

October 23, 2024

Sarah Au
U.S. Environmental Protection Agency
Office of Pollution Prevention and Toxics
Data Gathering, Management, and Policy Division (7406M)
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Submitted electronically via: <https://www.regulations.gov>

RE: U.S. Environmental Protection Agency Proposed High-Priority Substance Designations Under the Toxic Substances Control Act—Docket ID No. EPA-HQ-OPPT-2018-0448

Ms. Au:

The Association of California Water Agencies (ACWA) appreciates the opportunity to provide comments on the U.S. Environmental Protection Agency's (EPA) proposal to designate vinyl chloride (CASRN 75-01-4) as a High-Priority Substance for risk evaluation under the Toxic Substances Control Act (TSCA). ACWA shares EPA's goal to protect public health while ensuring a safe and reliable water supply. When deciding whether to designate vinyl chloride as a High-Priority Substance, EPA should consider the potential impacts on states and public water agencies including compliance efforts, infrastructure upgrades, and associated costs.

ACWA is the largest statewide coalition of public water agencies in the country. Our more than 470 public agency members collectively are responsible for 90 percent of the water delivered to communities, farms, and businesses in California. For more than a century ACWA and our members have been working to provide high quality, reliable water supplies in an environmentally sustainable and fiscally responsible manner.

EPA is an important federal partner for ACWA's members and other water providers to address water challenges. ACWA agency members help EPA implement effective and sustainable initiatives for water supply, quality, infrastructure, and more by executing regulatory compliance, discussing technical assistance and best-practices, and utilizing funding opportunities.

ACWA's comments provide information and considerations concerning EPA's decision on whether to designate vinyl chloride as a High-Priority Substance.

I. EPA Should Carefully Consider Any Decision to Designate Vinyl Chloride as a High-Priority Substance Within the Context of Water Supply Needs

ACWA appreciates EPA's commitment to public health and environmental protection by evaluating whether to designate vinyl chloride as a High-Priority Substance. Vinyl chloride is used in the production of polyvinyl chloride (PVC) pipes that are often used for water supply.¹ Many ACWA member agencies, as well as water suppliers throughout the nation, incorporate PVC pipes as a component of the infrastructure used to provide water supply.

¹ California Office of Environmental Health Hazard Assessment: Vinyl chloride. <https://oehha.ca.gov/chemicals/vinyl-chloride>.

ACWA member agencies prioritize the delivery of safe and reliable water. ACWA member agencies work to ensure that drinking water as well as water impacting land and aquatic ecosystems, watersheds, forests, recreational uses, energy production, and more are free from harmful contaminants. Through regular and thorough testing and investments in water treatment technologies, ACWA member agencies ensure that drinking water supplies are safe and comply with all state and federal drinking water regulations.

ACWA understands that EPA preliminarily found vinyl chloride *may* present an unreasonable risk of injury due to hazard and exposure potential, persistence and bioaccumulation, potentially exposed or susceptible subpopulations, storage near significant sources of drinking water, conditions of use, and production volume.² ACWA members are dedicated to providing a safe and reliable supply of water, and currently adhere to California's more stringent standard for vinyl chloride an MCL of 0.05 ppb compared to EPA's 2 ppb. ACWA member agencies utilize PVC piping since it has been recognized as one of the safer alternatives for water supply.³ To ensure ACWA continues to provide a safe and reliable water supply, ACWA asks EPA to carefully consider the designation of vinyl chloride as a High-Priority Substance within the context of the need to supply water. If EPA designates vinyl chloride as a High-Priority Substance it would initiate the TSCA risk evaluation process to evaluate and mitigate potential unreasonable risks to human health and the environment from vinyl chloride using the best available science.

II. Vinyl Chloride Designation as a High-Priority Substance Could Impact States and Public Water Agencies

As previously stated, vinyl chloride is used in the production of PVC pipes that are often used for water supply. As such, many states and public water agencies could be impacted if EPA designates vinyl chloride as a High-Priority Substance. EPA should consider the following when deciding whether to designate vinyl chloride as a High-Priority Substance.

Compliance: If designated as a High-Priority Substance, states—like California—and public water agencies—like ACWA member agencies—may need to align TSCA compliance standards for vinyl chloride. We ask EPA to provide clear compliance guidance for water agencies. Understanding the “rules of the road” will ensure water managers around the nation are able to construct water infrastructure that lasts for generations. We also ask that EPA provide adequate time for water agencies to comply with any new standards established by EPA.

Infrastructure: Long-term infrastructure impacts following a final designation of vinyl chloride as a High-Priority Substance may exist. Although California standards for vinyl chloride are stricter than EPA's as previously mentioned, ACWA member agencies with older infrastructure systems may need to assess and potentially replace components in the future. While PVC is commonly used in water systems and considered a safer option than lead piping, the federal government, including EPA, may later determine that PVC cannot be used in water systems or place a ban on it generally, like actions it has taken with respect to lead pipe. A similar designation would impact water systems nationwide. While a designation of vinyl chloride as a High-Priority Substance would not necessarily ban PVC, ACWA is highlighting this as a potential long-term implication for EPA to consider.

Costs: EPA does not consider costs when designating a High-Priority Substance. However, if ACWA member agencies need to adhere to compliance measures after a designation of vinyl chloride as a High-Priority Substance, significant costs may be incurred. For example, ACWA member agencies could face costs to upgrade water treatment facilities, invest in advanced filtration systems, conduct more frequent water quality testing, or replace PVC piping. These costs would impact operational budgets and potentially

² U.S. Environmental Protection Agency: Proposed Designation of Vinyl Chloride as a High-Priority Substance for Risk Evaluation. EPA-740-P-24-002. July 2024. <https://www.regulations.gov/document/EPA-HQ-OPPT-2018-0448-0593>.

³ U.S. Environmental Protection Agency: Wastewater Technology Fact Sheet: Pipe Construction and Materials. EPA 832-F-00-068. September 2000. https://www3.epa.gov/npdes/pubs/pipe_construction.pdf.



lead to higher water rates for consumers. ACWA therefore urges EPA to consider ways to offset costs to public water agencies if water infrastructure upgrades are needed to mitigate vinyl chloride use and exposure. Additional federal funding would help offset increased infrastructure replacement costs.

III. EPA Should Issue Guidance on Safe Water Supply Piping Options if Vinyl Chloride is Designated as a High-Priority Substance

An estimated 2.2 million miles of pipe comprise the transmission lines and distribution mains that provide treated water to those served by the nation's approximately 50,000 community water systems.⁴ Yet EPA has not issued clear guidance on which piping material(s) is the safest alternative for water supply and quality. ACWA recommends EPA create guidance, using the best available science, on the safest piping materials used for water infrastructure projects to ensure that public water agencies like ACWA member agencies provide safe and reliable drinking water to communities.

IV. Conclusion

ACWA thanks EPA for the opportunity to provide comments concerning its proposal to designate vinyl chloride as a High-Priority Substance for risk evaluation under TSCA. ACWA looks forward to collaborating with EPA on this important effort. Please let us know if we can provide additional information or be of assistance. If you have any questions or would like to follow up on this matter, please contact ACWA Director of Federal Relations, Ian Lyle, at ianl@acwa.com or (202) 434-4765.

Respectfully,

A handwritten signature in black ink, appearing to read "Ian Lyle". The signature is fluid and cursive, with the first and last names being clearly legible.

Ian Lyle
Director of Federal Relations
Association of California Water Agencies

⁴ Congressional Research Service: Drinking Water Infrastructure Needs: Background and Issues for Congress. December 18, 2023. <https://crsreports.congress.gov/product/pdf/R/R47878>.