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Public Information and Records Integrity Branch (PIRIB) (7502C)
Office of Pesticide Programs (OPP)
Environmental Protection Agency
1200 Pennsylvania Ave., NW.
Washington, DC 20460-0001
Attn: Docket ID Number OPP-2004-0387

To Whom It May Concern:

Docket No. OPP-2004-0387
Pesticides: Data Requirements for Conventional Chemicals

Tri-TAC appreciates the opportunity to comment on the proposed changes to the data requirements for conventional chemicals. Tri-TAC is a technical advisory group for Publicly Owned Treatment Works (POTWs) in California. The California Association of Sanitation Agencies (CASA), the California Water Environment Association, and the League of California Cities jointly sponsor Tri-TAC. The constituency base for Tri-TAC collects, treats, and reclaims more than two billion gallons of wastewater each day and serves most of the sewered population of California.

U.S. EPA has proposed to update and revise data requirements for the registration and re-registration of conventional pesticides under the Insecticide, Fungicide and Rodenticide Act (FIFRA). The proposed data requirements are intended to ensure that U.S. EPA has all the information necessary to evaluate the environmental and human health risks of pesticide use. The risk benefit standards of FIFRA require U.S. EPA to ensure that pesticides are used in such a manner that mitigation under the Clean Water Act is minimal or unnecessary. Without a complete set of data relevant to water quality, U.S. EPA cannot fulfill this obligation. Tri-TAC believes the proposed rule does not allow U.S. EPA to obtain all the data needed to ensure that pesticides are registered in a manner protective of water quality.

POTWs need U.S. EPA's assistance to protect water from contamination by pesticides. Properly implemented, U.S. EPA's pesticide registration process can ensure that water quality standards are met and aquatic habitats are protected. According to the U.S. EPA website, "When EPA approves a

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particular pesticide for registration, the Agency has assessed the chemical and found that, when used according to label directions, it does not pose unreasonable risk to public health and the environment.”¹ U.S. EPA Office of Pesticide Programs should fulfill this promise and its mandates by coordinating with the Office of Water to assess data needs for the water quality-related portions of its registration and re-registration risk assessments, and to ensure these data needs are fulfilled by the requirements established under 40 CFR Part 158. U.S. EPA has already taken important steps toward protecting water quality throughout its various re-registration processes; however, U.S. EPA should better integrate urban water quality protection into its pesticide review programs. Coordination between U.S. EPA offices in reviewing pesticide data needs is essential to Clean Water Act implementation; it also provides an appropriate method of meeting FIFRA’s goal of preventing unreasonable adverse impacts from pesticide use.

Water Quality Risks From Pesticides

POTWs are not designed to treat pesticides. However, pesticides may be discharged to POTWs in conjunction with both indoor and outdoor pesticide applications. Pesticides can potentially interfere with treatment plant operation, ability to recycle reclaimed water and biosolids, and compliance with NPDES permit effluent limits. The potential for these impacts should be assessed in pesticide risk assessments.

When a pesticide is used indoors, it will often be discharged to a sewer, either because the use produces wastewater, or because an indirect pathway for sewer discharge exists (e.g., the treated surface is eventually cleaned with water). Since POTWs are not designed to treat pesticides, treatment plant effluent and biosolids may contain the pesticide. Such pesticide releases have caused aquatic toxicity and exceedances of permit effluent limits.

The proposed rule needs to recognize that pesticide uses can involve water quality risks and provide the data needed to assess those risks. To properly assess these risks, data on the environmental fate of all pesticides that may be discharged into the sewer should be required in the proposed rule. The data required should be sufficient to predict pesticide fate in POTWs and to support an evaluation of how the presence of pesticides in reclaimed water and biosolids may affect reuse. Tri-TAC suggests contacting the U.S. EPA Office of Water, Office of Wastewater Management, for assistance in selecting the test methods that should be required in the proposed rule to allow proper and complete assessment of the environmental and compliance risks associated with pesticide discharge into sewers.

¹ www.epa.gov/pesticides/regulating/data.htm

Aquatic Toxicity Testing

Water quality agencies have refined aquatic toxicity test methods and updated the organisms selected for these test methods since U.S. EPA originally adopted Part 158. The U.S. EPA Office of Pesticide Programs should take this opportunity to modernize its methods and to make its program consistent with Clean Water Act implementation by requiring the use of the same test species. For example, when Part 158 was first established, *Daphnia magna* was the preferred freshwater aquatic invertebrate test species. Since then, *Ceriodaphnia dubia* has become the preferred test species.

Current listings of EPA standard water quality test species and methods can be found in *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms*, 2002 (EPA 821-R-02-012), *Short Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms*, 1995 (EPA/600/R-95/136), and *Short Term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Marine and Estuarine Organisms*, 2002 (EPA-821-R-02-014). Pesticide registration and re-registration should require both acute and chronic toxicity test results for at least one invertebrate, vertebrate, and plant species utilizing the above-mentioned U.S. EPA standard water quality test species and procedures.

Toxicity test results for sub-lethal end points other than growth and reproduction are also necessary. For example, effects on behavior, swimming performance (which affects a fish's ability to maintain proper position in the water column, avoid predators, and capture food), and reproduction can be critical to the survival of a species.

Urban Pesticide Modeling

During pesticide registration and re-registration, U.S. EPA should model urban runoff to estimate pesticide water concentrations resulting from urban pesticide use. The proposed rule should require the information necessary to support urban pesticide modeling. Pesticide "mobility" (washoff) from urban areas into surface waters can be substantially greater than washoff from agricultural fields because a greater fraction of an applied pesticide washes off impervious surfaces than soil.²

To support urban runoff modeling the proposed rule should require measurements of chemical properties related to surface water transport and pollutant-specific wash-off data for urban surfaces. U.S. EPA should require this data, particularly for impervious surfaces, in its data submittals for all pesticides registering or re-registering for application in outdoor urban areas. Tri-TAC suggests contacting the U.S. EPA Office of

² TDC Environmental (2003). *Insecticide Market Trends and Potential Water Quality Implications*, prepared for the San Francisco Estuary Project, April.

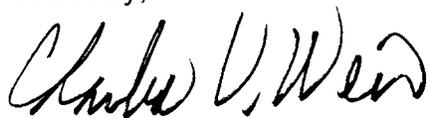
Water, Office of Science and Technology (OST), and the U.S. EPA Office of Research & Development, Council for Regulatory Environmental Modeling, for assistance in developing the specific data requirements that should be included in the proposed rule to support urban runoff modeling.

Whole Sediment Toxicity Testing

Tri-TAC supports the addition of whole sediment acute and chronic toxicity testing for freshwater and saltwater invertebrates (Section 158.400) and environmental fate measurements for pesticides in anaerobic and aerobic aquatic sediment (Section 158.1100). This data is necessary to evaluate the water quality impacts of pesticides. U.S. EPA should recognize that *most* pesticides should be subject to this requirement. Pesticides that are not particularly soluble in water that have high octanol-water partition coefficients (e.g., the pyrethroids) can still move from outdoor surfaces into surface waters, where their presence in sediment may harm water quality.³

Tri-TAC appreciates the opportunity to comment on the proposed rule. If you have any questions or require additional information, please contact Ms. Preeti Ghuman by phone at (562) 699-7411, extension 2904, or by email at pghuman@lacsdsd.org.

Sincerely,



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Chair, Tri-TAC

c: Susan Hazen, EPA Office of Prevention, Pesticides and Toxic Substances
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Steven Bradbury, EPA Environmental Fate and Effects Division
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Bill Johnson, State Water Resources Control Board

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³ Weston, D. P., J. You, and M. J. Lydy (2004). "Distribution and Toxicity of Sediment-Associated Pesticides in Agriculture-Dominated Water Bodies of California's Central Valley," *Environmental Science & Technology* **38**(10):2752-2759.