PLASTICS
INDUSTRY ASSOCIATION

Via Regulations.gov (EPA-HQ-OW- 2023-0469)

Brenda Bowden
Office of Ground Water and Drinking Water (28221T)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, D.C. 20460

Re: Comments of the Plastics Industry Association
Proposed Sixth Unregulated Contaminant Monitoring Rule (UCMR 6) for Public Water Systems, 91 Fed. Reg. 39,952 (July 1, 2026)
Dkt No. EPA-HQ-OW- 2023-0469

Dear Ms. Bowden:

The Plastics Industry Association (PLASTICS) appreciates the opportunity to provide comments on EPA's proposed Sixth Unregulated Contaminant Monitoring Rule (UCMR 6).[1] PLASTICS is the only organization that supports the entire plastics supply chain, from material suppliers and equipment manufacturers to recyclers. The $551 billion industry is comprised of nearly one million workers and drives 1.71 million U.S. jobs across the economy. For nearly three decades, the plastic industry has outpaced overall manufacturing in employment, real shipments, and real value added, driven by the versatility of this material.[2] Plastics enable innovations in healthcare, transportation, food safety, renewable energy, and countless aspects of modern life. Plastic products play an essential role across nearly every critical sector of the economy – from national defense and agriculture to healthcare and modern infrastructure – supporting patient and worker safety while enabling buildings and systems that are more durable, energy-efficient, and cost-effective.

Given petitions by others to require monitoring for a category of "microplastics" as part of the UCMR 6, PLASTICS and its members have a specific interest in the outcome of this proposal and other regulatory actions potentially involving regulation or monitoring of plastic materials under the Safe Drinking Water Act (SDWA), such as the Sixth Candidate Contaminant List (CCL 6).[3] PLASTICS supports EPA's proposed determination that microplastics should not be listed in UCMR 6. Listing microplastics in UCMR 6 is unwarranted as a matter of need and priority and, in any event, would be technically impracticable to implement within statutory timeframes. PLASTICS urges the Agency to finalize the UCMR 6 in a manner that identifies and prioritizes those drinking water contaminants that present the greatest public health concern, as determined

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1 Revisions to Establish the Sixth Unregulated Contaminant Monitoring Rule (UCMR 6) for Public Water Systems, 91 Fed. Reg. 39,952 (July 1, 2026) ("UCMR 6 Proposed Rule").

2 Plastics Industry Association, *Size and Impact Report*, September 2025.

3 U.S. EPA, *Drinking Water Contaminant Candidate List 6-Draft*, 91 Fed. Reg. 17,186 (Apr. 6, 2026).

using sufficient, reliable evidence demonstrating both significant health hazards and wide-spread occurrence in finished public drinking water.

PLASTICS and its members are committed to the goals of keeping plastic waste out of the environment and developing solutions across the value chain to ensure responsible stewardship. PLASTICS and its members are actively engaged in developing common and technically accurate methods for characterizing and measuring microplastics in different media, as well as advancing the knowledge about the fate and possible effects of microplastics in the environment, based on rigorous and transparent scientific practices, including data sharing and reproducible studies. We look forward to opportunities to work with EPA and other regulatory and standard setting entities on technical and scientific microplastics research.

A. SUMMARY OF COMMENTS

1. PLASTICS supports EPA's determination not to list microplastics on the UCMR 6. It is appropriate to defer any mandatory, nationwide, multiyear drinking water monitoring program for "microplastics" for two principal reasons.
   - First, no appropriate target "microplastic" analyte has been identified. No microplastic analyte in drinking water has been demonstrated to cause harm to human health. If future research were to identify characteristics of microplastics (*e.g.*, size, type of plastic, shape, count) that are associated with a public health risk, any drinking water monitoring should be designed to identify occurrence of plastic materials with that property.
   - Second, even if future research identified a characteristic of microplastics associated with the public health risks in drinking water, no occurrence monitoring could be conducted until validated methods are developed appropriately to quantify the occurrence of plastic materials with that characteristic in drinking water. No such methods currently exist.
2. PLASTICS agrees with EPA's determinations to deny petitions seeking to include a "microplastics" category in UCMR 6. Including microplastics on the UCMR 6 would effectively displace a drinking water contaminant known to pose a higher human health concern than microplastics. Under these circumstances, the SDWA *requires* EPA to deny such petitions.

3. The Agency should defer efforts to regulate microplastics and focus first on developing a better scientific understanding of human health impacts from microplastics, if any. EPA's work on characterizing microplastic health effects that could be associated with drinking water, and microplastics definitions and measurement should also follow a consistent whole-of-government approach to avoid contradictory or inconsistent findings.

B. BACKGROUND

Section 1445(a)(2) of the SDWA requires EPA to issue regulations establishing the criteria for a drinking water monitoring program focused on priority unregulated contaminants.[4] Every five years, the Agency must promulgate a list of no more than 30 contaminants that most public water systems (PWS) nationwide will be required to monitor for three years,[5] and then report the results to EPA for inclusion in a national occurrence database. These UCMR occurrence data will be used to support future Agency decisions of whether to establish national primary drinking water standards for the contaminants in the interest of protecting public health. The SDWA requires EPA to make a "regulatory determination" for at least five substances on the current CCL – determining whether the contaminant warrants regulation through a national primary drinking water standard – using the following three-part statutory test:[6]

- The contaminant may have an adverse effect on human health;
- The contaminant is known or likely to occur in PWS with a frequency (e.g., affecting numerous systems) and at levels (concentrations) of public health concern; and
- Regulating the contaminant under the SDWA would be expected to *meaningfully reduce health risk* for PWS users.

UCMR occurrence data is a critical factor in EPA decisions about how to prioritize its drinking water protection resources, to assure resources will go first toward those drinking water quality improvement efforts that will meaningfully reduce health risk for PWS users. This means finding that unregulated drinking water exposure to a contaminant is causing harm to public health nationally due to both a combination of its abstract hazards, and widespread exposure in concentrations that may cause harm. Those are the circumstances in which regulation can be expected to meaningfully reduce health risk for PWS users.

1. UCMR Contaminant Selection Process

Neither the SDWA nor its implementing regulations specify the criteria or procedures EPA is required to follow when selecting among currently unregulated drinking water contaminants for monitoring. However, consistent with the UCMR's purpose to provide occurrence data to support SDWA regulatory determinations, EPA has historically applied selection criteria aimed at identifying candidate substances that (1) present a higher risk to public health, and (2) can be measured by PWSs using reliable, proven test methods.

Specifically, EPA's longstanding administrative practice is to use a stepwise *prioritization* process to select individual unregulated contaminants for the UCMR program, starting from the

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4 42 U.S.C. § 300j-4**.**

5 All community and non-transient non-community water systems (CWSs and NTNCWSs) serving 3,300 or more people, and a representative sample of PWSs serving fewer than 3,300 people, are subject to UCMR contaminant monitoring requirements. 40 C.F.R. § 141.40.

6 SDWA §1412(b)(1)(B)(ii)(I); 42 USC § 300g-1(b)(1)(B)(ii)(I).

list of hundreds of drinking water contaminants listed on the current CCL.[7] That is, EPA has previously determined that each is among the drinking water contaminants of "greatest public health concern,"[8] based upon review and consideration of the "best available, peer-reviewed science and supporting studies conducted in accordance with sound and objective scientific practices" and "data collected by accepted methods or best available methods."[9]

The first screening step eliminates from further consideration CCL contaminants that:

(1) were monitored under prior UCMR cycles; or

(2) are not expected to occur in drinking water; or

(3) are not expected to have a completed, validated drinking water method in time for rule proposal.

The second screening step eliminates from further consideration any of the remaining CCL candidate contaminants that are either no longer in active use, or fail to meet at least one of the following criteria:

(1) have an available health assessment to facilitate regulatory determinations; or

(2) are subject to high public interest; or

(3) have confirmed critical health endpoints (e.g., likely or suggestive carcinogen).

In the third and final screening step, EPA considers a range of factors as they may be applicable to the remaining candidates, including:

(1) Cost-effectiveness of the potential monitoring approaches for a contaminant;

(2) Any special monitoring implementation factors that may impact monitoring (e.g., limited laboratory capacity);

(3) A closer review of evaluated health effects, occurrence information, and persistence/mobility data; and

(4) Stakeholder input.

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7 *See, e.g.,* U.S. EPA, Office of Water, Information Compendium for Contaminants for the Final Unregulated Contaminant Monitoring Rule (UCMR 5), EPA 815-B-21-009 (Dec. 2021), EPA Dkt. No. EPA-HQ-OW-2020-0530-0126, at 9-10 and Appendix A.

8 SDWA §1412(b)(1)(C); 42 USC § 300g-1(b)(1)(C).

9 SDWA §1412(b)(3)(A); 42 USC § 300g-1(b)(3)(A). EPA also considers non-CCL contaminants that could be measured simultaneously with a CCL-listed chemical given the applicable analytical test method for the CCL-listed chemical. These are considered because the data can be collected with little marginal cost beyond the cost of analyzing for the CCL-listed contaminant.

2. The UCMR 6 Proposal

In selecting analytes to be proposed for monitoring in the UCMR 6 cycle,[10] the Agency followed its long-standing stepwise process.[11] Starting from a base set of 534 contaminants that include the final CCL 5 substances, those recently proposed to be included in CCL 6, [12] and their anticipated co-analytes.[13] EPA implemented its standard first-tier screening protocol and eliminated from further consideration those currently unregulated analytes that either were previously subject to UCMR monitoring or that were not expected to have a completed, validated drinking water method available for use at the time the UCMR 6 list would be proposed. This screening eliminated 220 UCMR candidates, including "Microplastics," which has been proposed for inclusion in CCL 6.

With respect to "microplastics," EPA explained that the category was screened from further consideration for UCMR 6 because there is no validated EPA or consensus drinking water analytical method with the proper quality control data, accuracy, and precision that could be used for UCMR 6, and none could be developed before the statutory deadline (December 2026). Monitoring without such a method would be impracticable. It would defeat the statutory purpose of the UCMR to collect data that could be used for regulatory determination decision-making. In addition, given the 30-contaminant statutory limit for UCMR monitoring, listing microplastics would prevent EPA from obtaining occurrence data for another contaminant for which monitoring is practicable at this time.[14]

3. The Governors' Petition to Include a "Microplastics" Category in UCMR 6

Governors of seven states filed a joint petition invoking a provision of the SDWA that would override EPA's normal UCMR screening and prioritization process and require EPA, in most cases, to include in the UCMR the drinking water contaminant(s) favored by the governors (the "Governors' Petition").[15] The Governors' Petition sought to compel EPA to include "microplastics"

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[10] Where we refer to an "*analyte*," we refer to the specific, discrete chemical (or well-defined material) that is measured during a monitoring event and is typically the etiologic agent associated with an adverse health effect that justifies the monitoring. By "*chemical*" we mean a substance identified as a particular molecular identity. In an appropriate case, a well-defined material also may be an analyte (*e.g.*, a particle or fiber of certain dimensions composed of one or more specific chemicals). A "*contaminant*" refers to any "physical, chemical, biological or radiological substance or matter in water." For monitoring purposes, a contaminant must be sufficiently defined to be characterized as an analyte.

[11] UCMR 6 Proposed Rule, 91 Fed. Reg. at 39, 957-58.

[12] Drinking Water Contaminant Candidate List 6—Draft, 91 Fed. Reg. 17,186 (Apr. 6, 2026) ("CCL 6 Proposal").

[13] U.S. EPA, Office of Groundwater and Drinking Water, Information Compendium for Candidate Contaminants for the Proposed Sixth Unregulated Contaminant Monitoring Rule (UCMR 6), EPA 815-R-26-009 (Feb. 2026), Dkt No. EPA-HQ-OW-2023-0469-0139, at 6-7.

[14] UCMR 6 Proposed Rule, 91 Fed. Reg. at 39, 959 col. 2,

[15] SDWA § 1445(a)(2)(B)(ii); 42 U.S.C. § 300j-4(a)(2)(B)(ii).

on the final UCMR 6 monitoring list.[16] Under the statute, EPA is directed to list on the UCMR the contaminant recommended by seven or more governors, unless listing the recommended contaminant "would prevent the listing of other contaminants of a higher public health concern."[17]

EPA did not adopt the Governors' recommendation, declining to list a "microplastics" category in UCMR 6. In support of that decision, EPA explained that it would technically be impossible for public water systems to conduct the UCMR monitoring for a "microplastics" category due to the absence of validated sampling and analytical methods.

> *[a]s the Governors' Petition acknowledges, there is no validated EPA or consensus drinking water analytical method with the proper quality control data, accuracy, and precision that could be used for UCMR 6, and it is not feasible to develop a drinking water analytical method within the statutory timeframe (i.e., December 27, 2026). If microplastics were included on UCMR 6, the PWSs subject to this rulemaking would be unable to successfully monitor for microplastics. Such monitoring is the central purpose of the UCMR as outlined by SDWA section 1445(a)(2).*[18]

EPA also argued that including a "microplastics" category in UCMR 6 would represent an unreasonable opportunity cost because it would prevent the listing of another candidate contaminant for which a validated test method is available.[19]

> *If microplastics were included on UCMR 6, ... the agency and the public would lose an opportunity to gain occurrence information on other unregulated contaminants that have a drinking water analytical method available for UCMR 6.*[20]

C. COMMENTS

1. PLASTICS Supports EPA's Decision Not to Propose Microplastics for UCMR 6

EPA's decision not to propose a microplastics category for UCMR 6 is consistent with section 1445 of the SDWA, the purpose of the UCMR program, and the Agency's standard UCMR screening and prioritization procedures. As discussed below, it would be inappropriate to propose a "microplastics" category for UCMR 6 for two principal and equally sufficient reasons: (1) no

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[16] Request of the Governors of New Jersey, Delaware, Illinois, Maryland, Michigan, Wisconsin, and Connecticut under 42 U.S.C. § 300j-4(a)(2)(B)(ii) that EPA Include Microplastics in the Forthcoming Unregulated Contaminant Monitoring Rule 6 List, EPA Dkt. No. EPA-HQ-OW-2023-0469-0137 (Nov. 26, 2025).

[17] SDWA § 1445(a)(2)(B)(ii); 42 U.S.C. § 300j-4(a)(2)(B)(ii).

[18] UCMR 6 Proposed Rule, 91 Fed. Reg. at 39,959 col. 2.

[19] Food and Water Watch also submitted a petition seeking the listing of "microplastics" in UCMR 6. EPA-HQ-OW-2023-0469-0102 (Nov. 25, 2025) ("FWW Petition").

[20] UCMR 6 Proposed Rule, 91 Fed. Reg. at 39,959.

appropriate "microplastic" analyte has been identified or defined that is associated with a public health risk, and (2) there is no sufficient validated EPA or consensus drinking water analytical method available to conduct monitoring.

(a) No Appropriate "Microplastic" Monitoring Analyte Associated with Public Health Risk Has Been Identified

Among the most fundamental characteristics of UCMR substances is that they are all expected to have harmful effects if consumed in drinking water in sufficient concentrations and therefore may warrant future regulation. While EPA has made clear that it is aware of a general public concern that microplastics in drinking water may have adverse health effects, EPA also has been clear that no association has been established between any adverse health effects and any "microplastics" as a category. Such a category represents a broad array of highly diverse materials. From a monitoring and regulatory perspective, EPA explains that the first research objective must be to "*define and better understand the characteristics of microplastics (i.e., size, type of plastic, shape, count, etc.) that are associated with the public health risks*,"[21] if any.

EPA also discussed this issue in connection with the development of CCL 6. With respect to possible future regulation of some type of "microplastics" contaminant, EPA stated that, among other things, it would first be necessary to identify the particular microplastics or microplastic properties that were the source of any hazard in drinking water. It identified as a "data gap" the need to identify the factors associated with any health effects:

> *There remain significant data gaps for microplastics that will require further research before the Agency can fully understand the risks associated with microplastics in drinking water. The known data gaps requiring further research include (but are not limited to) the following: 1. A health-based definition: the need to determine the characteristics of the microplastics (i.e., colors, polymers, shapes, sizes, etc.) most associated with adverse health effects in humans from exposure in drinking water.* [22]

Only after any characteristics or properties of "microplastics" relevant to public health concerns have been identified and a definition has been standardized would it be appropriate to consider broad occurrence monitoring. Until investigators have defined the "microplastics" analyte or analytes relevant to public health concerns (if any), any broad monitoring of other measures of "microplastics" in drinking water would be at the expense of substances with known harms.

(b) No Sufficient Validated EPA or Consensus Drinking Water Analytical Methods are Available to Conduct Monitoring.

All UCMR monitoring is required to be conducted in accordance with approved methods and subject to rigorous quality assurance standards. For regulatory decision-making based

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[21] UCMR 6 Proposed Rule, 91 Fed. Reg. at 39, 959 col. 3,

[22] CCL 6 Proposal, 91 Fed. Reg. at 17,193, col. 1.

on a nationally representative occurrence trends, the data from each individual public water system must be high quality and comparable with similar data collected at other monitoring locations.[23] Such methods must be validated EPA or consensus drinking water analytical methods with the proper quality control data, accuracy, and precision. This includes both methods to measure the selected analyte (including any needed pre-processing of environmental samples to avoid interferences and achieve consistent results) and standard sample collection and preservation methods. In the absence of an applicable, validated method, nationally representative occurrence data cannot be generated. In the case of "microplastics," no such methods exist.

Indeed, even the development of a test method for future UCMR use must be deferred until, as described above, an analyte is defined that will serve as a measure of a property of microplastic that causes harm, if any. Test method development and subsequent validating begins with defining the target analyte.[24] We agree with the Agency's assessment that the object of test method development efforts should be focused on measuring analytes that represent the "characteristics of the microplastics (i.e., colors, polymers, shapes, sizes, etc.) most associated with adverse health effects in humans from exposure in drinking water." [25]

Even if an appropriate method did exist, the microplastics category would still be properly excluded from UCMR 6 because it cannot be demonstrated that a sufficient number of contract laboratories have the capacity or technological capabilities to process microplastic samples, or the costs that would be incurred by public water systems required to process microplastic samples.[26]

As there is currently no validated or consensus drinking water analytical methodology with the proper quality control data, accuracy, and precision for *measuring* microplastic contaminants (however defined), EPA should not include microplastics in the current UCMR cycle. [27]

(c) No Sufficient Hazard Information to Support Action

The weight of public interest in microplastics in drinking water should not be allowed to cause the Agency to act at odds with its standard UCMR screening procedures and prematurely

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[23] *See e.g.*, Unregulated Contaminant Monitoring Rule; Methods Request and Webinar, 89 Fed. Reg. 8,584, 8586 (Feb. 8, 2024).

[24] *See e.g.*, U.S. EPA, Office of Groundwater and Drinking Water, Method Development for Unregulated Contaminants in Drinking Water: Public Meeting and Webinar, EPA 815-A-18-001 (June 6, 2018) at 13 (slide 26 of196).

[25] CCL 6 Proposal, 91 Fed. Reg. at 17,193, col. 1.

[26] *See* American Water Works Association, Comments on Drinking Water Contaminant Candidate List 6-Draft (June 5, 2026), EPA-HQ-OW-2022-0946-0147.

[27] ASTM consensus standards do exist for collecting water samples that may contain "microplastics" (however defined) and for preparing properly collected samples for analysis; however, these are support standards and neither of these methods are sufficient in themselves to measure the occurrence of plastic particles in drinking water.

launch a broad occurrence data collection effort on a speculative or precautionary basis.[28] The consensus of public health agencies that have studied and reported on the questions is that the current evidence does not demonstrate that microplastics in drinking water pose any significant risk to human health.[29] For example:

- The German Federal Institute for Risk Assessment stated in a 2025 report, "[t]he current state of knowledge suggests that the risk to consumers from microplastics is relatively low, given that the majority of particles do not become bioavailable, and the overall quantities taken up are likely insufficient to trigger health effects." The Assessment further stated, "[n]o causal relationships have been proven to date between the uptake of microplastics and health effects and "[c]urrent evidence does not permit any definitive conclusion about the effects of microplastics on health." [30]

- The World Health Organization reported in 2022 that, "the limited data provide little evidence that nano and microplastics (NMP) have adverse effects in humans… The weight of the scientific evidence provided by current data on adverse effects of NMP on human health is low."[31]

- The Federal Food and Drug Administration stated in a 2024 publication that, "[t]he overall scientific evidence does not demonstrate that levels of microplastics or nanoplastics found in foods pose a risk to human health." [32]

The consensus view of these authorities and among scientific and regulatory agencies is that there is insufficient evidence to assess potential risk of microplastics to human health. Each suggests that further research to assess potential health risks is warranted, but with the understanding that current evidence suggests that any such risk is likely to be low and further refinement of testing protocols are needed.[33] For EPA, understanding that the any risk is expected to be low is a critical consideration when prioritizing research among drinking water contaminants and identifying those that represent the greatest public health concerns. The availability of a health

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[28] *Cf.* CCL 6 Proposal, 91 Fed. Reg. 17,186 (proposing to include a "microplastics" category on CCL 6 only in response to public interest and without following standard prioritization (screening) criteria).

[29] *See, e.g.*, World Health Organization, Microplastics In Drinking-Water (2019) (no reliable information suggests microplastic in drinking water is a public health concern, either due to the properties of the particles themselves, or due to leaching of chemicals associated with microplastic particles). *See also* footnotes 29-32 and accompanying text.

[30] Janzik R, Sieg H, Braeuning A, Böl GF: Microplastics: State of the evidence on health effects and public perception. Dtsch Arztebl Int 2025; 122: 546–51. DOI: 10.3238/arztebl.m2025.0138 at 546, 550.

[31] World Health Organization, Dietary And Inhalation Exposure To Nano- And Microplastic Particles And Potential Implications For Human Health (2022) at 12.

[32] FDA, Microplastics and Nanoplastics in Foods (Jul. 17, 2024).

[33] *See* also, Comments of the Plastics Industry Association, Drinking Water Contaminant Candidate List 6-Draft, 91 Fed. Reg. 17,186 (April 6, 2026), EPA Dkt. No. EPA-HQ-OW-2022-0946-0145.

assessment to facilitate regulatory determinations and known critical health endpoints with the contaminant have always been important UCMR screening criteria.[34]

Under these circumstances, it is not unreasonable for the Agency to defer any broad occurrence data collection effort until such time as the standard UCMR screening and prioritization criteria are met through other ongoing health effects and analytical methods research.

2. PLASTICS Supports EPA's Response to the Governors' Petition, Rejecting a "Microplastics" Category in UCMR 6.

EPA's determination to reject the Governors' petition to include a "microplastics" category in UCMR 6 was correct. As discussed above, the extent of any health risk from plastic particles in drinking water is unknown, but the current evidence suggests risk any risk to consumers is relatively low. No national, UCMR-like monitoring should be conducted until the Agency has determined a characteristic of microplastics in drinking water, if any, that is associated with adverse human health effects. Further, validated sample collection and laboratory analysis methods must be developed that will accurately quantify those microplastic materials that present those characteristics.

The SDWA provision generally requiring EPA to abide by governors' UCMR requests does not bar EPA's proposed UCMR 6 approach, excluding any "microplastics" category.[35] Strictly speaking, it appears EPA has only deferred and not rejected the Governors' request to include a "microplastics" category in the UCMR. But even if EPA's approach were considered to be a denial, it is nevertheless lawful, both because the petition as drafted is insufficient to trigger an obligation to list a "microplastics" contaminant in the UCMR, and because granting the Governors' Petition now would prevent the listing of other contaminants of a higher public health concern.

(a) EPA Did Not Deny the Governors' Petition.

While EPA has determined not to include the "microplastics" category in the current UCMR round (UCMR 6) as recommended by the Governors' Petition, it appears EPA did not deny that petition. Rather, it appears EPA has only declined to list microplastics in the *immediate* UCMR round and determined to list the Governors' recommended contaminant in a *future* UCMR round, at a time when validated sampling and analysis methods are available that would enable accurate quantification of those microplastic materials that pose significant health risks. As EPA explains in the UCMR 6 proposal, it is responding to the petition in two phases, consistent with the state of the science as presented by the governors.[36]

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[34] *See, e.g.*, UCMR 5 (86 FR 73131, (Dec. 27, 2021); *see also* footnotes **Error! Bookmark not defined.** to 9 and accompanying text.

[35] *See* footnote 17 and accompanying text.

[36] UCMR 6 Proposed Rule, 91 Fed. Reg. at 39,959, cols. 2-3.

- First, EPA has proposed to list "microplastics" *on CCL 6* to support the additional research needed to define an appropriate microplastic drinking water analyte, if any, that is associated with adverse human health effects.

> *The agency acknowledges the interest in and concern for microplastics in drinking water and believes that including these contaminants on the draft CCL 6 as a first step in responding to the petition will prioritize the research that is needed to define and better understand the characteristics of microplastics (i.e., size, type of plastic, shape, count, etc.) that are associated with the public health risk.*[37]

This is consistent with granting the Governors' Petition, which expressly includes asking EPA as a first step to define a "microplastics" analyte appropriate for UCMR listing. Specifically, the Petition acknowledges the need to define a relevant microplastic analyte for monitoring, and asks EPA to define it:

> *Given the lack of consistent scientific and regulatory definitions of microplastics it is essential to establish a clear and universal definition for consistent analysis and policy formulation across different regions and sectors.* [38]

> *EPA should include [microplastics] in the upcoming UCMR 6 due to … the important public health contribution EPA can make by establishing a definition of microplastics…."*[39]

- Second, once an appropriate analyte is defined, EPA proposes to develop validated analytical and sampling methods that will measure that analyte. As EPA explains:

> *As the Governors' Petition acknowledges, there is no validated EPA or consensus drinking water analytical method with the proper quality control data, accuracy, and precision that could be used for UCMR 6….* [*D*]*efining and better understanding the characteristics of microplastics … that are associated with the public health risk*] *… may inform the development of drinking water analytical methods that can be used to standardize data collection and analysis in the future.* [40]

This approach to UCMR methods development for microplastics as presented in the proposed rule is consistent with *granting* the Governors' Petition. The Petition both

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37 UCMR 6 Proposed Rule, 91 Fed. Reg. at 39,959 col. 3.

38 Governors' Petition at 4.

39 Governors' Petition at 1.

40 UCMR 6 Proposed Rule, 91 Fed. Reg. at 39,959 cols. 2-3.

acknowledges that current sampling and analytic methods are inadequate and expressly requests that EPA develop these methods for UCMR purposes:

> *EPA should include [microplastics] in the upcoming UCMR 6 due to … the important public health contribution EPA can make by … developing and approving analytical methods…."*[41]
>
> *It remains our understanding that EPA continues to develop a method for microplastic analyses in drinking water[.] Finalizing testing and analytical methods would enable EPA to develop definitions and protocols before sampling begins, providing labs time to build necessary capacity and be prepared to offer testing.*[42]
>
> *Therefore, the Governors … petition EPA, [to] develop and approve analytical methods [for microplastics in drinking water].*[43]

The Governors have asked EPA to undertake two significant research tasks and conceded that they are necessary predicates to any UCMR monitoring. Given that EPA has agreed to undertake those tasks and has only deferred a UCMR listing decision until those predicates are satisfied, it cannot reasonably be argued that EPA has denied the Governors Petition, it is not necessary for EPA to make an affirmative determination now that listing microplastics in UCMR 6 would displace a drinking water contaminant of greater public health concern.

(b) The Governors' Petition Is Insufficient to Trigger SDWA § 1445(a)(2)(B)(ii) Listing Obligations

The foregoing discussion assumes that the Governors' Petition is sufficient to trigger an obligation by EPA to list microplastics in UCMR 6 under SDWA section 1445(a)(2)(B)(ii). PLASTICS believes the Governors' Petition was insufficient on its face to trigger that obligation because, as discussed in the preceding section, the Petition failed to identify a specific contaminant for monitoring and failed to identify a monitoring method that would satisfy the Petition.

Subject to the "higher public health concern" exception, SDWA section 1445(a)(2)(B)(ii) requires EPA to:

> *include among the list of contaminants for which monitoring is required under [the UCMR] <u>each contaminant recommended in a petition</u> signed by [seven or more Governors] ….* (emphasis added)

However, as discussed in the preceding section, in this case, the Governors in this case have not recommended a specific "contaminant" for monitoring. They have only identified a category ("microplastics") and, after conceding that category was ambiguous and undefined, expressly

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41 Governors' Petition at 1.

42 Governors' Petition at 3.

43 Governors' Petition at 5.

asked EPA as part of their Petition to define a specific analyte for UCMR monitoring.[44] The statute clearly contemplates only Governors' recommendations for *specific* contaminants that practicably can be added directly to the current UCMR list and monitored with available methods. The language assumes that the recommended contaminant is sufficiently identified and that it either can be (1) added directly to the UCMR list in the form recommended, or, alternatively, (2) compared to other UCMR candidate contaminants with respect to public health concern. If it were otherwise, each non-specific recommendation would lead to the impracticable situation EPA has identified for microplastics – no defined analyte and no validated test methods for the analyte.

(c) Listing "Microplastics" in UCMR 6 Would in Fact Displace a Drinking Water Contaminant of Greater Public Health Concern.

Assuming solely for the sake of argument that the Governors' Petition was sufficient to trigger an obligation under SDWA section 1445(a)(2)(B)(ii) to list microplastics in UCMR 6 or to affirmatively determine that that such a listing would displace a contaminant of "greater public health concern," PLASTICS contends that the listing exception criterion has been met. Specifically, given EPA's assessment that the public health significance of microplastics in drinking water is, at best, unknown, it is axiomatic that listing any "microplastics" category in UCMR 6 would displace any number of other candidate contaminants for which both hazard information and validated analytical methods exist. As discussed above, EPA has identified no fewer than 314 such drinking water contaminants.[45]

Here, the Governors' Petition has not identified a cognizable public health concern common among the microplastics group, or for an individual contaminant within the group. As previously discussed, EPA acknowledged gaps in existing data demonstrating a public health concern associated with microplastics, and the current scientific evidence does not support a finding that microplastics poses a significant hazard to human health. Therefore, including microplastics on the UCMR 6 would effectively displace a contaminant for which public health concerns have been demonstrated, and for which there is a completed, validated drinking water analytical method. Under SDWA § 1445(a)(2)(B)(ii), EPA was correct to deny or at least defer listing "microplastics" in the current UCMR.

The FWW Petition was appropriately handled for the same reasons. As stated by EPA in the Agency's response to the FWW Petition,

> *The objective of the UCMR program is to collect nationally representative occurrence data for unregulated contaminants that may warrant regulation under the SDWA. […] The UCMR data support future decisions by the EPA on actions to protect public health, such as Regulatory Determinations and National Primary Drinking Water Regulations.*[46]

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44 *See* footnotes 37 - 39 and accompanying text.

45 *See* footnote 13 and accompanying text.

46 *EPA's Response Letter to Food and Water Watch's Petition to list MP, Dkt. No. EPA-HQ-OW-2023-0469-0103.*

As there is currently no validated methodology for measuring microplastics, nor significant public health threat associated with the microplastics group or individual contaminants, including microplastics on the UCMR would be contrary to EPA stated goals of the program - to provide nationwide occurrence data for contaminants and inform future Agency actions aimed at the protection of public health. For these reasons, PLASTICS urges EPA to finalize the UCMR 6 as proposed, which does not include microplastics in the current UCMR cycle.

3. PLASTICS Supports EPA's Commitment to Advancing Research on Microplastics

PLASTICS supports the Agency's commitment to collaborate with other federal agencies to evaluate risks of and exposures to microplastics to enable future monitoring for those microplastics that present potential health risks upon availability of a validated drinking water analytical method, as outlined in the proposed UCMR 6.[47] We agree with EPA that further evaluation of microplastics is appropriate at this time.

We further encourage the Agency to carefully evaluate existing data on proposed methodologies for measuring microplastics and dedicate resources towards establishing a validated drinking water methodology that can accommodate the measurements of all materials and particle characteristics in a promulgated definition for microplastics. Given the diversity in particle sizes, chemistries, and sources, there are significant questions regarding:

- The best protocols and methodologies for measuring microplastics in the environment and human body and prevention of sample contamination;
- Whether quantitative measures of "microplastics" reported in published studies are, in fact, consistently measuring microplastics or whether they are measuring normal human tissues or contamination from lab environments and sampling efforts[48]; What links, if any, exist between the presence of microplastics in organisms or tissue samples and any observed adverse health effects;
- Potential exposure pathways, environmental fate, and human health effects;
- The relative contribution and significance (if any) of sorbed contaminants on microplastics in drinking water to individuals' total exposure.

As expressed in our comments on the draft CCL 6, PLASTICS would welcome the opportunity to work with EPA on the development of accurate definitions and methodologies for detecting and measuring microplastics and share, or help scope, research on the fate and effects of microplastics.

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47 *See* UCMR 6 Proposed Rule, 91 Fed. Reg. at 39,959.

48 Madeline E. Clough, Madeline E. et all, Avoiding and reducing microplastic false positives from dry glove contact. Analytic Methods Journal, Issue 14, 2026.

CONCLUSION

On behalf of PLASTICS, I thank you for considering these comments. We would be pleased to answer any questions or provide additional information.

Respectfully submitted,

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