



July 24, 2017

Sandra O'Neill
Pesticide Re-evaluation Division
Office of Pesticide Programs (OPP)
Regulatory Public Docket Center (28221T)
U.S. Environmental Protection Agency (U.S. EPA)
1200 Pennsylvania Ave., NW.
Washington, DC 20460-0001

Subject: Boric Acid/Sodium Salts Registration Review - Proposed Interim Decision (EPA-HQ-OPP-2009-0306)

Dear Ms. O'Neill:

On behalf of the Bay Area Clean Water Agencies (BACWA), we thank you for the opportunity to comment on the Proposed Interim Decision for boric acid/sodium salts, which is used in swimming pools, spas, and hot tubs. 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.

BACWA is not concerned about boric acid/sodium salts discharges to sanitary sewers. Our comments focus on the proposed language about draining pools, spas, and hot tubs containing sodium borate salts. We are writing to request that the boric acid/sodium salts decision follow the precedent for improved labels for swimming pool, spa, and hot tub products that was established by the decision for another pool, spa, and fountain chemical (lithium hypochlorite). In that registration review decision, EPA worked carefully through the various issues to develop practical label language to mitigate possible aquatic impacts from treated pool, spa, and hot tub water. We appreciate that the lithium hypochlorite language is designed to help prevent excess flows in sewer collection systems.

The current proposal for boric acid/sodium salts pool, spa, and hot tub products omits the second sentence of the two-sentence requirement that is on the lithium hypochlorite products:

“Before draining a treated pool, spa, or hot tub, contact your local sanitary sewer and storm drain authorities and follow their discharge instructions. Do not discharge treated pool or spa water to any location that flows to a gutter or storm drain or natural water body unless discharge is allowed by state and local authorities.”

We encourage EPA to include the full two sentences on labels for boric acid/sodium salts and all other pesticide chemicals used in pools, hot tubs, spas, and fountains.

We have attached our comment letter on the proposed registration review decision for lithium hypochlorite, which details the importance of the discharge control label language – including the discharge prohibition in the second sentence. Although the final lithium hypochlorite language is not exactly as we proposed in our letter, we fully support the final language.

For all swimming pool, spa, and hot tub products including those containing boric acid/sodium salts, we also recommend that the “Environmental Hazards” label statements be applied on the basis of product end use rather than product size. This would mimic EPA’s decision for lithium hypochlorite products. As explained in our attached lithium hypochlorite comments, this approach avoids potential conflicting language on product labels.

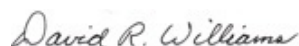
In summary, thank you for a thoughtful analysis of possible acute impacts to aquatic life, for considering the implications of sewer discharges, and for including water quality protection language on the labels for this antimicrobial product. We request minor modifications to EPA’s decision for boric acid/sodium salts swimming pool, spa, and hot tub product to mimic its decision on similar lithium hypochlorite products. We hope this is just the beginning of a potential larger effort to incorporate such language on all labels for antimicrobials and conventional pesticides used in pools, spas, hot tubs, and fountains.

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,



David R. Williams
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Enclosure: BACWA’s September 9, 2016 Letter to Lithium Hypochlorite Registration Review, Proposed Interim Decision, Case # 3084 (EPA–HQ–OPP–2013–0606).

cc: Rick P. Keigwin, Jr., Acting Director, EPA Office of Pesticide Programs
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