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

RE: **Registration Review Proposed Interim Decisions for Cyfluthrin and beta-Cyfluthrin (EPA–HQ–OPP–2010–0684), Deltamethrin (EPA–HQ–OPP–2009–0637), Esfenvalerate (EPA–HQ–OPP–2009–0301), Fenpropathrin (EPA–HQ–OPP–2010–0422), Phenothrin (EPA–HQ–OPP–2011–0539), Prallethrin (EPA–HQ–OPP–2011–1009), and Tau-fluvalinate (EPA–HQ–OPP–2010–0915)**

Dear EPA Pyrethroids Chemical Review Managers:

The National Association of Clean Water Agencies (NACWA) appreciates the opportunity to comment on the Registration Review Proposed Interim Decision for the pyrethroids cyfluthrin and beta-cyfluthrin, deltamethrin, esfenvalerate, fenpropathrin, phenothrin, prallethrin, and tau-fluvalinate. 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.

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 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 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. 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, 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 regarding 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 be implemented for the highest risk pyrethroids.

Ideally, EPA would evaluate the balance between costs and benefits for each of the 23 pyrethroids and pyrethrins and for each pesticide use, considering the full range of available pest control alternatives for each use. Although this type of complex evaluation would be difficult, a focused evaluation of some individual uses is practical and necessary to support EPA's decision. Pet flea control products should be the focus of these evaluations, since their use has the highest associated non-user costs and mitigation measures would provide the most benefit.

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.
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