

EPN Comments on Proposal to Delay Effective and Compliance Dates for Lead and Copper Rule Revisions

April 6, 2021

The [Environmental Protection Network](https://www.epn.org/) (EPN) is an organization of almost 550 U.S. Environmental Protection Agency (EPA) alumni volunteering their time to protect the integrity of EPA, human health, and the environment.

EPN supports the additional six-month extension of the effective date of the Lead and Copper Rule (LCR) Revisions from June 17, 2021, to December 16, 2021 (and the 9-month extension of the current compliance date of January 16, 2024, to September 16, 2024). This enables EPA to engage with stakeholders to address the many issues that were raised during the proposal period but were not satisfactorily resolved.

EPN strongly believes that the current final rule is seriously flawed and in its current form will not be successful. However, we do not want to delay potential improvements that may increase health protections, including strengthened monitoring and reporting of lead pipes and the prohibition of sampling plans that underestimate the actual lead levels. These can be implemented during EPA's reconsideration. EPN provided [comments](#) to EPA on February 6, 2020. EPA did not adequately respond to our comments in the final regulation.

EPN supports reconsidering components of the rule in order to correct deficiencies despite a temporary delay in compliance dates. EPN has several suggestions on how this revision process would be most effective.

- First, we applaud EPA's reconsideration and likely modification of certain flawed elements of the January 15, 2021, final rule. In particular, we believe that EPA should revise the LCR to restore a 7% annual replacement rate for lead pipes following action level violations and consider lowering the lead action level from 15 ug/l to 10 ug/l. This will simplify the rule and improve health protection.
- Second, we strongly recommend that certain aspects of the new rule not be delayed while other elements are being reconsidered. These include proceeding to implement the survey and reporting of lead service lines, improved lead sampling requirements, prohibited "gaming" techniques, and updated corrosion control technologies. Where effective, reducing the corrosivity can provide extended system-wide health benefits more quickly and at much lower cost than replacing lead service lines. Implementation of these aspects should not be delayed. These are essential steps forward that will be needed in any rule scenario. We also recommend continued and strengthened implementation and enforcement of existing LCR requirements.
- Third, implementation problems are already evident, such as pervasive non-reporting, gaming, improper monitoring, and lax enforcement. EPA should work with the primacy states to better identify violators, compel compliance, and oversee long-term implementation challenges. An idea that EPA itself has proposed, to require water systems to report electronically to a database shared by EPA and the states, is critical to address existing reporting issues, improve transparency, and motivate better compliance. EPA should include that requirement for electronic reporting in a revised LCR.

We welcome the opportunity to work with EPA to determine which components of the January 15 final rule need to be modified and how best to execute these changes efficiently.