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August 5, 2020

Darius Stanton  
Office of Pesticide Programs (OPP)  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW  
Washington, DC 20460-0001  
Submitted via [www.regulations.gov](http://www.regulations.gov)

#### **RE: Fipronil Draft Risk Assessment (EPA-HQ-OPP-2011-0448)**

Dear Mr. Stanton:

The National Association of Clean Water Agencies (NACWA) appreciates the opportunity to comment on the Draft Risk Assessment for fipronil. 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 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.

The risks associated with the discharge of pet flea control products into the sewer system were not considered in EPA's fipronil draft risk assessment. NACWA is concerned with this omission because of fipronil's 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 fipronil. 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 fipronil.

Multiple studies have demonstrated that fipronil and its degradates are present in wastewater influent and effluent, with effluent concentrations in some locations exceeding EPA's chronic toxicity endpoints for both fresh water and

salt water. Research has shown that fipronil from pet flea control products can be discharged into the sewer system when pets are washed. Fipronil can also be transferred to indoor surfaces and to humans and their clothing. Subsequent washing of hands, clothing, and indoor surfaces results in the discharge of the pesticide into the sewer system. Topical pet products appear to be the primary source of fipronil and imidacloprid in wastewater at eight POTWs in the San Francisco Bay area. Detailed information about this research is contained in BACWA's comments.

Given this evidence that pet flea control products are a major source of fipronil in municipal wastewater, and that fipronil passes through POTWs, NACWA requests that the fipronil risk assessment be expanded to include sewer discharges of fipronil from pet flea control products. EPA had conducted this type of "down the drain" risk assessment for many other pesticides, and the same type of analysis should be done for all of the pathways that fipronil may take to the sewer system and subsequently to the environment.

NACWA also requests that EPA pursue risk mitigation for fipronil. Many alternatives exist for controlling fleas and ticks on pets. For example, the new generation of FDA-approved oral medications are equally or more effective and convenient than spot-on treatments, and these medications are well-accepted by pet owners and veterinarians. Neonicotinoids and pyrethroids are not good alternatives to fipronil due to their risks and should not be considered as alternatives by EPA.

In addition to evaluating alternatives, NACWA asks that EPA consider these additional risk mitigation strategies for fipronil products:

- Add the same product stewardship label elements that are proposed for the pyrethroid insecticides: stewardship statements and indoor and outdoor drain discharge prohibition pictograms prohibiting discharge to any drain, label clarifications, Spanish language translations, and indoor/outdoor use clarifications.
- Determine the minimum application rate necessary to achieve pest control. This would eliminate unnecessary overuse and minimize POTW discharge quantities.
- Add language to pet spot-on flea treatment products to discourage owners from washing their pets for at least two weeks after treatment.

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

Sincerely,



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