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Office of Pesticide Programs
Regulatory Public Docket (7502P)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

RE: Docket ID No. EPA-HQ-OPP-2009-1012 – Registration of a New Nanosilver Active Ingredient Intended for use as a Preservative in Textile Products

Tri-TAC is rushing this brief letter, with its most recent related submittal, to EPA in an attempt to comment on the registration of nanosilver as an antimicrobial and preservative additive; and more broadly, at the increasing and under-regulated use of silver in consumer products. We are disappointed at the extremely short amount of time provided for our response and are requesting that the comment period be extended.

Tri-TAC is a technical advisory committee representing the League of California Cities, California Association of Sanitation Agencies, and California Water Environment Association. The Publicly Owned Treatment Plants (POTWs) represented by Tri-TAC are extremely concerned by increases in silver being discharged into their wastewater collection systems. Silver is highly toxic to aquatic life at low concentrations, is persistent, and can bioaccumulate in some organisms, such as clams. Further, studies have found that silver particles less than 5 nanometers in diameter are uniquely toxic to nitrifying bacteria, which are critical to effective wastewater treatment at many POTWs.

EPA's primary reason for the conditional approval appears to be its concerns over market fairness and the fact that other competing products are already on the market. Tri-TAC believes that EPA should instead focus its efforts on the existing products to ensure it has sufficient information on their potential impacts. From a wastewater treatment perspective, the conditional approval of another nanosilver product is very discouraging. Wastewater utilities have been working diligently to reduce the input of silver into their wastestream in order to limit its presence in biosolids and wastewater effluent. Though strict pretreatment programs can limit the amount of silver entering the wastestream, treatment plants cannot regulate residential waste which is likely to be a large contributor of nanosilver materials.

Our very rushed review of the EPA proposal finds insufficient data on the risks and benefits to justify even a conditional approval. The "Down-the-Drain" assessment appears to show risk quotients above the level of concern EPA references. No

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mitigation measures are proposed. Tri-TAC sees no scientific basis for the “unreasonable adverse impact” related finding. In fact, data is presented showing substantial risks to both POTWs and the natural environment. National interest is not served by this conditional approval. Continued growth in the use of silver products could well harm ecosystems. EPA’s concern about competitive disadvantage is misplaced. Rather than execute this conditional approval, EPA should gather sufficient information to evaluate the products already registered; and quite possibly conclude that registration should be reconsidered.

Tri-TAC respectfully resubmits (attached) its latest, more detailed, letter to EPA on this subject. Again, Tri-TAC feels strongly that inadequate public notice has been provided and that insufficient data have been collected to support EPA’s approval. Please contact Gail Chesler at (925) 229-7294 if you would like to discuss these comments further.

Sincerely,



Ben Horenstein
Tri-TAC Chair

Attachments