).

- Federal review of malathion must include its indoor use, its discharges to POTWs, and the resulting environmental risks. Malathion is used indoors for treatment of head lice, and its use will peak during lice outbreaks. The BE should include this use, in the same way that EPA has considered other pesticides that are regulated by both the Agency's Office of Pesticide

Programs (OPP) and the Food and Drug Administration (FDA). EPA began doing this in 2002 with its environmental risk assessment of lindane, and is currently doing for triclosan.

- The BE should consider the formation of malaoxon, which is more toxic to aquatic organisms than malathion. Malaoxon appears to be formed from malathion when wastewater effluent is disinfected with chlorine, and should therefore be included along with malathion in POTW effluent risk assessments.
- The BE and risk assessments should consider the potential of malathion to interfere with the wastewater treatment process. Microorganisms are used to break down organic matter in wastewater, and pesticides can harm these microorganisms, resulting in slower or less efficient treatment of wastewater. Malathion was shown in one study to affect the biological diversity of microorganisms in activated sludge and inhibit the chemical oxygen demand oxidation.¹
- NACWA requests that EPA clarify its procedures and conduct the Registration Review ecological risk assessment. A complete risk assessment, including human and environmental risks, is necessary to consider all potential impacts of malathion. In addition, the opportunity for public comment on the full ecological risk assessment prior to a proposed Registration Review decision is a necessary part of EPA's process.
- The BE and risk assessments should provide for regulatory consistency between OPP and EPA's Office of Water. The indoor use of pesticides approved by OPP – which POTWs cannot limit or control – should not result in POTWs failing to meet their CWA requirements. The Registration Review should therefore consider all water quality impacts and permit requirements that POTWs must meet to protect water quality.

Thank you for your consideration of these comments. Please contact me at 202-533-1836 or cfinley@nacwa.org if you have any questions.

Sincerely,



Cynthia A. Finley, Ph.D.
Director, Regulatory Affairs

¹ Janeczko. et al. Fate of malathion and a phosphonic acid in activated sludge with varying solids retention times, Water Research, Vol. 57, pg. 127-139, 2014.