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Office of Pesticide Programs (7502P)
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington D.C., 20460-0001

RE: Docket No. EPA-HQ-OPP-2009-0635

Dear Sir or Madam:

Thank you for the opportunity to comment on EPA's proposal to require the disclosure of inert ingredients in pesticides. Tri-TAC represents publicly owned (wastewater) treatment works (POTWs) in California and this issue is of great importance to our agencies. Constituents currently referred to as "inert" can pass through POTWs and add to the amount of a chemical constituent discharged to surface waters. Therefore, we strongly encourage EPA to require disclosure of inert ingredients. Our agencies are expected to know what is in our wastewater, where it is coming from, and what can be done to reduce it. EPA, State agencies, and environmental advocacy organizations all have this expectation. In many situations, EPA and its State counterparts require POTWs to determine and control pollutant sources.

An example of a class of "inert" ingredients are chemical agents which are added to pesticides to prevent deterioration and increase shelf life. Often called "stabilizers", these chemicals are toxics which are designed to kill bacteria and other microbes and prevent biological breakdown of the "active" ingredient. These same "inert" ingredients, such as copper, are regulated in the discharge of POTWs to surface water. POTWs must know of such sources and may need to advocate against their use in certain cases.

In addressing the specific questions beginning on page 68219 of the 12/23/09 Federal Register, Tri-TAC suggests the following:

1. Require disclosure only when the constituent is potentially hazardous. "Potentially hazardous" should be defined to include water pollutants. This would insure coverage of constituents of interest to POTWs.
2. Use existing, specified lists to name the hazardous constituents. This will minimize the impact on EPA and others in managing this process. The Office of Water maintains several lists of water pollutants suitable for referencing in a rulemaking.
3. Do not attempt to determine an amount of an inert ingredient below which disclosure would not be required. This creates a burden on EPA which would greatly delay implementation. POTWs can use the reported amounts to determine levels of significance in their geographic area.

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Thank you again for the opportunity to comment on this important regulatory initiative by EPA.

Sincerely,



Ben Horenstein
Tri-TAC Chair

BKH:PB:llb

cc: Steve Owens, Assistant Administrator, Office of Preventing, Pesticides, and Toxic Substances
Steven Bradbury, Acting Director, U.S. EPA Office of Pesticide Programs
Rick P. Keigwin, Jr., U.S. EPA Office of Pesticide Programs, Pesticide Re-Evaluation Division
William R. Diamond, Director, U.S. EPA Office of Pesticide Programs, Field and External Affairs Division
Donald Brady, Director, U.S. EPA Office of Pesticide Programs, Environmental Fate & Effects Division
Jack Housenger, Director, U.S. EPA Office of Pesticide Programs, Biological and Economic Analysis Division
Lois Rossi, Director, U.S. EPA Office of Pesticide Programs, Registration Division
Kerry B. Leifer, U.S. EPA Office of Pesticide Programs, Registration Division
Peter Silva, Assistant Administrator, U.S. EPA Office of Water
Ephraim King, Director, U.S. EPA Office of Water, Office of Science and Technology
James A. Hanlon, Director, U.S. EPA Office of Water, Office of Wastewater Management
Jared Blumenfeld, Administrator, U.S. EPA Region 9
Alexis Strauss, Director, Water Division, U.S. EPA Region 9
Patti TenBrook, Life Scientist, U.S. EPA Region 9
Syed Ali, California State Water Resources Control Board
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