



Three Rivers Waterkeeper
800 Vinial Street, Suite B314
Pittsburgh, PA 15212
www.3RWK.org

U.S. Environmental Protection Agency
Office of Pollution Prevention and Toxics (OPPT)
1200 Pennsylvania Avenue NW
Washington, DC 20460

February 2nd, 2026

RE: Comment on Proposed Renewal of the PCBs, Consolidated Reporting and Recordkeeping Requirements (Docket: EPA-HQ-OPPT-2017-0647)

To the U.S. Environmental Protection Agency,

Three Rivers Waterkeeper submits the following comments on the U.S. Environmental Protection Agency's proposed renewal of the PCBs, Consolidated Reporting and Recordkeeping Requirements under the Paperwork Reduction Act (PRA). While EPA characterizes this action as a procedural renewal of an existing Information Collection Request (ICR), Three Rivers Waterkeeper urges the Agency to recognize that information collection frameworks are not neutral. The scope, design, and accessibility of PCB reporting requirements directly affect EPA's ability to fulfill its statutory obligations to prevent unreasonable risks to human health and the environment, particularly in heavily industrialized watersheds such as those in Southwestern Pennsylvania.

Three Rivers Waterkeeper was founded in 2009 and serves as both a scientific and legal advocate for the Allegheny, Monongahela, and Ohio Rivers and their watersheds in Southwestern PA. These waterways are critical to the health, vitality, and economic prosperity of our region and communities. We are both a scientific and legal advocate for the community, working to ensure that our three rivers are protected and that our waters are safe to drink, fish, swim, and enjoy. We monitor and patrol our waterways, and take samples of basic parameters using our own sampling device, E.coli samples, PFAS samples and specific parameters at external laboratories. We also highlight the variety of species that live in our aquatic and riparian ecosystems. We are one of the over 300 organizations that make up the global Waterkeeper Alliance and work together to connect local communities to global environmental and advocacy resources.

Statutory and Regulatory Context

As a threshold matter, EPA's authority and obligations with respect to polychlorinated biphenyls (PCBs) are grounded in clear statutory and procedural mandates that require both robust regulation and meaningful information collection. Section 6(e) of the Toxic Substances Control

Act (TSCA), 15 U.S.C. § 2605(e)¹, directs the EPA to regulate the manufacture, processing, distribution, use, storage, and disposal of PCBs in order to prevent unreasonable risks of injury to human health or the environment, and EPA's implementing regulations at 40 C.F.R. Part 761² establishes comprehensive requirements governing the PCB lifecycle, including extensive reporting and recordkeeping obligations.

Additionally, the Paperwork Reduction Act (PRA), 44 U.S.C. §3501-§3521³, requires the EPA to demonstrate that information collections are necessary for the proper performance of agency functions, of practical utility, clear, accurate, and non-duplicative, and designed to minimize burden while maximizing public benefit. While Three Rivers Waterkeeper agrees that PCB reporting remains unquestionably necessary, the proposed renewal fails to adequately assess whether the existing structure and content of the Information Collection Request remain sufficient to meet EPA's environmental protection obligations in 2026 and beyond.

Need for Updated and Responsive PCB Information Collection Framework

The EPA proposes to renew the PCB ICR without substantive updates, despite decades of new scientific understanding regarding PCB transport and exposure pathways, particularly in aquatic environments. PCBs are persistent, bioaccumulative toxic substances that continue to impair surface waters through contaminated sediments, stormwater mobilization, groundwater interaction, and landfill leachate.

The existing reporting framework under 40 C.F.R. Part 761 largely emphasizes controlled handling, storage, and disposal activities, but does not adequately capture:

- Secondary or indirect PCB mobilization into waterways;
- Watershed-scale impacts from dispersed PCB sources; or
- Ongoing low-level discharges that contribute to fish tissue contamination and sediment impairment.

From a PRA standpoint, an information collection that does not reflect contemporary exposure pathways cannot be said to provide full "practical utility" under 44 U.S.C. § 3502(11)⁴.

¹ Toxic Substances Control Act (TSCA), [15 U.S.C. § 2605\(e\)](#).

² 40 C.F.R. [Part 761](#).

³ 44 U.S.C. [§3501-3521](#).

⁴ 44 U.S.C. [§ 3502\(11\)](#).

Integration with Water Quality Protection Frameworks

In Southwestern Pennsylvania, many waterways are already impaired by toxic pollutants and sediment-associated contaminants. PCB contamination is frequently detected in fish tissue and sediments long after active PCB use has ceased. In this context, PCBs often re-enter surface waters through disturbance of contaminated soils and sediments, groundwater seeps and landfill leachate, or stormwater discharges from legacy industrial properties. The existing ICR does not clearly capture these pathways, despite their significance to water quality outcomes. Renewing PCB reporting requirements without adapting them to regions like Southwestern Pennsylvania risks underestimating ongoing PCB loading and delaying restoration of impaired waters.

The EPA states that the information collected under this ICR is used to ensure that PCBs are managed in an environmentally safe manner; however, the proposed renewal does not clearly demonstrate how PCB reporting data are linked to or inform Clean Water Act (CWA) programs, including impairment listings under 33 U.S.C. § 1313(d)⁵, the development and implementation of Total Maximum Daily Loads (TMDLs), fish consumption advisories, or surface water monitoring and restoration priorities. Without explicit mechanisms to integrate TSCA-based PCB reporting with CWA water quality programs, EPA risks maintaining parallel regulatory systems that fail to collectively reduce real-world exposure.

Transparency and Community Right-to-Know

Although the EPA collects extensive PCB information under this ICR, the proposed renewal does not meaningfully address public accessibility of PCB activity data, whether affected communities can identify PCB sources within their watersheds, or how PCB reporting supports environmental justice and cumulative impact analysis. Communities in Southwestern Pennsylvania continue to face disproportionate exposure risks through drinking water sources and fish consumption. Information collected pursuant to TSCA Section 6(e) should be structured and disclosed in a manner that supports meaningful community awareness and engagement, consistent with EPA's environmental justice commitments and the PRA's emphasis on public benefit.

Recommendations and Conclusion

Renewal of the PCB ICR should not be treated as a purely administrative exercise. Given the persistent and ongoing impacts of PCBs on surface waters, the EPA must ensure that its information collection framework is sufficiently robust, modern, and transparent to support

⁵ Water Quality Standards and Implementation- [33 U.S.C. § 1313\(d\)](https://www.ecfr.gov/current/title-40-chapter-I-subchapter-B-part-131-subpart-d).



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meaningful environmental protection. Three Rivers Waterkeeper respectfully urges EPA, prior to finalizing this ICR renewal, to:

- Evaluate whether existing PCB reporting categories adequately capture modern exposure pathways, including stormwater, groundwater, and sediment remobilization.
- Improve integration between TSCA PCB reporting and Clean Water Act programs, including impaired waters listings and fish consumption advisories.
- Enhance transparency and public accessibility of PCB reporting data for impacted communities.
- Assess whether additional or refined data elements are necessary to ensure the information collected has full practical utility, as required by the PRA.

Three Rivers Waterkeeper appreciates the opportunity to comment and looks forward to continued engagement to ensure that PCB reporting and recordkeeping requirements effectively protect water quality, public health, and environmental justice.

Sincerely,

Heather Hulton VanTassel, PhD
Executive Director, Three Rivers Waterkeeper
Heather@threeriverswaterkeeper.org