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July 7, 2021

Charles Smith

Acting Director, Biopesticide and Pollution Prevention Division

Office of Pesticide Programs (OPP)

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, NW

Washington, DC 20460

Submitted via [www.regulations.gov](http://www.regulations.gov)

**RE: Modification to the Minimum Risk Pesticide Listing Program and Other Exemptions Under Federal Insecticide, Fungicide, and Rodenticide Act (Docket ID No. EPA-HQ-OPP-2020-0537)**

Dear Mr. Smith:

The National Association of Clean Water Agencies (NACWA) appreciates the opportunity to comment on the Minimum Risk Pesticide Listing Program, which allows exemptions for pesticides from registration and other requirements under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). 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 is concerned about pesticides that may be washed or drained into sewer systems, which transport wastewater to publicly owned treatment works (POTWs). Pesticides may harm the organisms used in a POTW's biological treatment processes, resulting in less effective treatment of wastewater. Since even POTWs with advanced treatment technologies cannot remove all pesticides, receiving waters and aquatic life may be harmed by pesticides in POTW effluent. NACWA's utility members must meet increasingly stringent Clean Water Act requirements, including 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 additional testing and evaluation requirements.

As utilities across the country expand their focus to include recovering the resources available in wastewater, it is becoming even more important to

protect the quality of the wastewater received by POTWs. Pesticides in wastewater may adversely affect both water reuse and the beneficial reuse of the biosolids produced in the wastewater treatment process. 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, recovery of resources from wastewater, and the aquatic environment by evaluating and mitigating the risks presented by pesticides.

EPA's list of factors used to evaluate if a pesticide qualifies as a Minimum Risk Pesticide does not include consideration of POTWs. NACWA agrees with BACWA's recommendation that EPA include a factor to consider POTW impacts, such as the following:

*Could the pesticide interfere with POTW treatment processes, cause Clean Water Act non-compliance, or otherwise limit a POTW's ability to discharge effluent, reuse water (including as drinking water), or beneficially reuse biosolids?*

The addition of this factor would ensure that Minimum Risk Pesticides do not adversely impact POTW operations or limit a utility's ability to recover wastewater resources.

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