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July 6, 2020

Andrew Muench
Office of Pesticide Programs (OPP)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW.
Washington, DC 20460–0001
Submitted via *www.regulations.gov*

RE: Bifenthrin Registration Review – Proposed Interim Decision (EPA–HQ–OPP–2010–0384)

Dear Mr. Muench:

The National Association of Clean Water Agencies (NACWA) appreciates the opportunity to comment on the Registration Review Proposed Interim Decision for bifenthrin. NACWA represents the interests of over 300 publicly owned wastewater treatment agencies nationwide, serving the majority of the sewered population in the US. Many NACWA members also provide stormwater services for their communities. In addition to the comments below, NACWA supports the more detailed comments submitted by the Bay Area Clean Water Agencies (BACWA).

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. Toxicity test failures can result in significant costs to utilities due to the additional testing and evaluation requirements. Pesticides may also have impacts on receiving waters, recycled water quality, and the quality of biosolids for beneficial reuse.

Pyrethroids and pyrethrins are concerning to NACWA's member utilities due to their high aquatic toxicity and their ability to pass through the wastewater treatment processes used at publicly owned treatment works (POTWs), ending up in effluent and biosolids. Pyrethroids and pyrethrins are found in multiple consumer products with transport pathways to sewer systems, including pet flea control products, lice and scabies treatment, and impregnated clothing. POTWs are designed to treat municipal wastewater and are not designed to remove pesticides such as pyrethroids and pyrethrins. Since most states do not allow local regulation of pesticide sales or use, it is very important to POTWs that EPA implement mitigation measures to protect the beneficial uses of receiving waters.

NACWA requests that EPA consider different mitigation measures for different pyrethroids and pyrethrins, depending on the level of risk for each individual pesticide. EPA's Pyrethroids and Pyrethrins Ecological Risk Assessment identified

substantially different aquatic risks from POTW discharges of individual pyrethroids and pyrethrins. However, EPA's proposed risk mitigation was the same for all 23 pyrethroids and pyrethrins. NACWA supports EPA's proposed label improvements to prevent down-the-drain disposal of unused products, but NACWA urges EPA to address the continuous discharge from ordinary use of pesticides. Based on both EPA modeling and available monitoring data, additional risk mitigation is needed to protect POTWs and their receiving waters. NACWA therefore requests that additional, individual risk mitigation is implemented for the highest risk pyrethroids, including bifenthrin.

NACWA requests that EPA conduct an individual evaluation for one major source of bifenthrin discharges to POTWs, pet shampoos. Among pet flea shampoos, pyrethrins are the least toxic of the 23 pyrethroids and pyrethrins, and they are also the most commonly used pesticide in shampoos. Only four other pesticides are used in these shampoos: bifenthrin, permethrin, phenothrin, and etofenprox, all of which have a minor market share. Pet flea shampoos without pyrethrins or pyrethroids also exist, along with shampoos that are exempt from the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). EPA's FIFRA Science Advisory Panel states that "even non-pesticidal soaps may have a mortality factor against fleas and ticks." Given this higher aquatic risk of bifenthrin relative to pyrethrins, the availability of lower-risk products, and the potential costs to POTWs from pesticide pass-through, the benefits of bifenthrin do not justify its continued use.

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