Association of Metropolitan Sewerage Agencies

August 4, 2003

Ms. Margaret Sheppard
Air and Radiation Docket
Environmental Protection Agency
Mailcode: 6102T
1200 Pennsylvania Ave., NW
Washington, DC 20460
Attn. Docket ID No. OAR-2002-0064

RE: ***Protection of Stratospheric Ozone: Listing of Substitutes for Ozone-Depleting Substances – n-Propyl Bromide***

Dear Ms Sheppard:

The Association of Metropolitan Sewerage Agencies (AMSA) appreciates the opportunity to review the notice of proposed rulemaking (Proposal) concerning the listing of n-Propyl Bromide (nPB) as a suitable alternative to several ozone depleting substances (ODS). AMSA represents the interests of the nation's publicly-owned treatment works (POTWs), which collectively treat over 18 billion gallons of wastewater each day, and serve the majority of the sewered population in the United States. These comments stem from the *Federal Register* notice of June 3, 2003 (Volume 68, Number 106). AMSA has two main concerns with the proposed rulemaking, which are presented below.

Potential Cross-media Impacts Were Largely Ignored

Although the proposed rule was thorough in many areas, the potential for cross-media impacts was not given the attention it deserves considering the potential hazards involved. Absent a mandate for spent solution recycling (e.g., zero discharge of nPB from metal finishing and other industrial processes), the many uses of nPB-containing products will result in this compound being discharged to POTWs, which has potential human health and environmental impacts not evaluated by EPA. For example, EPA failed to evaluate the fate of nPB in typical POTW treatment processes, and the fraction, if any, in POTW biosolids products. Potentially nPB could be emitted or released to the environment from POTWs via air emissions, wastewater dischargers to receiving surface waters or groundwaters, and disposal of biosolids through beneficial reuse or landfilling. The possible

consequences could be significant given the health risks of this chemical and its isomer, iso-propyl bromide (iPB), a known human reproductive toxin (present in trace amounts within nPB products). Finally, EPA did not address the potential for nPB to bioaccumulate in the environment or its impact on sensitive species.

There are Inadequate Controls on nPB

The potential hazards of human exposure to nPB are numerous and are well documented in the proposed rule. Yet, EPA recommends listing this chemical as an *acceptable substitute with use conditions*, its second highest rating of use. The only binding use condition stated is for nPB products to contain less than 0.05% iPB before stabilizers and other product components are added. EPA "recommends" that worker exposure be limited to 25 ppm averaged over an 8-hour period. However, this recommendation is not binding, and does not carry with it the enforcement powers of OSHA standards. In reality, there is **no limit** to worker exposure and hence no controls limiting the use of nPB in the workplace.

Furthermore, the proposed rule mentions that EPA "expects that users of nPB will dispose of nPB in accordance with relevant regulations under the Resource Conservation and Recovery Act and with applicable state and local regulations" (p. 33304). However, later on that same page and again on page 33305, EPA admits that "nPB is currently **not** regulated as a hazardous air pollutant and is **not** listed as a hazardous waste under RCRA." (Emphasis added) Research conducted by AMSA's membership revealed **no state or local air toxics regulations targeting nPB**. Finally, the Proposal states that since nPB is a volatile organic compound (VOC), it can be regulated just like any other ozone precursor. Nevertheless, the proposed rule mentions that two companies have petitioned EPA to have nPB exempted from VOC classification (p. 33305). Such action seems to support a trend to greatly increase the range of applications for nPB containing products.

The lack of effective workplace, disposal and air emissions controls will only encourage the use of nPB in applications beyond those envisioned by EPA staff. It is inevitable that POTWs will bear some of the burden of this increased usage.

Recommendations

Given that there are substitutes already in the marketplace that are less hazardous, it is premature to grant acceptance to nPB subject to use conditions without further investigations into human health effects, the impacts on POTW operations, and the impacts on the environment, specifically water ecology and endangered species. Until the safety of this compound has been demonstrated conclusively, more stringent controls are necessary to protect the public and the environment.

In the future, we strongly urge EPA staff to carefully consider the cross-media impacts of ODS alternatives. This effort will help EPA meet its mandate of reducing the overall risk to human health and the environment.

We appreciate your consideration of these comments. If you need any further information or have questions, please feel free to contact Will Pettit, AMSA's Regulatory Analyst at 202-833-3280.

Sincerely,

Adam Krantz

Adam Krantz
Managing Director, Government and Public Affairs