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September 10, 2012

Office of Pesticide Programs (OPP)
Docket ID Number EPA-HQ-OPP-2011-0370
Attn: Wanda Henson
U.S. Environmental Protection Agency (EPA)
1200 Pennsylvania Ave., NW.
Washington, DC 20460-0001
Via Regulations.gov

Re: Nanosilver Registration Review, Case # 5042 (Docket ID Number EPA-HQ-OPP- 2011-0370)

Dear Ms. Henson:

The National Association of Clean Water Agencies (NACWA) appreciates the opportunity to comment on the registration review for nanosilver (77 *Fed. Reg.* 40048; July 6, 2012). NACWA represents the interests of nearly 300 publicly owned wastewater treatment plants (POTWs) or clean water agencies nationwide. Over the past 40 years, wastewater treatment plants have developed and implemented sophisticated pretreatment programs to prevent the discharge of toxic pollutants to the sewer system from industrial and commercial sources. After decades of controlling the discharge of these toxic pollutants – including silver – NACWA members are concerned that the increasing use of nanosilver in commercial and consumer products may have adverse effects on the wastewater treatment process and the environment.

NACWA has been actively engaged in issues relating to silver and nanosilver for many years, most recently providing comments on the conditional registration of a nanosilver active ingredient that is used as a preservative in textile products. NACWA is specifically interested in the registration review for nanosilver as all of the use patterns noted in EPA's background material (*Nanosilver: Summary of Environmental Fate and Ecotoxicity Data for Registration Review*) may result in discharges of nanosilver to wastewater treatment plants. While little is known about the fate and effects of nanosilver, we do know that certain forms of silver can be toxic to aquatic life and can prevent utilities from recycling their biosolids. POTW pretreatment programs have been specifically designed to ensure that discharges of

silver particles are minimized or eliminated, but such programs do not have authority to control discharges of pollutants from domestic sources where products containing nanosilver are now increasingly common.

Growing use of nanosilver products could substantially increase the total quantity of silver discharged to wastewater facilities, potentially increasing environmental concentrations and therefore environmental risks. Failure to properly understand and control these risks could be extremely costly for the environment and the wastewater community. In addition to the brief comments below, NACWA also supports the more detailed comments and information submitted by the Bay Area Clean Water Agencies (BACWA) on September 7, 2012.

EPA Should Address Data Gaps, Develop Robust Analysis Plan and Conceptual Model

EPA has acknowledged that data gaps are impeding its ability to complete a thorough assessment and evaluation of nanomaterials, and NACWA believes that these questions and other issues should be resolved before EPA approves additional nanosilver products for use. The registration review process provides an opportunity for EPA to fill many of these gaps.

While EPA has improved its assessment plans to ensure they better evaluate uses resulting in discharges to wastewater treatment facilities, the nanosilver registration review docket does not provide the level of detail often included in most Office of Pesticide Programs environmental risk assessment work plans. The docket primarily focuses on a single formulation (HeiQ) and does not address risks, data gaps or data requirements pertaining to other registered uses beyond fabric treatments. The docket also does not include critical elements such as problem formulations, risk hypotheses, conceptual models and analysis plans.

NACWA encourages EPA to develop a more robust and informative assessment plan for nanosilver that is consistent with other pesticide registration review dockets.

EPA Should Evaluate All Use Patterns for Environmental Exposures and Evaluate Potential POTW Impacts

While we appreciate the Antimicrobial Division's recognition in the Environmental Summary that nanosilver in treated fabrics may be discharged to wastewater treatment plants, NACWA requests that EPA evaluate all use patterns for potential environmental exposures.

All of the uses listed in the Environmental Summary document may potentially result in discharges of nanosilver to the sewer system and NACWA requests that EPA conduct a thorough evaluation of nanosilver's impacts on these facilities. It is essential that EPA ensure that nanosilver uses will not result in exceedances of water quality standards, impacts to biosolids management options, or interference with the microorganisms that are crucial for effective wastewater treatment.

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NACWA Letter on Nanosilver Registration Review

September 10, 2012

Page 3

NACWA urges EPA to use its full authority through the pesticide registration process to obtain the data necessary to fully evaluate whether nanosilver uses will cause adverse environmental or treatment plant impacts and take the steps necessary to restrict uses so that the impacts are prevented.

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