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March 22, 2023

Dr. Shaunta Hill-Hammond
Designated Federal Officer
U.S. Environmental Protection Agency

***RE: NACWA Considerations for the Science Advisory Board
Biosolids Panel meeting on April 5, 2023.***

Dear Dr. Hill-Hammond:

The National Association of Clean Water Agencies (NACWA) appreciates the opportunity to provide written feedback on the U.S. Environmental Protection Agency's (EPA) *Approach to Biosolids Chemical Risk Assessment and Biosolids Tool* review before the Scientific Advisory Board (SAB).

NACWA represents the interests of over 350 publicly owned wastewater utilities of all sizes across the country. Our members are anchor institutions in their communities that everyday provide the essential service of treating billions of gallons of our nation's wastewater and managing the millions of tons of biosolids generated as a byproduct of the wastewater treatment process in a manner that ensures the continued protection of public health and the environment.

We offer the following comments for the SAB:

The overall Charge for the Biosolids Panel includes SAB comment on the risk assessment framework. However, the three Charge Questions before the Panel assume the framework is appropriate in and of itself and focus on reviewing three specific elements within the framework. The overall Charge neglects to consider whether the framework itself is a sound approach.

NACWA recommends that an additional charge be added, a step zero, which considers the appropriateness of the framework itself in light of existing significant data gaps and gaps that may emerge during the risk assessment process. This is particularly important when the framework is applied to contaminants of emerging concern, such as per- and polyfluoroalkyl substances (PFAS) and

microplastics. This is critical as 43% of the country's biosolids are land-applied to provide a number of benefits, including nutrients and soil amendments.¹

The risk assessment framework should be viewed in the context of alternative impacts, including environmental justice and sustainability concerns regarding impacts of regulations on biosolids disposal. This requires the unique perspectives of stakeholders other than scientists and should include agronomists, sanitary engineers, farmers, and diverse non-governmental organizations (NGOs). Stakeholders that are concerned about environmental and sustainability impacts, including the impacts associated with the increased use of commercial fertilizer, need to be included in the evaluation of acceptable risk.

EPA proposes advancing contaminants of “high information, and high concern” through the risk assessment process. The “high concern” is based on seven scientific domains, including: susceptible populations, persistence and bioaccumulation, and skin sensitization and skin/eye irritation. Each of these domains require evaluating the potential risk considering the unique nature of biosolids disposal.

NACWA specifically seeks review from the SAB panel on its Charge for the following:

- The PICS process is too broad and needs to be refined for biosolids. As an example, skin sensitization and skin/eye irritation (7th domain) makes sense for the Toxic Substances Control Act (TSCA) but direct dermal contact is not an exposure route that is evaluated for biosolids.
- We encourage the human hazard-to-exposure ratio (1st domain) to use exposure values specific to biosolids. Making PICS biosolid-specific from the get-go will streamline the prioritization of chemicals if the list is filtered/reduced accordingly.
- The framework needs to include uncertainty analysis, especially when using second-tier toxicity criteria. The Panel should evaluate how to improve the information availability metric, which will encourage development of meaningful data gaps assessments.
- The Panel should consider the importance of background levels of contaminants in the framework. For example, the maximum contaminant levels (MCLs) for two PFAS (PFOA and PFOS) in drinking water are more stringent than background levels in surface waters, including ocean spray. If the regulatory limits of a contaminant resulting from the risk assessment process exceed background levels in soils, then there is no benefit to regulating biosolids using that limit.

¹ 2021 Biosolids Annual Program Report data – see <https://www.epa.gov/system/files/styles/large/private/images/2021-07/biosolids-use-disposal-potws-2019.png?itok=FbNe4iKp>.

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March 22, 2023
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NACWA appreciates the opportunity to provide the above considerations. If there are any questions or concerns, please do not hesitate to contact me at eremmel@nacwa.org or 202/533-1839.

Sincerely,

A handwritten signature in black ink, appearing to read "Emily Remmel". The signature is fluid and cursive, with a large loop at the end.

Emily Remmel
Director, Regulatory Affairs