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February 15, 2007

James J. Jones, Director  
Office of Pesticide Programs  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
Via email: [jones.jim@epa.gov](mailto:jones.jim@epa.gov)

**Re: Request for Review of Fabric Products Containing Copper as a Biocide**

Dear Mr. Jones:

The National Association of Clean Water Agencies (NACWA) respectfully requests that the U.S. Environmental Protection Agency (EPA) review the manufacture and sale of fabric products that contain copper as a biocide. NACWA represents the interests of the nation's clean water agencies and its members serve the majority of the sewered population in the United States. NACWA's members also implement the National Pretreatment Program to protect the nation's waters from harmful industrial pollutants, including copper. The potential water quality impacts from these copper-containing fabrics and a host of other household products are a growing concern for the nation's clean water agencies.

Copper does not degrade and, even in low concentrations, can be toxic to aquatic life. Fabrics containing copper to inhibit the growth of odor-causing bacteria will likely result in releases to the sewer system when laundered, and may ultimately lead to elevated levels of copper in wastewater effluent. NACWA expressed similar concerns about washing machines utilizing silver ions for disinfection in a previous letter, and appreciates EPA's efforts to better control the marketing and sale of those machines. NACWA believes that copper-containing fabric products should similarly be considered for registration as pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), or some other relevant authority, because of the potentially harmful effects of copper releases on the environment. Registration under FIFRA would ensure that the environmental impacts of these products are more thoroughly reviewed before being sold to consumers.

The nation's clean water agencies have successfully implemented pretreatment programs to reduce industrial contributions of copper to their influent; however, these agencies do not have the authority to control residential discharges of copper

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into their sewer systems. Release of copper ions or particles from laundering of copper-containing fabrics could increase copper concentrations in both the influent to, and effluent from, clean water agencies. This, in turn, could lead to permit violations for these agencies, and above all, water quality impairments that could be avoided if EPA takes appropriate action.

Again, NACWA recommends that EPA review these products and consider registering them as pesticides. We also ask that EPA collect data on the amount of copper ions released from these fabrics under ordinary washing conditions. This data could then be used to determine if any further restrictions are necessary to ensure that water quality standards are not exceeded.

Thank you for your consideration of this matter. If you have any questions or need more information, please contact Cynthia Finley, NACWA Director of Regulatory Affairs, at 202/296-9836 or [cfinley@nacwa.org](mailto:cfinley@nacwa.org).

Sincerely,

A handwritten signature in black ink, appearing to read "K Kirk".

Ken Kirk  
Executive Director

Cc: Jim Hanlon, Director, EPA Office of Wastewater Management