



August 23, 2017

Bonnie Adler
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: Diquat Dibromide – Proposed Registration Review Decision (EPA-HQ-OPP-2009-0846)

Dear Ms. Adler:

On behalf of the Bay Area Clean Water Agencies (BACWA), we thank you for the opportunity to comment on the proposed registration review decision for the herbicide and root control chemical diquat dibromide. BACWA's members include 55 publicly owned wastewater treatment facilities ("POTWs") and collection system agencies serving 7.1 million San Francisco Bay Area residents. We take our responsibilities for safeguarding receiving waters seriously.

As you are well aware, BACWA is especially interested in the registration review for diquat dibromide as it is an effective chemical commonly used to control root invasion in wastewater collection systems. Controlling roots prevent collection system blockages, which can cause untreated wastewater to spill out of the collection system. However, if too much is applied in a short time period, diquat dibromide (as well as other root control chemicals) may interfere with facilities' biological wastewater treatment processes. Wastewater treatment plant personnel, particularly those in the EPA Clean Water Act mandated pretreatment program, regularly enter collection system lines to conduct discharger compliance testing. To protect worker safety by ensuring that they do not enter lines undergoing root control treatment. Wastewater collection systems are often managed by agencies other than the agency that operates the downstream publicly owned wastewater treatment plant. Consequently, wastewater treatment facilities are not always able to control the upstream use and subsequent discharge of root control chemicals.

BACWA appreciates that the proposed decision for diquat dibromide's registration review includes substantially more clear and more complete language regarding notification of downstream POTWs about impending diquat dibromide applications. We also appreciate new clarification that diquat dibromide-containing water can only be discharged after treatment or in accordance with an NPDES permit. We thank your staff and the registrant for their joint efforts to address our requests for label improvements.

We have two concerns about the proposed label language:

- (1) Practical enforceability, as written records are not required
- (2) Adequacy of worker safety protections

We detail these concerns below and provide suggested minor modifications to the proposed label language addressing both comments.

POTW Notification Requirement Must Be Enforceable and Mention POTW Worker Safety

As drafted, the proposed POTW notification label language explicitly excuses applicators from keeping written records of the required notification (“While documentation of the notification is not required by law”). How can this requirement be enforced without written documentation?

While our agencies are not experts in pesticides enforcement, we have substantial experience in enforcing sewer discharge requirements. Documentation is crucial proof for enforceable requirements, like notification requirements, that cannot be readily observed during an on-site inspection. We fear that if the POTW notification requirement is unenforceable, proper notification to downstream wastewater treatment facilities may not occur.

Due to the health risks associated with direct exposure to diquat dibromide treatment solutions, it is imperative that workers do not open and enter manholes in areas undergoing treatment. Treatment zones are so long that the root control chemical applicator is unable to view all manholes affected by the treatment, so it is not possible to guarantee worker safety through visual measures alone. Due to the paramount importance to us of the safety of our workers, we urge EPA to ensure that the label mentions the need to ensure that workers are restricted from entering manholes in treatment areas. We believe that this can be accomplished through POTW notification, as long as that notification requirement is fully enforceable. Notification is more practical than other alternatives for preventing worker entry, e.g., labeling every manhole in a treatment area.

Requested Revisions to EPA’s Proposed Label Language

BACWA requests that EPA modify the proposed POTW-related label language as shown in the box on the next page. Our suggested revisions were developed toward meeting our goals of enforceability and worker safety protection while minimize the burden on applicators and using 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 Modifications to Label Instructions
(Based on Proposed Diquat Dibromide Label)**

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 facility at least 24 hours prior to the start of a proposed diquat dibromide application within an area which is served by the wastewater treatment facility. 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 diquat dibromide that is anticipated to be applied.

This notification serves to inform wastewater treatment facility personnel of proposed application dates so that they may monitor or adjust the diquat dibromide treatment and any other operations with the system that may be affected by the diquat dibromide treatment and restrict staff from entering the downstream lines. ~~can be monitored or adjusted as needed. While documentation of the notification is not required by law, 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.~~

Our goal in submitting this letter is to ensure that diquat dibromide product label instructions provide instructions that are effective in protecting our treatment processes and our worker safety. If there is anything that our member agencies or our national association, the National Association of Clean Water Agencies (NACWA) can do to support to clarify our request or to discuss alternative language to meet our goals, please do not hesitate to contact us.

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

Karin North
City of Palo Alto
(650) 329-2104
Karin.north@cityofpaloalto.org

Melody La Bella
Central Contra Costa Sanitary District
(925) 229-7370
mabella@centralsan.org

Respectfully Submitted,

David R. Williams

David R. Williams
Executive Director
Bay Area Clean Water Agencies

cc: Yu-Ting Guilaran, Director, EPA OPP Pesticide Re-Evaluation Division
Rick P. Keigwin, Jr., Acting Director, EPA OPP
Tracy Perry, EPA OPP Pesticide Re-Evaluation Division
Jill Bloom, Team Leader EPA OPP Pesticide Re-evaluation Division
Linda Arrington, Branch Chief, EPA OPP Pesticide Re-evaluation Division

Andrew Sawyers, Director, U.S. EPA Office of Water, Office of Wastewater Management
Tomas Torres, Director, Water Division, U.S. EPA Region 9
Debra Denton, U.S. EPA Region 9
Patti TenBrook, Life Scientist, U.S. EPA Region 9
Karen Larsen, Deputy Director, California State Water Resources Control Board
Philip Crader, Assistant Deputy Director, California State Water Resources Control Board
Paul Hann, California State Water Resources Control Board
Dawit Tadesse, California State Water Resources Control Board
Matthew Freese, California State Water Resources Control Board
Tom Mumley, California Regional Water Quality Control Board, San Francisco Bay Region
Janet O'Hara, California Regional Water Quality Control Board, San Francisco Bay Region
James Parrish, California Regional Water Quality Control Board, San Francisco Bay Region
George Farnsworth, Associate Director, California Department of Pesticide Regulation
Ann Prichard, Branch Chief, California Department of Pesticide Regulation
Jennifer Teerlink, California Department of Pesticide Regulation
Nan Singhasemanon, California Department of Pesticide Regulation
Kelly D. Moran, Urban Pesticides Pollution Prevention Project
Chris Hornback, Chief Technical Officer, National Association of Clean Water Agencies
Cynthia Finley, Director, Regulatory Affairs, National Association of Clean Water Agencies
BACWA Pesticides Workgroup
BACWA Executive Board