

Attachment — Additional Questions for the Record

The Honorable Morgan Griffith

Current LCR compliance sampling requires that a minimum of 50% of sampled homes have lead service lines; the same homes are required to be sampled year after year to measure effectiveness and changes in corrosion control. The National Drinking Water Advisory Council (NDWAC) recommends a change away from this scheme to customer requested sampling.

1. How will customer initiated sampling that includes any home, even at low or no risk for lead in water, achieve the intent of the Lead and Copper Rule's (LCR) monitoring requirement, which is assessment of corrosion control treatment (CCT) effectiveness through monitoring lead-in-water levels at a small number of highest risk homes?

We share the concern reflected in this question and the background paragraph. We don't believe customer-initiated sampling alone will be sufficient for assessing the effectiveness of corrosion control treatment. The recommendations of the NDWAC were to enhance sampling of key water quality parameters at representative sites throughout the distribution system to help gauge the effectiveness of any CCT (or determine whether CCT was needed). Customer-initiated sampling was envisioned by the NDWAC as a means to educate customers about whether or not their homes were served by lead service lines and, if so, to help motivate them to action (either on their own initiative or with the assistance of the local jurisdiction or the state). The latter provision would promote greater consumer awareness and transparency, but we don't believe that the results from low risk sites should be the basis for decisions about establishing optimal water quality parameters and adding CCT.

2. How would sampling using the strategy recommended by the NDWAC have been able identify the DC or the Flint water crisis any sooner than current LCR sampling?

As noted in our response to question #1, we believe a "blend" of approaches is needed for the future monitoring strategy. We believe that, for the current (or any future) sampling strategy to be effective in expeditiously identifying problematic portions of the distribution system and lead contamination, the sampling sites need to be in the "right" (i.e., high risk) locations, need to be of sufficient number to adequately characterize the distribution system, and samples need to be collected properly. We believe that part of the problem that contributed to the Flint crisis may have been sample sites that were not reflective of the highest risk locations. In the case of the DC lead crisis, our understanding is that high levels of lead in the distribution system were discovered early on, but may not have been acted upon quickly enough.

The EPA science advisory board submitted a report to EPA finding that partial lead service line replacements may pose a risk of increased lead exposure.

3. Should the revised LCR include a ban on partial lead service line replacements?

Generally yes – we concur with the recommendations of EPA's Science Advisory Board in this regard. The only circumstance we can envision where partial replacement would make sense would be in a case where a damaged or leaking portion of the lead service line need to

be repaired and replaced. In that case, after the repairs are made, the damaged portion should not be replaced with fresh lead service line, but rather, lead-free materials.

4. Is public health protected when water systems perform partial lead service line replacements as is currently a standard practice in many water systems?

Not sufficiently; while some studies have indicated some benefits from partial lead service line replacement, other studies have shown it to be ineffective. As noted above, we concur with the SAB recommendations and believe the entire lead service line needs to be replaced.

5. Under the proactive lead service line replacement program recommended by the NDWAC, what measures can be used to ensure that actual replacements are mandatory?

We believe that lead service line replacement requires an “all of the above” shared effort by Federal, state, and local governments – to encourage and incentivize rapid, full lead service line replacement. The NDWAC did not recommend a mandatory national replacement program. However, we believe that some mandatory elements can substantially move the process forward. For instance, we believe that mandatory disclosure of lead service lines and provisions for their replacement should be a feature of all real estate reactions.

The Honorable Lois Capps

1. Flint has shown us that we must invest in our nation’s future by supporting our infrastructure as well as our preparedness moving forward. What mechanisms and collaborative efforts can be put in place moving forward to ensure that we do not see a repeat of the crisis we experienced in Flint in another community?

We believe that one of the silver linings in the dark cloud of the Flint crisis has been a far greater shared awareness -- at all levels of government -- of the need to adequately support both physical and human (especially, at the state and local levels) infrastructure needed to ensure safe drinking water and avoid future Flints. While Flint was something of a perfect storm (as I indicated in my testimony) the conditions that lead to Flint do indeed exist in other communities. Moving forward, we believe that we collectively need to: 1) implement the current rule as effectively as possible everywhere in the country, with enhanced transparency and communication; 2) rapidly develop an improved and enhanced Lead and Copper Rule based on the recommendations of the National Drinking Water Advisory Council recommendations as well as our learnings from Flint; and 3) use a variety of levers and incentives (at all levels of government) to totally remove lead from drinking water distribution systems as quickly as possible.