December 13, 2017

Nathan Sell
Pesticide Re-Evaluation Division
Office of Pesticide Programs (OPP)
Regulatory Public Docket Center (28221T)
U.S. Environmental Protection Agency (EPA)
1200 Pennsylvania Ave., NW.
Washington, DC 20460–0001

Subject: Dichlobenil Preliminary Risk Assessments (EPA-HQ-OPP-2012-0395)

Dear Mr. Sell:

On behalf of the Bay Area Clean Water Agencies (BACWA), we thank you for the opportunity to comment on the Preliminary Ecological and Human Health Risk Assessments for the herbicide and root control chemical dichlobenil. BACWA's members include 55 publicly owned wastewater treatment facilities and collection system agencies serving 7.1 million San Francisco Bay Area residents. We take our responsibilities for safeguarding receiving waters seriously and are very concerned about discharges of pesticides into wastewater systems that may compromise effluent quality, biosolids reuse, and compliance with NPDES permit requirements or that may affect worker safety.

BACWA is especially interested in the registration review for dichlobenil as it is an effective chemical commonly used to control root invasion in wastewater collection systems – but it has worker safety risks. Because of the importance of effective root control options, BACWA encourages EPA to identify risk management strategies that will allow for dichlobenil's continued use while protecting wastewater collection system workers and the nation's surface waters.

BACWA appreciates that EPA evaluated the potential for dichlobenil and its primary degradate (BAM) to interfere with the biological treatment processes in municipal wastewater treatment plants (also known as publicly owned treatment works, or "POTWs"). We are pleased that EPA evaluated aquatic risks associated with dichlobenil degradates. Although the health risk assessment did not assess risks to our Pretreatment Program workers and other workers who may work downstream of where applications occur, we appreciate that it looked at worker safety risks for wastewater root control collection system applicators.

In this letter, BACWA summarizes the need for root control chemicals and asks that EPA use its existing Exposure and Fate Assessment Screening Tool (E-FAST) down-the-drain model to evaluate dichlobenil discharges associated with sewer root control so as to better inform

mitigation measure development. BACWA requests that the labels for all dichlobenil products designed for wastewater collection system applications **require notification to downstream POTWs prior to applications** so that action can be taken to avoid potentially harmful exposures to POTW workers who regularly enter collection systems not owned or managed by the downstream POTW and to protect POTW effluent quality.

Background on sewer root control

Wastewater collection systems are typically publicly owned, have pipe diameters from a few inches to many feet, and are typically accessed through human-sized manholes designed for workers to climb down to the collection system piping. A few wastewater collection system lines are large enough for workers to walk through the line itself.

Roots are a leading cause of collection system blockages, which can cause untreated wastewater to spill out of the collection system. Controlling roots helps prevent these backups, while protecting water quality. Like several other states, California has issued Statewide General Waste Discharge Requirements for Sanitary Sewer Systems (WQO No. 2006-0003-DWQ). California's permit requires wastewater collection system operators to implement management actions, such as use of root control chemicals, to prevent collection system blockages. We expect that these requirements have stimulated expanded use of chemical root control in recent years.

Professional applicators – either contractors or municipal staff – conduct chemical root control applications in collection systems. Treatments are conducted in sections and may cover a few thousand feet of collection system line per day.

Sewer laterals are different from collection systems. Laterals are the narrow (inches in diameter), privately owned lines connecting homes and other buildings to the municipal wastewater collection system. There are a few consumer–oriented products specifically designed for residential sewer lateral root treatment. These products are sized for the short length and small diameter of residential sewer laterals; they are sold at retailers in small (e.g., 1 pound), single-application containers designed to be emptied into a toilet that is subsequently quickly flushed. These are infrequent applications, usually by homeowners or service plumbers.

Please see our September 7, 2012 letter (Docket ID number EPA-HQ-OPP-2012-0395-0015), which provides additional background on sewer root control, available root control methods, and chemical application practices. We encourage EPA to use this information as it develops its risk-management decision.

The aquatic risk assessment needs improvement and may overstate risks from use of dichlobenil in wastewater collection systems

The Ecological Risk Assessment (ERA) used an unusual approach to estimating wastewater effluent and surface water concentrations resulting from dichlobenil sewer root control applications. This approach may overestimate risks from sewer root control because it did not assess the fate of dichlobenil in the wastewater treatment process prior to discharge.

The ERA's approach was to calculate how many of the maximum-sized retail container of a dichlobenil-containing root control product could be discharged into a well-mixed static water body analogous to a 20 million liter (5.3 million gallon) "standard farm pond" before exceeding the "Level of Concern" (a concentration potentially harmful to aquatic ecosystems). This approach has multiple shortcomings:

- The estimated quantity discharged into the standard farm pond has no relationship with actual usage levels in wastewater collection systems. For management reasons and to protect treatment processes, collection systems are treated in sections.
- The standard farm pond size and its mixing processes have no relationship to the dilution processes in wastewater collection systems and POTWs.
- The approach does not account for reductions occurring at POTWs, such as biodegradation or sorption onto biosolids.

To inform its risk mitigation approach, BACWA requests that EPA revise the aquatic risk assessment using its existing POTW model

EPA has an existing model – the E-FAST down-the-drain model – appropriate for estimating environmental concentrations from use of dichlobenil for sewer root control. Although the ERA mentions gaps in EPA's understanding of dichlobenil's fate in wastewater treatment systems, these gaps can be filled. EPA's existing predictive model EpiSUITE has the capacity to fill such gaps at a quality level sufficient for a screening-level risk assessment. EpiSUITE appears to be appropriate for dichlobenil and its degradates, since it is used in the ERA.

More accurate modeling is necessary to inform mitigation measure evaluation, as it will ensure that dichlobenil use in sewer collection systems is not unnecessarily restricted. Using the existing E-FAST down-the-drain model to evaluate sewer root control use will better inform mitigation measure development and will ensure that EPA strikes the right balance for water quality protection.

The Human Health Risk Assessment did not evaluate risks to downstream workers entering a wastewater collection system during treatments

While the Human Health Risk Assessment evaluated the impacts to the handler applying dichlobenil root control products into a wastewater collection system, it did not consider the risks to other workers – importantly workers who enter the treated collection system lines. POTWs frequently deploy Pretreatment Program staff to open manhole covers and reach into and/or enter collection system lines to install monitoring equipment or to collect samples for routine monitoring or enforcement purposes. (The Pretreatment Program and this type of sampling are mandated under the Federal Clean Water Act). If POTWs are not notified of dichlobenil applications, these workers may inadvertently work in an area that is receiving root control treatment. In such cases workers, who would not be wearing personal protective equipment designed to protect them from dichlobenil exposures, could have direct exposures to dichlobenil.

For example, workers could be exposed to the foam when opening a manhole cover on a collection system line after a treatment. The foam treatment is not visible through metal manhole covers, so the exposure potential cannot be recognized until the manhole cover is removed and the worker directly encounters the foam. Worse, workers could be inside the line under treatment and

unexpectedly face a rapidly moving wall of foam. Post-application exposures could occur through contact with surfaces in the system after the foam subsides but while the chemical remains in the collection system (e.g., on the walls of the lines).

The human health risk assessment did not assess the risks associated with these direct exposures. We expect that the risks associated with such exposures are likely to be significant, since dichlobenil root control product labels currently have multiple warnings. For example:

- Labels state: "Do not use in confined areas without adequate ventilation" and "avoid any entry into manholes or confined areas."
- Products warn that they are harmful if swallowed or absorbed through skin.
- Users are directed to avoid contact with eyes, skin or clothing.

BACWA requests POTW notification prior to wastewater collection system applications

In our September 7, 2012 letter on the Dichlobenil Preliminary Work plan, BACWA requested that EPA implement an early mitigation measure – POTW notification prior to dichlobenil wastewater collection system applications. Because worker safety and effluent quality are a top priorities for our member agencies, we continue to seek POTW notification prior to collection system applications.

OPP staff may have misconstrued our 2012 mitigation request. A footnote to Table C.1 in the Ecological Risk Assessment states that "According to the California water stakeholders, current label language for dichlobenil requires applicators to notify treatment plants when they are treating the sewers and restricts how much they can be used per day." This is incorrect. Notification is only required for dichlobenil root control products that also contain metam sodium, for which POTW notification requirements were adopted in 2009. Our request is to extend the POTW notification requirement to cover all dichlobenil products designed for use in wastewater collection systems.

Domestic wastewater collection systems are commonly managed separately from the downstream POTW. It is not uncommon for multiple municipal and private wastewater collection systems to flow to a single, separately owned and operated POTW. Consequently, POTW staff are not necessarily aware of the upstream use and discharge of root control chemicals. Furthermore, chemical root control is often applied by contractors, who are unlikely to be in daily communication with either collection systems managers or POTW managers.

Without proper communication, there may be unintended instances of worker dichlobenil exposure following an application. By requiring notification to downstream wastewater treatment facilities, POTW managers can ensure that their pretreatment staff avoid opening manholes and/or entering affected wastewater collection lines.

Based on the findings of the risk assessment, we anticipate that EPA may recommend a maximum quantity of dichlobenil use per day (based on POTW flow). A notification requirement would help POTWs manage instances when multiple upstream collection systems receive concurrent dichlobenil treatments.

EPA has previously established POTW notification requirements for other wastewater collection system root control chemicals. BACWA requests that EPA and registrants place POTW notification requirements on product labels. We have suggested label language below. This language meets our goals of worker safety protection and enforceability while seeking to minimize the burden on applicators. It uses clear, brief wording that will fit on the product container. We encourage EPA to consult with state and local agencies charged with pesticides enforcement, such as California Department of Pesticide Regulation, to ensure that the final POTW notification requirement is fully enforceable without onerous efforts by either inspectors or applicators.

Recommended Label Instructions for POTW Notification

This product must be used only where wastewater treated for root control will be processed through a wastewater treatment facility. This product may be used in storm or other drainage lines only if the treated water is then either processed through a wastewater treatment facility or discharge in accordance with an applicable NPDES permit.

Applicators must notify appropriate personnel at the downstream wastewater treatment facilities at least 24 hours prior to the start of dichlobenil applications. In addition to the proposed date of application, applicators must provide additional information as requested by the wastewater treatment facility, including information on the proposed amount of dichlobenil that is anticipated to be applied.

This notification serves to inform wastewater treatment facility personnel of proposed application dates so that they can restrict staff from entering the downstream lines. Applicators must maintain a written record of the notification date and POTW contact name. It is in the applicators' interest to confirm that the notification is received and understood by the appropriate personnel.

Unless EPA finds significant worker safety risks associated with the small applications associated with sewer lateral treatments, we think it is unnecessary to require POTW notification for the residential retail products sold in small (e.g., 1-pound) containers.

Summary

Root control chemicals play an important role in managing wastewater collection systems, but they may pose worker safety risks. BACWA respectfully requests that EPA use its existing Exposure and Fate Assessment Screening Tool (E-FAST) down-the-drain model to evaluate discharges associate with sewer root control use so as to better inform mitigation measure development and avoid unnecessary restrictions on dichlobenil applications. Because worker safety is a top priority to our member agencies, BACWA requests that all dichlobenil root control product labels require notification to downstream POTWs prior to application of dichlobenil in wastewater collection systems so that action can be taken to avoid potentially harmful exposures to POTW workers who regularly enter collection systems not owned or managed by the downstream POTW. This request does not include small-container retail products designed for sewer lateral treatment, unless EPA finds worker safety risks associated with these small applications.

Thank you for your consideration of our comments. If you have any questions, please contact BACWA's Project Managers:

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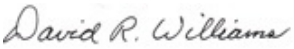
Respectfully Submitted,



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