



EPN Comments for Lead and Copper Rule Revisions Stakeholder Roundtable July 21, 2021

The Environmental Protection Network (EPN) is an organization of almost 550 US Environmental Protection Agency (EPA) alumni volunteering their time to protect the integrity of EPA, human health, and the environment.

Area 1: Identifying Lead in Drinking Water

The January 2021 rule is inordinately complex, which makes it impossible to implement effectively. Poor enforcement of the 1991 rule is a major problem, and the new rule will be even more difficult to enforce. EPN recommends that the January 2021 rule be replaced with a simpler, easy-to-enforce rule that more quickly protects the American people from lead in drinking water.

EPN applauds the requirement to conduct a lead-line inventory and the improvements on where, when, and how to monitor lead in drinking water. However, EPN urges EPA to develop a single, unified database where PWS reports can be accessed immediately by the state primacy agency and EPA, and the public. An automated shared database would address existing reporting issues, improve transparency, and could motivate better compliance. EPN also recommends that the new rule specify exactly which actions required in the rule are enforceable, including monitoring and reporting, public notification, corrosion control, and lead service line replacement actions.

Area 2: Addressing Lead in Drinking Water

EPN applauds some of the January 2021 improvements in how the annual lead-line replacement rate is calculated. However, EPN recommends that the 7% annual replacement rate must be retained in order to speed public health protection and to avoid backsliding on current protection. EPN also recommends that the trigger level should be eliminated because it unnecessarily adds to the complexity of the rule; instead, EPN supports reducing the Action Level itself to 10 ug/L.

EPA should first begin the cost-benefit analysis of a new option of lowering the Action Level to 10 ug/L and retaining the 7% annual lead line replacement rate. Second, EPA should strengthen steps with the states now to ensure compliance and enforcement of the current Lead and Copper Rule (LCR). Finally, EPA should immediately launch an applied research initiative on corrosion-control treatment since feasible corrosion control offers accelerated health benefits at reduced cost.

EPN urges EPA to conduct both the cost-benefit analysis and the corrosion-control research initiative without waiting for the reconsideration process to end in December because so many commenters on the previous rule asked for this option to be considered.

Area 3: Communication and Public Outreach

EPN supports much of the new language in the January 2021 final rule to strengthen the public notification requirements, including a more effective consumer confidence report. However, some of the changes are not implementable or enforceable. EPN agrees that the consumers need to know when and where lead level exceedances are discovered, but a 24-hour notice may be untrackable and unenforceable. EPA should

consider changes to the January 2021 final rule to simplify the public notice and education aspects of the LCR Revision.