May 8, 2025

Dr. J.T. Teerlink
California Department of Pesticide Regulation (DPR)
1001 I Street
Sacramento, CA 95812-4015
Submitted on DPR's public comment website here:
https://cdpr.commentinput.com/?id=c6HgahZY7

Subject: BACWA Comments on DPR's Proposed Pesticide Prioritization Process

Dear Dr. Teerlink:

On behalf of the Bay Area Clean Water Agencies (BACWA), we thank you for the opportunity to comment on the Department of Pesticide Regulation's (DPR's) Pesticide Prioritization Process. BACWA is a joint powers agency whose members own and operate publicly-owned treatment works (POTWs) and sanitary sewer systems that collectively provide sanitary services to over seven million people in the nine-county San Francisco Bay Area. Every day, BACWA members provide wastewater treatment for millions of gallons of pesticide-containing wastewater that is discharged to fresh or saltwater bodies, including local creeks and rivers, bays, and the Pacific Ocean. We take our responsibilities for safeguarding receiving waters seriously.

BACWA strongly supports DPR's effort to establish a data-driven, transparent, and coordinated approach to prioritize its work to identify and mitigate risks posed to human health and the environment by pesticide use. DPR shared its initial proposal for the pesticide prioritization process at the April 8, 2025 meeting with accompanying slide deck. BACWA has comments in each of the three areas that DPR requested feedback: 1) Prioritization Process, 2) Structure for Submissions of Potential Priorities, and 3) Scientific Advisory Committee Areas of Expertise.

1) Prioritization Process

DPR has proposed four ranked lists for prioritizing individual active ingredients as well as an Application Specific priority. BACWA has long appreciated DPR's science-driven approach and, with that in mind, has the following comments as to the priority categories.

BACWA suggests that DPR include one additional ranked list within the "Active Ingredient Ranked Lists"

DPR has proposed four ranked lists: Human Health, Aquatic Organisms, Pollinators, and Terrestrial Organisms. Perhaps a fifth ranked list could be that of **Sustainable Resource Management**, incorporating an array of potential impacts not visibly incorporated into the existing assessment structure, such as:

- Clean Water Act Compliance. The Federal Clean Water Act states that surface waters cannot be toxic to aquatic life. National Pollutant Discharge Elimination System (NPDES) permits in California require many POTWs to meet numeric water quality-based effluent limits for chronic toxicity. If a POTW's effluent is toxic because of a pesticide, a POTW may not have any practical means to comply with state-mandated toxicity permit limits because state law prevents local regulation of pesticides sales and use. Treatment upgrades are not a feasible option for compliance; they are prohibitively expensive and ineffective at treating pesticides. If a discharger violates a toxicity limit, it can be subject to significant penalties of up to $10/gallon or $10,000 per day.
- Wastewater Treatment Plant Process Operations. Pesticide discharges to sewer systems can cause wastewater treatment plant process interference.[1] Such interferences can disrupt key processes such as nitrification (the microbial process to remove ammonia), resulting in reduced effluent (discharge) quality, which result in permit violations and increased labor costs for POTW operations.
- Potable Water Reuse. Pesticides in wastewater effluent pose a serious challenge to the feasibility of potable reuse. As DPR scientists are aware, concentrations of at least half a dozen pesticides reported in undiluted POTW effluents exceed the USEPA OPP benchmarks for chronic[2] exposure to aquatic invertebrates (see Sutton et al 2019, enclosed).[3] Many more pesticides would exceed these benchmarks when concentrated by a factor of 5 (or greater) in the wastewater stream generated as a byproduct of reverse osmosis to create water suitable for potable reuse. Given the growing efforts toward potable use of wastewater effluents,[4] ensuring that the presence of pesticides in this concentrated waste stream does not render such projects technologically or economically infeasible is in the nation's interest (see Moran & LaBella 2020).[5] Pesticides in reverse osmosis concentrate will increase costs for public agencies—or entirely prevent potable reuse of wastewater effluent in economically disadvantaged communities. Reducing uses of persistent mobile pesticides in ways that avoid sewer discharges may be the best—and perhaps only—means to allow society to access this future water supply.
- Use of Biosolids. Biosolids are a nutrient-rich resource created in wastewater treatment process. Some pesticides accumulate and partition into biosolids in the wastewater treatment plant process. Biosolids are frequently land-applied as soil amendments and fertilizers and some can be observed in the plant tissue. There is limited research in this area and DPR's Human Health and Aquatic Organism lists do not include an assessment of the impact of biosolids, which is why BACWA recommends incorporating biosolids considerations into a new Sustainable Resource Management ranked list.

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[1] For example, consumer products that are washed down the drain are a source of QACs in wastewater, where they can affect treatment plant processes and persist after wastewater treatment (Arnold et al. 2023; Hora et al. 2020.)

[2] The "chronic" benchmark comparison is made because POTWs continuously discharge.

[3] Sutton et al. (2019). Occurrence and Sources of Pesticides to Urban Wastewater and the Environment. In K. Goh (Ed.), Pesticides in Surface Water: Monitoring, Modeling, Risk Assessment, and Management (pp. 63-88). Washington, DC: American Chemical Society.

[4] US EPA Office of Water (2017). *Potable Reuse Compendium*.

[5] Moran, K. and M. LaBella (2020). "Will Pesticides Prevent Publicly-Owned Wastewater Treatment Plant Effluent from Becoming a Much- Needed Drinking Water Supply?" North America Society of Environmental Toxicology and Chemistry SciCon2 Conference (online).

BACWA applauds the inclusion of an "Application Specific" priority

BACWA commends DPR for including an Application Specific priority pathway. Evaluating and managing alternatives as a group is necessary to avoid the situation that if one pesticide is limited or banned, that another pesticide—with regrettable consequences—may be substituted. For instance, BACWA has a strong interest in indoor foggers and on-pet insecticides due to the high aquatic toxicity and proven ability of many of these pesticides (i.e., fipronil, imidacloprid, pyrethroids, and others) to enter wastewater, pass through POTWs, and remain present in the effluent. One example of a regrettable substitution would be if fipronil risk mitigation drove consumers to use more imidacloprid products. Like fipronil, the concentration of imidacloprid reported in undiluted POTW effluents already exceeds the USEPA Aquatic Life Benchmarks for chronic exposure to aquatic invertebrates (Sutton et al 2019). Therefore, any action that would spark additional consumer use of imidacloprid could be problematic for our member agencies and receiving water bodies.

BACWA seeks clarity and presents suggestions regarding DPR's "Active Engagement with Impacted Stakeholders" (slide 18)

DPR has noted that there will be quarterly Scientific Advisory Committee meetings as well as active engagement with impacted stakeholders. As of yet, there are few details regarding what active engagement would look like.

BACWA suggests that DPR staff conduct public workshops and public comment periods (beyond the quarterly committee meetings) throughout the prioritization process (see comments in #2) while drafting an Action Plan for a selected Pesticide or Application (Slide 16). Each Action Plan will be unique to that specific pesticide or application and could include developing mitigations, cancelling specific products, expediting registration of alternatives, conducting a risk assessment, or other actions (Slide 17). It is essential that the public be involved in this Action Plan process and be allowed to comment on the proposed action plans.

Further, BACWA asks that DPR develop a robust outreach communication process to let the public know about engagement activities, which could include pesticide prioritization workshops, Action Plan workshops, committee meetings, and other project updates. This outreach could include an email list that people could sign up for updates as well as various notification methods in multiple languages that would increase public participation, awareness, and transparency.

Lastly, BACWA would also appreciate if the list of impacted stakeholders[6] be augmented to specifically incorporate local governments, wastewater utilities and publicly-owned treatment plants (wastewater treatment plants), stormwater utilities, and drinking water utilities.

[6] Slide 18 of the DPR slide deck included Pest Experts, Environmental Justice groups, Environmental Advocacy groups, Commodity Groups, State Agencies, and Registrants.

2) Structure for Submissions of Potential Priorities

BACWA appreciates that DPR will be accepting public submissions of potential pesticide priorities (Slide 14). While DPR has noted that this could include monitoring, human health, and environmental toxicity data, BACWA asks that DPR also seek data regarding impacts to Clean Water Act compliance, wastewater process operations, water reuse, and biosolids reuse.

BACWA also suggests that there be a publicly available portal so that stakeholders are able to view which pesticides have been submitted, as well as the submitter, and any supporting scientific evidence provided. In addition, we recommend that DPR staff hold one or more public meetings after receiving input from the public and the Committee to have scoping discussions with stakeholders, openly discussing priorities and describing next steps in the pesticide prioritization process. This process could mimic the scoping process that the Department of Toxic Substances Control (DTSC) used to develop its Safer Consumer Products Program.

3) Scientific Advisory Committee Areas of Expertise

BACWA appreciates the robust array of disciplines that DPR has proposed for the Scientific Advisory Committee and expects that committee members will not be affiliated with pesticide registrants due to conflict of interest. BACWA recommends one discipline modification and two additions that we believe will enhance pest management research and stakeholder outreach.

- **Integrated Water Management (IWM):** To more fully represent water quality and water supply concerns, BACWA recommends modifying "Public Drinking Water or Wastewater Utilities" to the broader discipline of Integrated Water Management. A committee member well-versed in IWM could provide a holistic vision of California water resources and assess pesticide impacts to wastewater process operations, stormwater management, drinking water sources, and direct potable reuse.

- **Exposure, Fate, and Transport**: As DPR has noted, risk is a product of hazard and exposure. While it appears that many of DPR's proposed disciplines incorporate the hazard portion of the risk equation, an expert in pollutant fate and transport would be valuable as DPR assesses environmental monitoring and modeling studies and identifies research gaps.

- **Environmental Policy and Management**: Given that pesticide prioritization is a complicated process, BACWA suggests that DPR look for committee members with experience linking scientific evidence with public policy and stakeholder communication.

Thank you for this opportunity to provide feedback as DPR embarks on this new process. If you have any questions, please contact BACWA's Project Managers:

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