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Via Electronic Mail

May 28, 2013

Sandra O'Neill
Office of Pesticide Programs (OPP)
Regulatory Public Docket (7502P)
U.S. Environmental Protection Agency (U.S. EPA)
1200 Pennsylvania Ave., NW.
Washington, DC 20460–0001

Re: Triclosan Registration Review Preliminary Work Plan Case # 2340 (Docket ID Number EPA–HQ–OPP–2012–0811)

Dear Ms. O'Neill:

Tri-TAC appreciates the opportunity to provide comments on the Registration Review Preliminary Work Plan (work plan) for Triclosan. As background, Tri-TAC is a technical advisory group for publicly owned treatment works (POTWs) in California. It is jointly sponsored by the California Association of Sanitation Agencies, the California Water Environment Association, and the League of California Cities. The constituency base for Tri-TAC collects, treats, discharges or reclaims wastewater and manages biosolids for most of the sewered population of California.

Tri-TAC is interested in the Triclosan Registration Review process because Triclosan is an aquatic toxicant and its uses have expanded rapidly. For example, linens, clothing, blankets, pillows, carpets, food service containers, food trays, tiles, toilets, toothbrushes, adhesives, and mops, to name just some listed in the work plan, will all likely be washed at some time during their useful life. Upon washing, these products may release Triclosan into wash water, which will then go down an indoor drain and enter wastewater collection systems and treatment facilities. Once there, Triclosan is relatively stable and may either pass through the treatment facility to surface water or partition to biosolids.

Tri-TAC members treat millions of gallons of wastewater that is then discharged to fresh or salt water bodies, including local creeks and rivers, bays, and the Pacific Ocean. These waterways provide crucial habitat to a wide array of aquatic species and waterfowl. It is therefore essential that the Triclosan registration and review processes adequately consider potential

impacts to wastewater quality, so that such impacts to the beneficial uses of the receiving water are *prevented*.

If the registration review process fails to prevent toxic releases of pesticides to the aquatic environment, an undue burden to address the problem is placed on local governments. Acute or chronic toxicity is one of the most common adverse impacts of pesticides in effluents and surface waters. Under the Clean Water Act, wastewater facilities are often required to conduct and pay for accelerated tests weekly for a minimum of six weeks if toxicity is observed. Should toxicity be observed in two or more of these weekly accelerated tests, the discharger is required to implement a toxicity identification evaluation (TIE), to identify what is causing toxicity, the cost of which can vary widely from $10,000 to well over $100,000 depending on complexity and persistence of the toxicant.

Once identified, the cost to treat or remove the toxicity causing compound(s) can vary dramatically. Often, there are few ways for a discharger to mitigate the problem other than extremely costly treatment plant upgrades. The California State Water Board is currently considering a regulatory proposal that would move toxicity from a narrative standard to a numeric standard. Exceedances would not only trigger the expensive test described above, but would also be subject to both fines and citizen lawsuits.

In addition, when surface water bodies become impaired by pesticides, wastewater facilities may be subject to additional requirements established as part of Total Maximum Daily Loads (TMDLs) set for the water bodies by U.S. EPA and state water quality regulatory agencies. While there are no current impairments identified due to Triclosan, future impairment designations are possible based on the growing body of evidence regarding its impacts in aquatic ecosystems. A number of pesticide-related TMDLs have been adopted or are in preparation in California. The cost to wastewater facilities and other dischargers to comply with TMDLs can be up to millions of dollars per water body per pollutant. This process will continue as long as pesticides are approved for uses that result in water quality impacts; it is therefore imperative that EPA exercise its regulatory authority to fully assess the potential for Triclosan to impact water quality and for EPA to take action to ensure that any impacts are prevented or fully mitigated.

As such, Tri-TAC recommends the following to allow for a more complete approach to risk assessments that may result in discharges to wastewater treatment facilities:

- Need Comprehensive Federal Review of All Triclosan Uses-the list of covered uses in this registration review is extensive, however, there are many other uses of Triclosan not covered by this registration review that are of equal concern to Tri-TAC. Any use of Triclosan that may be washed down indoor drains poses a threat to our members' compliance with stringent regulatory requirements under the Clean Water Act. We believe that the registration review should include a cumulative environmental risk assessment that incorporates all uses of Triclosan, including those regulated under the

Federal Food, Drug and Cosmetic Act (FFDCA) by the Food and Drug Administration (FDA).

- Require All Necessary Aquatic Toxicity Studies in Work Plan- Tri-TAC is concerned that this work plan indicates a lack of understanding of how different listed uses of Triclosan may reach the environment, and therefore which ecological studies are needed. To address the data gaps in the work plan, we request that all the following studies be performed for ***both*** Triclosan and methyl Triclosan either through data requirements or by acceptable open literature: acute and chronic freshwater fish, acute and chronic estuarine/marine fish, acute and chronic freshwater crustacean, acute and chronic estuarine/marine crustacean, acute and chronic freshwater mollusk, acute and chronic estuarine/marine mollusk, acute and chronic freshwater benthic invertebrate, and acute and chronic estuarine/marine benthic invertebrate.

- Improved Conceptual Model Needs Further Refinement- Tri-TAC appreciates that EPA has incorporated a more nuanced conceptual model of environmental releases, particularly the inclusion of potential impacts to wastewater treatment organisms. To further refine this model, we ask that EPA include all uses other than textiles that have the potential to release Triclosan to wastewater facilities and the environment.

- Municipal Wastewater Modeling Necessary- to accurately inform an environmental risk assessment for Triclosan, the EPA should conduct Down-the-Drain modeling that is typical for discharges to municipal wastewater treatment facilities.

- Evaluate Potential Impacts to Wastewater Treatment Organisms- as depicted in the work plan's environmental release conceptual model, microorganisms that treat wastewater may be impacted by Triclosan in wastewater. These microorganisms do the basic work of removing fecal matter and dissolved organics in sewage; if a pesticide enters a treatment plant in sufficient quantities, it is possible it could harm these crucial microorganisms. To support the analysis of municipal wastewater treatment plan process interference, EPA must have sufficient data to evaluate how wastewater treatment organisms may be affected by Triclosan. We request that EPA require a sludge respiration inhibition test (EPA OPPTS Guideline 850.6800)

- Evaluate Impacts to Biosolids- because some portion of the Triclosan released to wastewater treatment facilities is likely to partition to the solid phase, Tri-TAC is concerned about Triclosan's impact on agencies' management options for biosolids. Indeed, several studies have shown uptake and bioaccumulation of Triclosan by certain terrestrial plants grown in biosolids-treated soil. We therefore agree with the Australian government's risk assessment for Triclosan that releases of Triclosan to biosolids need further evaluation, and we urge EPA to require field studies that identify the impacts, if any, to biosolids management options including land application, incineration and surface disposal. Such studies are important to accurately quantify fate, exposure, and risk from

the use of pesticides that will likely partition into biosolids if discharged to wastewater treatment facilities.

Additionally, the Bay Area Clean Water Agencies (BACWA) has submitted comments further detailing these provided by Tri-TAC, which we support and incorporate by reference.

Thank you very much for the opportunity to provide our comments. If you have any questions, please contact Melody LaBella, at (925) 229-7370 or mlabella@centralsan.org.

Very truly yours,

Terrie Mitchell
Tri-TAC Chair

cc: Steve Bradbury, Director, U.S. EPA Office of Pesticide Programs
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