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September 7, 2012

Office of Pesticide Programs (OPP)
Docket ID Number EPA-HQ-OPP-2012-0395
Attn: Eric Miederhoff
U.S. Environmental Protection Agency (U.S. EPA)
1200 Pennsylvania Ave., NW.
Washington, DC 20460-0001
Via Regulations.gov

Re: Dichlobenil Registration Review, Case # 0263 (Docket ID Number EPA-HQ-OPP-2012-0395)

Dear Mr. Miederhoff:

The National Association of Clean Water Agencies (NACWA) appreciates the opportunity to comment on the registration review for the herbicide and root control chemical dichlobenil (July 6, 2012; 77 *Fed. Reg.* 40048). NACWA represents the interests of nearly 300 of the nation's publicly owned wastewater treatment works (POTWs) or clean water agencies. NACWA's members continue to face challenges as they strive to meet increasingly stringent Clean Water Act (CWA) requirements while having limited control over the toxic pollutants and other substances in the wastewater they treat.

NACWA is particularly interested in the registration review for dichlobenil given its use as an effective root control chemical in wastewater collection systems. Roots intruding into wastewater collection systems are a leading cause of blockages, which can cause untreated wastewater to spill out of the collection system. Controlling roots helps prevent these backups, while protecting water quality. Though dichlobenil is used for root control, excess use of the chemical has the potential to adversely affect the wastewater treatment process and could pose a hazard to collection system workers. It is important for EPA to strike the right balance during its registration review by identifying risk management strategies that will allow for dichlobenil's continued use, while protecting wastewater collection system workers, wastewater treatment operations, and the nation's receiving waters.

In addition to the comments offered below, NACWA also supports the more detailed comments and information submitted by the Bay Area Clean Water Agencies (BACWA).

Background on Root Control in Wastewater Collection Systems

Sewer lines that flow to wastewater treatment plants are known as “wastewater collection systems.” These systems are actively maintained and managed to ensure their successful operation. Root control prevents line blockages, which can back sewage up into homes, businesses, and through manholes into streets, where overflows may reach storm drains, creeks, rivers, estuaries, and beaches. To protect public health and water quality, wastewater collection system management programs have long included root control as a proven maintenance option. In the face of increasing regulatory requirements to reduce sewer overflows, root control programs have grown in the last few years. Utilities can use a variety of approaches to address roots, including physical repairs, mechanical removal, and chemical control, as appropriate, to maximize effectiveness and control costs. Chemical root control is often recommended in situations where other control options are not as effective.

EPA Should Evaluate Potential Worker Health and Safety Risks

Because worker safety is a top priority for our members, NACWA requests that EPA require further studies that better evaluate wastewater collection system workers’ potential exposure to dichlobenil. Wastewater collection system workers encounter unique occupational requirements that the Health Effects Division (HED) may not be aware of, such as entering and working in sanitary sewer lines, and standing above manholes for prolonged periods to conduct maintenance and/or collect wastewater samples. Many of these tasks generally do not currently require extensive personal protective equipment, such as respirators.

Given that the primary use for dichlobenil is for root control in wastewater collection systems, we believe that the Human Health Assessment (“Dichlobenil Human Health Assessment Scoping Document in Support of Reregistration Review,” EPA, May 16, 2012) should be modified to address these specific occupational exposures. NACWA requests that HED remove its waiver to the registrant for inhalation studies in confined or enclosed spaces (Human Health Assessment, p. 5) and instead modify this requirement to specifically examine potential worker inhalation exposures associated with wastewater collection system applications. Further, NACWA requests that EPA also require dermal, oral, olfactory and eye sensitization studies and applicator exposure measurements that are designed to identify whether current worker safety measures are sufficient to provide appropriate protection for wastewater collection system workers.

NACWA is willing to assist in the design of the exposure measurement studies and to coordinate with its members to provide sampling opportunities to ensure that study scenarios appropriately reflect application methods and worker safety practices for those applying dichlobenil and those who may enter the collection system after dichlobenil has been applied.

EPA Should Evaluate Potential Wastewater Treatment Process Interference

In modern wastewater treatment plants, microorganisms do the basic work of removing fecal matter and dissolved organics in sewage, reducing biological and chemical oxygen demand as well as suspended solids prior to discharge to receiving waters. If a pesticide enters a treatment plant in sufficient quantities, it is possible it could harm these crucial microorganisms, causing “process interference,” or a plant “upset” where wastewater is no longer able to be treated properly before discharge. In the case of a plant upset,

microorganisms may either be impaired or killed, such that treatment does not occur for hours, days, or even weeks, resulting in impacts to water quality, fish and wildlife, as well as CWA permit violations.

NACWA is concerned that the use of excess quantities of dichlobenil may interfere with wastewater treatment processes and requests that EPA require a sludge respiration inhibition test (EPA OPPTS Guideline 850.6800) to better determine what levels of the chemical are safe. NACWA encourages EPA to consider all available studies and literature to assess the potential for wastewater treatment process interference, including the studies and information submitted to the EPA by BACWA.

In designing its process interference risk assessment, EPA should use a quantitative approach. Quantification of risks will provide the basis for future risk management. Both pesticide control operators and wastewater facility operators would benefit from specific guidance on how to calculate the amount of root control product that may be safely applied within a wastewater collection system. This would ideally be a “maximum allowable headworks loading” formula that would allow for simple calculation of the maximum hourly and daily quantity of a root control product that can safely be applied while affording protection of the treatment facility microorganisms and prevent interference with the treatment process.

EPA’s Pesticide Registration and Review Process Must Prevent Water Quality Impacts from Root Control Chemicals

It is essential that the pesticide registration process adequately consider impacts to wastewater treatment processes, so that such impacts are prevented before they result in impairments to water quality and violations of CWA permit requirements.

Costs to address these problems can mount quickly: staff must be deployed to first identify the cause of toxicity to the treatment organisms and then to investigate the source of the toxicity. Both may involve extensive sampling, costly laboratory fees and significant staff resources. The cost of a toxicity identification evaluation (TIE) 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. In addition, agencies are often required to develop programs to minimize the release of the toxicant in the future and can face enforcement and mandatory minimum penalties for many types of effluent violations. A robust risk assessment will help manage risks and ultimately prevent toxicity.

EPA Should Implement Treatment Plant Notification Requirement for Dichlobenil Use

To manage risk in the near-term, NACWA requests that EPA require root control applicators to provide advance notification to wastewater treatment facility operators of any planned chemical root control application in the wastewater collection system. The growing use of chemical root control products and the available scientific evidence justify EPA’s implementation of advance notification, prior to completion of this multi-year registration review process for dichlobenil.

Wastewater collection systems are commonly managed separately from wastewater treatment plants, and it is not uncommon for multiple municipal and private wastewater collection systems to flow to a single, separately owned and operated treatment facility. Treatment plant operators may not be aware of chemical root control being applied in the collection system. Furthermore, chemical root control is often applied by contractors, who are not necessarily in daily communication with either wastewater collection systems managers or treatment managers. However, if proper notification is required, wastewater treatment operations staff can

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work with applicators to ensure that applications remain below levels that can cause treatment process interference.

EPA has already established a wastewater treatment plant notification requirement for metam-sodium, another root control chemical, and NACWA requests that EPA work with registrants to implement labeling requirements for 24-hour advance notification to wastewater treatment plant operators before the application of all chemical root control products, including dichlobenil products.

Thank you for considering our comments. If you have any questions, please contact me at chornback@nacwa.org or 202/833-9106.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Hornback", written in a cursive style.

Chris Hornback

Senior Director, Regulatory Affairs