



March 31, 2023

Daniel Rosenblatt, Registration Division, Rosenblatt.Dan@epa.gov
OPP Docket
Environmental Protection Agency Docket Center (EPA/DC)(28221T)
1200 Pennsylvania Ave. NW
Washington, DC 20460-0001

**Subject: Cyantraniliprole: Draft Endangered Species Act Biological Evaluation
(Docket ID No. EPA-HQ-OPP-2011-0668-0063)**

Dear Daniel Rosenblatt:

On behalf of the Bay Area Clean Water Agencies (BACWA), we thank you for the opportunity to comment on the Endangered Species Act (“ESA”) draft Biological Evaluation (“BE”) for cyantraniliprole.¹ 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. Cyantraniliprole is used indoors in bait stations or prepared as a water-diluted product painted on indoor surfaces of residences, commercial sites, schools, etc. for the control of cockroaches, ants, flies, and termites.

BACWA is concerned about the impact of cyantraniliprole to our member agencies because it is a relatively new pesticide with expanding indoor uses and high to very high toxicity to aquatic invertebrates. The draft cyantraniliprole BE states that:

“Cyantraniliprole is highly to very highly toxic to aquatic invertebrates, and there are chronic effects on survival, growth and reproduction.” (Draft BE, p.7)

BACWA is concerned that current indoor label language instructs users to create a liquid mixture by combining granules and water in a container of their choosing (as compared to pesticides are sold as a pre-mixed product). This can lead to excess use of and avoidable handling of the pesticide by unlicensed and untrained users. The label also instructs users to wash excess product down the drain. BACWA is also concerned that EPA did not evaluate indoor uses of cyantraniliprole, which has a downstream path to publicly owned treatment works (POTWs).

Current labeled indoor uses of cyantraniliprole are cause for concern

¹ Cyantraniliprole ESA BE, January 2023. (various documents and attachments) Docket ID No. EPA-HQOPP-2011-0668

BACWA is concerned about the current registered indoor uses of cyantraniliprole as a diluted paint-on product used in commercial buildings (eg. restaurants), residences, and schools. BACWA is concerned that the consumer is directed to measure granules and mix them with water, in a container of their own choosing:

“Zyrox Fly Granular Bait may be applied by diluting granules in warm water at ratios ranging from 0.5-1.5 oz Zyrox Fly Granular Bait per 1 fl oz water. Mix in non-food use container and stir until bait has dissolved. Let mixture stand until a suitable consistency is achieved that allows one to paint the mixture onto a surface or apply to disposable cards or rope wick.” (Cyantraniliprole Zyrox Fly Granular Bait, EPA Registration Number 100-1541)

Non-professional users often struggle to read and understand pesticide labels.^{2,3,4} Many pesticide registrants have switched to pre-mixed formulations to avoid having to have non-professional users prepare pesticides.

Further, BACWA is concerned that consumers are provided with confusing and conflicting information on the label about disposal of extra mixed product, disposal of container, and rinsing/disposal of applicator. For instance, a single product label includes the following two instructions:

“(r)inse applicator thoroughly after using.” (Cyantraniliprole Zyrox Fly Granular Bait, EPA Registration Number 100-1541)

“Waste resulting from the use of this product must be disposed of on site or at an approved waste disposal facility.” (Cyantraniliprole Zyrox Fly Granular Bait, EPA Registration Number 100-1541)

Another cyantraniliprole indoor pesticide instructs users to rinse the container that they used to mix the diluted product, then instructs the user to:

“Empty the rinsate into application equipment or a mix tank or store rinsate for later use or disposal.” (Cyantraniliprole Mainspring product, EPA Registration Number 100-1552)

BACWA requests that EPA consider prohibition of cyantraniliprole products that require mixing by non-professional pesticide users. EPA could request that the registrant to provide the product in a pre-mixed formulation for non-professional users.

² Dugger-Webster, A, et al. (2018) Following pesticide labels: A continued journey toward user comprehension and safe use, Current Opinion in Environmental Science & Health, Volume 4, Pages 19-26, ISSN 2468-5844, <https://doi.org/10.1016/j.coesh.2018.03.004>.

³ Edworthy, J., et al., (2004). Linguistic and Location Effects in Compliance with Pesticide Warning Labels for Amateur and Professional Users. Human Factors, 46(1), 11–31. <https://doi.org/10.1518/hfes.46.1.11.30383>

⁴ Lockwood, JA, et al. (1994) Pesticide labels: proven protection or superficial safety? J Am Optom Assoc. 1994 Jan; 65(1):18-26.

BACWA asks that EPA require the registrants of these indoor products to provide language on the product label that explicitly prohibits the product to be rinsed down the drain. Similar label language, in both English and Spanish (and including a pictogram), is already included on many pesticides with indoor uses, including pyrethroids and pyrethrins⁵:



“Do not pour or dispose down the drain or sewer. Call your local solid waste agency for local disposal options.”

“Do not allow to enter indoor or outdoor drains.”

“No permita la entrada a desagües internos o externos.”

Draft Biological Evaluation Lacks Important Data on Indoor Use

BACWA is disappointed at EPA’s decision to not utilize its down-the-drain model for cyantraniliprole. EPA has been evaluating POTW discharges from indoor pesticide use and discharges to the sewer system in its pesticides risk assessments since the late 1990s. As described by an EPA scientific team (Shamim et al. 2014), EPA uses simplified models like its Exposure and Fate Assessment Screening Tool (E-FAST) in combination with monitoring data and benchtop studies to estimate POTW effluent concentrations.⁶ As EPA noted in its pyrethroids ecological risk assessment,⁷ *this modeling approach is imperfect, but in combination with monitoring data it has been useful in understanding aquatic risks.*

Because local agencies in most states (including California) lack the statutory authority to regulate pesticide use in urban areas, it is essential that EPA employs the pesticide consultation processes to assess and prevent urban water pollution as defined by the CWA and our NDPES permits. If the pesticides reregistration process fails to identify and implement mitigation, an undue burden to address the problem is placed on local governments. Often, there are few ways for a POTW to mitigate a toxic pollutant problem other than extremely costly treatment plant upgrades. In addition, wastewater facilities may be subject to additional requirements established as part of Total Maximum Daily Loads (TMDLs) set for the water bodies by EPA and state water quality regulatory agencies. The cost to wastewater facilities and other dischargers to comply with TMDLs can be up to millions of dollars per water body per pollutant. It is therefore essential that pesticide registration and pesticide registration review processes adequately consider potential impacts to wastewater quality, so that such impacts to the beneficial uses of the receiving water are prevented (i.e., uses and/or discharges associated with endangered species impacts do not occur).

BACWA asks that EPA evaluate the down-the-drain impacts for the indoor uses of cyantraniliprole.

Thank you for your consideration of our comments. If you have any questions, please contact

⁵ Pyrethroids and Pyrethrins Revised Ecological Risk Mitigation and Response to Comments on the Ecological Risk Mitigation Proposal For 23 Chemicals; dated September 30, 2020. Docket ID No. EPA-HQ-OPP-2008-0331

⁶ Shamim, M. et al. 2014. Conducting Ecological Risk Assessments of Urban Pesticide Uses. In Jones et al. *Describing the Behavior and Effects of Pesticides in Urban and Agricultural Settings*; ACS Symposium Series 1168; American Chemical Society: Washington, DC, 2014; pp 207-274.

⁷ EPA OPP EFED (2016). Preliminary Comparative Environmental Fate and Ecological Risk Assessment for the Registration Review of Eight Synthetic Pyrethroids and the Pyrethrins. Part I. Assessing Pyrethroid Releases to POTWs of Pyrethroids and Pyrethrins (DP Barcode D425791).

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Respectfully Submitted,



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