NACWA
A CLEAR COMMITMENT TO AMERICA'S WATERS

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Moana Appleyard
Office of Pesticide Programs
U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460
Via email: *appleyard.moana@epa.gov*

Re: Docket ID EPA-HQ-OPP-2008-0331, Pyrethroids and Pyrethrins Ecological Risk Mitigation Proposal for 23 Chemicals

Dear Ms. Appleyard:

The National Association of Clean Water Agencies (NACWA) appreciates the opportunity to comment on the Pyrethroids and Pyrethrins Ecological Risk Mitigation Proposal (84 *Fed. Reg*. 61055). NACWA represents the interests of over 300 publicly owned wastewater treatment agencies and stormwater management utilities, serving the majority of the sewered population in the US.

NACWA's members continue to face challenges as they strive to meet increasingly stringent Clean Water Act 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 wastewater from domestic and industrial sources. Toxicity test failures can result in significant costs to utilities due to additional testing and evaluation requirements. Pesticides such as pyrethroids may also have impacts on wastewater treatment processes, receiving waters, recycled water quality, and the quality of biosolids for beneficial reuse.

NACWA is particularly concerned about pyrethroids and other pyrethrins because of their high aquatic toxicity and ability to pass through publicly owned treatment works (POTWs), ending up in the treated effluent and biosolids. Even POTWs with advanced treatment technologies cannot completely remove pyrethroids. Since POTWs in most states are not allowed to regulate pesticide use at the local level, there is no way for utilities to prevent the discharge of pesticides into wastewater. It is therefore necessary for EPA to protect the wastewater treatment process and the aquatic environment by mitigating the risk presented by pyrethroid and pyrethrin pesticides.

NACWA requests that EPA fully consider the risks posed to POTWs by pyrethroids and pyrethrins in the risk mitigation and label requirements. In addition to the comments below, NACWA supports the more detailed comments submitted by the Bay Area Clean Water Agencies (BACWA).

Risk Mitigation Measures

NACWA appreciates that EPA's ecological risk proposal reaffirms the Agency's finding that pyrethroids discharged to POTWs pose an ecological risk that should be mitigated. NACWA supports EPA's proposed product label improvements to prevent down-the-drain disposal of unused products. However, consumer products containing pyrethroids – primarily pet flea treatments – will still be continuously discharged to POTWs. NACWA recommends that these discharges be addressed through the following mitigation measures:

- Pet shampoos – end the use of bifenthrin and permethrin due to their high ecological risk and low benefit.
- Pet spot-on treatments and other types of treatments – eliminate unnecessary use of pyrethroids and pyrethrins, using updated efficacy testing guidelines.

Of the 23 chemicals in this ecological risk mitigation proposal, pyrethrins are the least toxic. Pyrethrins are also the most commonly used pesticide in pet flea shampoos. Only four other pesticides are used in these shampoos: permethrin, phenothrin, bifenthrin, 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).

In addition, EPA's FIFRA Science Advisory Panel states that "even non-pesticidal soaps may have a mortality factor against fleas and ticks." Bifenthrin and permethrin have substantially higher aquatic risk than permethrin. Given this higher risk, the availability of lower-risk products, and the potential costs to POTWs from pesticide pass-through, the benefits of bifenthrin and permethrin do not justify their continued use.

Although EPA is working on new Proposed Guidelines for Efficacy Testing of Topically Applied Pesticides Used Against Certain Ectoparasitic Pests on Pets (Docket ID EPA-HQ-OPP-2019-0161), the ecological risks must be considered from spot-on and other pet flea control treatments that are discharged to POTWs. NACWA asks that EPA provide a plan for addressing these risks, with specific goals for eliminating unnecessary use and minimizing the quantities of pyrethroids and pyrethrins discharged to POTWs.

Potential Impacts to POTWs

Although EPA acknowledges in the Proposal that pyrethroids may have costly impacts on POTWs, NACWA requests that EPA correct the Proposal to recognize that pyrethroids and pyrethrins are used nationwide and may affect all POTWs in the US, not only in California. All POTWs are subject to federal Clean Water Act requirements, including toxicity tests that may be influenced by pyrethroids and pyrethrins discharged to the sewer system.

Differentiation Between the 23 Chemicals

NACWA requests EPA acknowledge that different uses of the 23 pyrethroids and pyrethrins in the Proposal will result in varying risks and impacts. The Proposal currently treats all 23 chemicals as having equal costs and benefits. Ideally, EPA would consider the costs and benefits for each use of each chemical, but NACWA recognizes that this type of evaluation would be impractical. However, NACWA requests that EPA conduct an individual evaluation for pet shampoos containing bifenthrin and permethrin, as discussed above. In this case, a focused evaluation of the risks presented by the pesticide for this use would be practical and is necessary to support EPA's risk mitigation decision.

Label Clarifications

NACWA supports the use of a simple graphic on product packages to show that the product should not be poured down the drain. NACWA recommends that a clear graphic be used, such as this one provided by the Dublin San Ramon Sanitary District:

NACWA would be pleased to work with EPA, BACWA, and registrants on determining an appropriate graphic, along with the details for using the graphic on product packages, such as size and placement.

Along with the graphic, NACWA supports a drain discharge prohibition label language in both English and Spanish, and recommends the following language for products labeled for use directly inside pipes or sinks:

> "Do not pour down the drain or sewer except when following treatment instructions for [drains][sewers]. Call your local solid waste agency for local disposal options."

NACWA also supports EPA's proposal to require that product labels specifically state whether the product are allowed to be used indoors only, outdoors only, or both indoors and outdoors.

For pet products, NACWA requests that EPA require all pet flea shampoos containing pyrethroids and pyrethrins to have instructions for application quantity and frequency of use. Spot-on treatments should include language stating that pets should not be washed for at least two weeks after treatment. These label additions will help reduce the amount of pesticides washed down the drain.

Notification for Wastewater Collection System Applications

A small group of pyrethroid products may be applied to wastewater collection systems, which are often managed by separate entities from the wastewater treatment plant. Collection system managers may not be aware of the impacts of pesticides on treatment plants, and the treatment plant operators may not know when pesticides are applied to the collection systems. NACWA therefore recommends that label language require notification of treatment plants, as follows:

> "Applicators must notify downstream wastewater treatment facilities prior to the first application of this product on manholes or in the wastewater collection system."

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