



July 6, 2020

Mr. Peter Bergquist  
c/o OPP Docket  
Environmental Protection Agency Docket Center (EPA/DC) (28221T)  
1200 Pennsylvania Ave., NW.  
Washington, DC 20460-0001

**Subject: Halohydantoin – Draft Risk Assessment (EPA-HQ-OPP-2013-0220)**

Dear Mr. Bergquist:

On behalf of the Bay Area Clean Water Agencies (BACWA), we thank you for the opportunity to comment on the Draft Risk Assessment for the Halohydantoin, which are used in swimming pools, spas, hot tubs, and fountains. 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 concerned that the Draft Risk Assessment did not examine risks associated with discharges of swimming pool, spa, hot tub, and fountain water treated with halohydantoin. As explained in the risk assessment (page 4), degradation of halohydantoin in water forms hypochlorous or hypobromous acid, which exhibits pesticidal activity and is highly toxic to aquatic organisms. In the presence of sunlight, such as in outdoor swimming pools, spas, hot tubs, and fountains, the more toxic bromate ion also forms. Due to the presence of chemicals like hypochlorous acid, hypobromous acid, and bromate that are toxic to aquatic organisms, water regulators and municipal urban runoff programs are working to prevent discharges of antimicrobial-treated swimming pool, spa, hot tub, and fountain water to the storm drain system, instead shifting discharges to the wastewater collection (sewer) system. In the paragraphs below, we outline why these discharges are a concern and request risk management through updated label language for this pesticide.

BACWA is not concerned about halohydantoin discharges to sanitary sewers from treated swimming pools, spas, hot tubs, and fountains. Our comments focus on the issue of draining location and flow rates when draining treated water to the wastewater collection system. We are writing to request that the halohydantoin Registration Review decision follow the precedent for improved labels for swimming pool, spa, hot tub, and fountain products that was established by the decisions for other antimicrobials with these uses, such as lithium hypochlorite and copper. In those Registration Review decisions, EPA worked carefully through the various issues to develop

practical label language that mitigates possible aquatic impacts from discharge of treated water while preventing excess flows into sewer collection systems.

### **BACWA’s Interest in Pool, Spa, Hot Tub, and Fountain Pesticides**

Using California Department of Pesticide Regulation’s (DPR’s) Product/Label database,<sup>1</sup> BACWA identified >50 pool and hot tub products and >30 fountain treatment products containing halohydantoins. For fountains, there were more products containing halohydantoins than any other class of chemicals. According to DPR’s pesticides sales data, >1 million pounds of halohydantoins were sold in California in 2018, the most recent year for which data are available.<sup>2</sup>

Pools and large fountains may be emptied for cleaning every two to seven years and spas may be drained as often as every three months.<sup>3</sup> 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.

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 and large fountain operators regarding swimming pool and fountain best management practices and the types of chemicals they use, the vast majority of swimming pools and fountains are privately owned, the owners of which are not easily reached. With approximately 1.2 million in-ground pools in California and 5 million pools nationwide<sup>4</sup>, and countless more spas, hot tubs, and fountains, wastewater agencies have limited authority and resources to regulate the frequency, volume and constituents of discharges.

While this is not a pesticide regulatory issue, high-flow pool, spa, hot tub, and fountain 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 Requests Revised Labeling as a Mitigation Measure**

BACWA requests that the current halohydantoin label language for any pool, spa, hot tub, and fountain products be changed to match the lithium hypochlorite and copper compounds labels, which would also provide consistent label language across pool, spa, hot tub, and fountain chemicals.

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<sup>1</sup> <https://apps.cdpr.ca.gov/docs/label/labelque.cfm>

<sup>2</sup> <https://www.cdpr.ca.gov/docs/mill/nopdsold.htm>

<sup>3</sup> Pool Corp (2016). Frequently Asked Questions. Available at <http://www.swimmingpool.com/faq>.

<sup>4</sup> P.K. Data, Inc. (2012). Phone conversation with staff member Joshua Darling, August 15, 2016.

*“Before draining a treated pool, spa, hot tub, or fountain, 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 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.

For all swimming pool, spa, hot tub, and fountain products, including those containing halohydrantoin, 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 and copper products. As explained in our attached lithium hypochlorite comments, this approach avoids potential conflicting language on product labels.

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,



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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).

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