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August 22, 2017

Bonnie Adler

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

Re: EPA-HQ-OPP-2009-0846, Diquat Dibromide – Proposed Registration Review Decision

Dear Ms. Adler:

The National Association of Clean Water Agencies (NACWA) appreciates the opportunity to comment on the proposed registration review decision for diquat dibromide, an herbicide and root control chemical (82 FR 24122). NACWA represents the interests of nearly 300 publicly owned wastewater treatment agencies, 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.

NACWA is particularly interested in diquat dibromide because of its use as an effective root control chemical in wastewater collection systems. Roots intruding into wastewater collection systems are a leading cause of blockages, which can cause untreated wastewater to spill out of the collection system. Controlling roots helps prevent these backups and protect water quality. Diquat dibromide is an effective root control chemical, but excess use of the chemical in a short time period may adversely affect the wastewater treatment processes used by publicly owned treatment works (POTWs) by impairing or killing the microorganisms used to treat the wastewater. It is therefore important for EPA to identify risk management strategies that will allow for the continued use of diquat dibromide as a root control chemical, while also protecting wastewater treatment operations and the nation's receiving waters.

NACWA appreciates that the proposed registration review decision for diquat dibromide manages risk by including label language regarding notification of

downstream POTWs about upcoming applications of the chemical for root control purposes. However, NACWA is concerned about the enforceability of this notification and the adequacy of worker safety protections. NACWA suggests minor modifications to the proposed label language to address both of these issues.

The proposed label language states that “documentation of the notification is not required by law.” POTWs’ experience in enforcing sewer discharge requirements has shown that written documentation is critical for notification requirements. Without a requirement for this documentation, notification of downstream POTWs may not occur and it will be difficult for POTWs to enforce the requirement.

This notification is important to protect the wastewater treatment process, but also to protect utility workers who must access the sewer system as they complete their day to day maintenance activities. Due to the health risks associated with direct exposure to diquat dibromide treatment solutions, workers must not open and enter manholes in areas undergoing treatment. NACWA requests that EPA include a statement in the label language about the need to ensure that workers do not enter manholes in treatment areas. This can be accomplished through the POTW notification, but only if the notification is required and enforceable.

NACWA recommends that EPA revise the proposed label language relating to POTWs to improve notification enforceability and worker safety protection, while minimizing the burden on applicators. NACWA supports the following modifications to the label language recommended by the Bay Area Clean Water Agencies (BACWA):

This notification serves to inform wastewater treatment facility personnel of proposed application dates so that they may monitor or adjust the diquat dibromide treatment and any other operations ~~with the system~~ that may be affected by the diquat dibromide treatment and restrict staff from entering the downstream lines. ~~can be monitored or adjusted as needed. While documentation of the notification is not required by law,~~ Applicators must maintain a written record of the notification date and POTW contact name. ~~It is~~ is in the applicators’ interest to confirm that the notification is received and understood by the appropriate personnel.

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