



Sept 30, 2019

Michael McCarroll
Office of Pesticide Programs (OPP)
c/o Regulatory Public Docket Center (28221T),
U.S. Environmental Protection Agency (EPA)
1200 Pennsylvania Ave. NW.
Washington, DC 20460-0001

**Subject: Zinc and Zinc Salts Registration Review – Proposed Interim Decision
(Docket ID No. EPA-HQ-OPP-2009-0011)**

Dear Mr. McCarroll:

On behalf of the Bay Area Clean Water Agencies (BACWA), we thank you for the opportunity to comment on the Zinc and Zinc Salts Registration Review – Proposed Interim Decision, which covers antimicrobials used in 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 supports the findings in the Proposed Interim Decision regarding the need to consult with local authorities prior to discharging of pool water in order to avoid exposure to aquatic organisms. As such, we are writing to recommend that the Registration Review decision follows the precedent for improved labels for pool, spa, hot tub, and fountain products that was established by the decisions for other pool, spa, hot tub and fountain chemicals, such as lithium hypochlorite and copper.

BACWA's Interest in Pool, Spa, Hot Tub, and Fountain Pesticides

Pools may be emptied for cleaning every two to seven years and spas may be drained as often as every three months.¹ The water is discharged to storm drain systems, to sanitary sewer lines flowing to wastewater treatment facilities, or to surrounding landscaped areas. However, neither storm drain systems nor wastewater treatment facilities are necessarily prepared to handle the antimicrobial and conventional pesticides in water

¹ Pool Corp (2016). Frequently Asked Questions. Available at <http://www.swimmingpool.com/faq>.

Due to concerns about these constituents flowing untreated to surface waters and Clean Water Act NPDES permit requirements, many California stormwater agencies are directing pool, spa, hot tub, and fountain owners to discharge to their local sanitary sewer. Many wastewater agencies support this practice because some constituents, such as pH and suspended solids, may be effectively reduced through treatment; however, wastewater treatment plants are not specifically designed to remove pesticides. Some antimicrobials, if discharged in sufficient quantities, have potential to interfere with the biological treatment processes at municipal wastewater treatment plants. Additionally, while some agencies have the resources to work with institutional, public and commercial swimming pool operators regarding swimming pool best management practices and the types of pool chemicals they use, the vast majority of swimming pools are privately owned residential pools, the owners of which are not easily reached. With approximately 1.2 million in-ground pools in California and 5 million pools nationwide², and countless more spas, hot tubs, and fountains, wastewater agencies have limited authority and resources to regulate the frequency, volume and constituents of discharges.

Further, while this is not a pesticide regulatory issue, high-flow swimming pool discharges to the sanitary sewer can cause a sewer back-up, potentially spilling untreated sewage onto streets and into storm drains, which could also create an acute hazard. Maintaining low flow rates (e.g., discharge through a garden hose rather than a fire hose) prevents such problems.

BACWA Recommends Consistent Labeling to Ensure Consultation with Local Authorities

Existing zinc-containing swimming pool, spa, and hot tub product labels do not include “Directions for Use” language regarding the draining of a pool, spa, or hot tub. EPA has proposed the following language for all formulations used to treat commercial and residential pools, spas, and hot tubs:

“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, spa, or hot tub water to any location that flows to a gutter, storm drain, or natural water body unless discharge is allowed by state and local authorities.”

We appreciate the acknowledgement that such communication is a significant means for avoiding ecological risks. It is important to inform users of their obligations to ensure that discharge of treated water does not harm aquatic ecosystems or cause sewer line backups. We support EPA’s intent to place this language on all pesticides used in pools, spas, and hot tubs. BACWA supports the continued incorporation of such language on all labels for antimicrobials and conventional pesticides used in pools, spas, and fountains.

We also support EPA’s clarification that Office of Pesticide Programs’ standard NPDES permit label language is only for manufacturing-use products and is not suitable for end use products.

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

² P.K. Data, Inc. (2012). Phone conversation with staff member Joshua Darling, August 15, 2016.

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Respectfully Submitted,

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