Comment Submissions - Proposed Specific Regulatory Level Chemical Causing Cancer Bromochloroacetic Acid

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EWG Comments to the California Office of Environmental Health Hazard Assessment in support of proposed Proposition 65 No Significant Risk Levels for bromodichloroacetic acid at 0.95 micrograms per day and for bromochloroacetic acid at 0.70 micrograms per day

The Environmental Working Group, a nonprofit research and policy organization with offices in San Francisco, Calif.; Ames, Iowa; and Washington, D.C., is pleased to provide comments in support of the proposal from the California Office of Environmental Health Hazard Assessment (OEHHA) to establish cancer-based No Significant Risk Levels for two haloacetic acids, bromochloroacetic acid and bromodichloroacetic acid.

Haloacetic acids, together with trihalomethanes and related drinking water byproducts, form when public water suppliers use chlorine-based disinfectants to treat water that may carry harmful pathogens, or plant and animal wastes. Similar mixtures of chemical byproducts are also detected in swimming pools treated with chlorine-based disinfectants. While water disinfection is essential and saves lives, public health advocates have long been calling on water utilities and water agencies to take all steps possible to decrease the overall levels of disinfection byproducts in finished, treated water served to customers at the tap.

OEHHA's proposed limits for bromochloroacetic acid and bromodichloroacetic acid, developed under California's Safe Drinking Water and Toxic Enforcement Act of 1986, also called Proposition 65, are an essential first step to protect state residents from these harmful chemicals.

These two haloacetic acids are not regulated by federal drinking water regulations. Neither Maximum Contaminant Levels – enforceable legal standards – nor health-based guidelines have been established for these chemicals. Yet, public exposure is widespread. For example, EWG's Tap Water database shows that in 2015, bromochloroacetic acid was detected in 155 California drinking water systems that provide water to more than 10 million state residents.

Under Proposition 65, OEHHA has proposed No Significant Risk Levels for bromodichloroacetic acid at 0.95 micrograms per day and for bromochloroacetic acid at 0.70 micrograms per day. EWG reviewed OEHHA's proposed No Significant Risk Levels, which were established based on solid science with data generated by the National Toxicology Program.[1,2] The federal studies show that bromochloroacetic acid and

[1] National Toxicology Program (NTP, 2015). Toxicology Studies of Bromodichloroacetic Acid in F344/N Rats and B6C3F$_1$/N Mice and Toxicology and Carcinogenesis Studies of Bromodichloroacetic Acid in F344/NTac Rats and B6C3F$_1$/N Mice (Drinking Water Studies). NTP Technical Report Series No. 583. US Department of Health and Human Services, NTP, Research Triangle Park, NC.

bromodichloroacetic acid produce tumors in animals, and these findings are directly relevant to human health. EWG fully supports the state's final adoption of the proposed No Significant Risk Levels and the scientific rationale behind them.

We further urge the California Office of Environmental Health Hazard Assessment to take the next step and develop public health goals for these haloacetic acids, as well as for trihalomethanes and other disinfection byproducts. Establishing public health goals is essential to provide clarity and certainty for water agencies and the customers they serve. These goals become an impetus for public water systems to work toward eliminating unwanted substances through source water protection and optimization of water treatment strategies.

Thank you for the opportunity to comment on these proposed regulatory actions.

Submitted on behalf of the Environmental Working Group,

Tasha Stoiber, Ph.D., Senior Scientist
Environmental Working Group

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[2] National Toxicology Program (NTP, 2009). Toxicology and Carcinogenesis Studies of Bromochloroacetic Acid in F344/N Rats and B6C3F1 Mice (Drinking Water Studies). NTP Technical Report Series No. 549. NIH Publication No. 09-5890. U.S. Department of Health and Human Services, NTP, Research Triangle Park, NC.