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November 22, 2010

Office of Pesticide Programs (OPP)
Regulatory Public Docket (7502P)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460-0001

Attention: Ms. Rebecca von dem Hagen and Ms. Kaitlin Keller

Docket No. EPA-HQ-OPP-2010-0212 –Registration Review Docket for Copper in Several Forms

The purpose of this letter is to comment on the Registration Review Docket for Copper Sulfate, Copper Compounds, Group II, Copper Salts, and Copper oxide that was made available for public comment on September 22, 2010 (75 FR 57782).

As background, Tri-TAC is a technical advisory group for publicly-owned treatment works (POTWs) in California. The advisory group is jointly sponsored by the California Association of Sanitation Agencies, the California Water Environment Association, and the League of California Cities. Our member agencies collect, treat, and reclaim more than two billion gallons of wastewater each day and we serve most of the sewered population of California.

Tri-TAC has for many years been concerned about the uses and effects of copper as a pesticide. We support the EPA determination to group all copper uses together for registration review. We are encouraged that this review will likely include all uses of copper that might entail discharges to POTWs. We suggest that the uses that particularly need to be reviewed are the following: (1) copper-based root control products - these already appear in your workplan, (2) copper products that are used in swimming pool treatments because pools are often discharged to POTWs. In many municipalities, this discharge to POTWs during the cleaning of pools is a requirement. (3) Fabric treatments should receive special focus, because POTW discharges occur during washing.

The concerns of treatment works include not only the effluent, but also biological treatment processes, biosolids management, and incinerator ash management. In all of these cases, copper can and does act as a biocide or chemical contaminant, endangering the affected process and/or the affected resource (biosolids and ash). We ask that you consider all of these points of evaluation. The EPA water quality objectives should be risk assessment endpoints. Note that the California Toxics Rule includes an EPA-based copper water quality standard that is not based on the biotic ligand model.

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In our view, "Down the Drain modeling" needs improvement. The conservative data that reflects **actual** POTW copper removal efficiencies should be used in this modeling and is available for your use from the EPA Office of Water.

A number of additional points are raised in the comment letters from prior requests for comment, which we have attached.

Conclusion

Sewerage agencies need EPA's assistance to protect surface water from contamination from pesticides, including copper. POTWs are required by NPDES permits to meet effluent toxicity standards; however sewerage agencies do not have the authority to directly regulate pesticides, especially those used in urban residential settings.

Tri-TAC appreciates the opportunity to comment on the Registration Review Docket for copper-based pesticides. If you have any questions or require additional information, please contact Dr. Gail Chesler by phone at (925) 229-7294 or by email at gchesler@centralsan.org.

Sincerely,



Ben Horenstein
Tri-TAC Chair

Attachments

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