

**RE: Comments: Revisions to Lead & Copper National Primary Drinking Water Regulations,
Docket No. EPA-HQ-OW-2017-0300**

February 13, 2019

Mr. David Ross, Assistant Administrator for Water
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460-0001

Dear Assistant Administrator Ross:

On behalf of our millions of members and supporters, we write to express our concerns about the proposed revisions to the EPA Lead and Copper Rule (LCR), 84 Fed. Reg. 61,684 (Nov. 13, 2019). We urge EPA to strengthen the proposal to ensure the protection of millions of Americans, especially children who are at special risk from lead, and to remove the weakening changes the agency proposes..

Lead contamination of our drinking water is a serious, widespread, and ongoing public health threat. Of the several steps needed to end this contamination, we focus this short comment letter on the following priorities:

First and foremost, the rule should require all lead service lines (LSLs) be fully removed in no more than 10 years at utility expense. There are 6.5 to 10 million lead service lines serving tens of millions of Americans.[1] From Flint to Newark and beyond, these toxic pipes are major sources of water contamination. In fact, public health experts have identified replacing lead service lines as the single most important step we can take to reduce lead contamination of drinking water.[2] As LSLs represent an inherent threat to safe drinking water, we must replace them proactively, not wait for test results to confirm contamination. Moreover, it is critical that the rule mandate a more comprehensive inventory, and prohibit partial service line replacements. Partial replacements can make lead contamination worse. Requiring individual homeowners to pay for service line replacement delays action, makes replacements less efficient, and results in environmental injustices because low-income property owners and renters will continue to suffer from lead-contaminated tap water.

Under any framework, EPA should be dramatically accelerating LSL replacement; instead the proposed rule appears to slow it down. The proposal would extend the deadline for lead service line replacement for systems exceeding the action level from about 14 years to over 33 years by lowering the annual replacement rate. Any such weakening of the current rule is unwise and unlawful.[3]

Second, EPA should set an enforceable Maximum Contaminant Level (MCL) or action level for lead at the tap that is more protective of public health than current law.[4] The proposed rule would set up a confusing "trigger level" and maintain an action level as high as 15 ppb, even though the Centers for Disease Control and Prevention[5], World Health Organization[6], American Academy of Pediatrics[7], and EPA itself have all concluded that there is no safe level of lead. Low levels of exposure in children

are linked to damage to the brain and nervous system, learning disabilities, shorter stature, impaired hearing, and harm to blood cells.[8] Adults can suffer from cardiovascular disease and impacts on reproduction and the kidneys.[9] In contrast to the proposed rule, Canada recently established a 5 ppb standard[10], and the American Academy of Pediatrics recommends that schools limit lead in drinking water to 1 ppb.[11]

Finally, aggressive action to get the lead out will require not only stronger rules but considerable resources. We urge EPA – and the entire administration – to work vigorously with advocates and communities to convince Congress to provide dramatically higher levels of federal funding, commensurate with the task at hand.

Thank you for your attention to this important matter.

Sincerely,

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1. EPA, Lead and Copper Rule Revisions White Paper, October 2016, available online at https://www.epa.gov/sites/production/files/2016-10/documents/508_lcr_revisions_white_paper_final_10.26.16.pdf, accessed December 16, 2019.
 2. Pew Charitable Trust, “10 Policies to Prevent and Respond to Childhood Lead Exposure, August 30, 2017, available online at <https://www.pewtrusts.org/en/research-and-analysis/reports/2017/08/10-policies-to-prevent-and-respond-to-childhood-lead-exposure>
 3. Safe Drinking Water Act §1412(b)(9) “The Administrator shall, not less often than every 6 years, review and revise, as appropriate, each national primary drinking water regulation promulgated under this subchapter. Any revision of a national primary drinking water regulation shall be promulgated in accordance with this section, except that each revision shall maintain, or provide for greater, protection of the health of persons.” (emphasis added).
 4. The Safe Drinking Water Act provides that EPA shall establish “a treatment technique in lieu of establishing a maximum contaminant level, if the Administrator makes a finding that it is not economically or technologically feasible to ascertain the level of the contaminant.” SDWA §1412(b)(7). Thus, EPA can only set a treatment technique for lead if it determines it is not feasible to ascertain the level of lead in drinking water.
 5. CDC, Lead in Drinking Water, <https://www.cdc.gov/nceh/lead/prevention/sources/water.htm>, accessed December 16, 2019.
 6. WHO, Lead Poisoning and Health, <https://www.who.int/news-room/fact-sheets/detail/lead-poisoning-and-health>, accessed December 16, 2019.

7. American Academy of Pediatrics, With No Amount of Lead Exposure Safe for Children, American Academy of Pediatrics Calls For Stricter Regulations, <https://www.aap.org/en-us/about-the-aap/aap-press-room/Pages/With-No-Amount-of-Lead-Exposure-Safe-for-Children.-American-Academy-of-Pediatrics-Calls-For-Stricter-Regulations.aspx>, accessed December 16, 2019.
8. EPA, Basic Information About Lead in Drinking Water, <https://www.epa.gov/ground-water-and-drinking-water/basic-information-about-lead-drinking-water>, accessed December 16, 2019
9. Ibid; see also Bruce Lanphear, Stephen Rauch, Peggy Auinger, Ryan Allen, and Richard Hornung, Low-level lead exposure and mortality in US adults: a population-based cohort study, *The Lancet Public Health*, v. 3:4, PE177-E184, April 01, 2018, available online at [https://www.thelancet.com/journals/lanpub/article/PIIS2468-2667\(18\)30025-2/fulltext](https://www.thelancet.com/journals/lanpub/article/PIIS2468-2667(18)30025-2/fulltext), accessed December 16, 2019.
10. Health Canada, Guidelines for Canadian Drinking Water Quality: Guideline Technical Document – Lead, March 2019, <https://www.canada.ca/en/health-canada/services/publications/healthy-living/guidelines-canadian-drinking-water-quality-guideline-technical-document-lead/guidance-document.html#a1>
11. American Academy of Pediatrics, Policy Statement on Prevention of Childhood Lead Toxicity, June 2016, available online at <https://pediatrics.aappublications.org/content/early/2016/06/16/peds.2016-1493>

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