

July 9, 2021

Radhika Fox
Assistant Administrator
Office of Water
Mail code: 7101M
U. S. Environmental Protection Agency
1200 Pennsylvania Ave. N.W.
Washington, DC 20460

Re: Lead and Copper Rule Revisions

Dear Assistant Administrator Fox:

As you know, the [Environmental Protection Network](#) (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. Among other activities, in the past two years, EPN has provided comments on EPA's [proposed Lead and Copper Rule Revisions \(LCRR\)](#) and EPA's recent [proposal to extend the effective date of the LCRR](#). In addition, EPN issued [Resetting the Course of EPA](#) in August 2020, which identified key challenges and recommendations for the agency, including those focused on [improving the effectiveness of the Safe Drinking Water Act implementation](#).

Thank you for your leadership on the reconsideration of the LCRR, and thank you for inviting EPN to participate in the upcoming Stakeholder Roundtables to discuss this topic. We look forward to sharing our thoughts on this important rule and learning from the views of others. With that context, we believe that there are important actions that the agency should be pursuing now, both to ensure the success of any new rulemaking and to ensure that progress toward protecting the public from lead in drinking water continues and accelerates, even as steps are taken to improve the LCRR.

Where present, lead service lines are usually the single most significant source of lead contamination in drinking water, and their removal and replacement will provide substantial public health and environmental justice benefits. Thus the recent administration proposals and related congressional funding proposals to achieve this goal, should they be realized, will accelerate this important effort. Ensuring that the LCRR expedites lead-pipe replacement in areas subject to high concentrations of lead in drinking water will reinforce the incentives created by increased financial support.

However, EPN recommends that EPA strengthen steps with the states now to ensure compliance and enforcement of the current LCR and to better communicate with the public the successes and challenges of the existing program. In particular, appropriate corrosion control measures are critical

to protect children and others from harmful exposure to lead in drinking water. First, even with enhanced removal funding and stronger regulatory requirements, monitoring and corrosion control will remain the first line of defense against lead service line sources for years to come for many residents. Even with prompt passage of significant funding, it will take time to inventory the lead service lines and take steps to remove them. Because of inadequate current data, there are likely many cases where the presence of lead service lines will have to be determined. It will also take time to issue and implement new regulations that require accurate inventories and expedited removal of lead service lines. Second, even with the removal of lead service lines, and in buildings that never had lead service lines, existing lead in solder and plumbing fixtures will remain a source of lead contamination that can best be addressed by effective corrosion control.

Therefore, EPN recommends that EPA:

- Work with states to strengthen compliance and enforcement of the current LCR to ensure that existing requirements for corrosion control are fully implemented and that the revised Safe Drinking Water Information System (SDWIS) is implemented to improve identification of lead exceedances and track treatment practice violations.
- Issue guidance and support training to ensure that best corrosion control practices are followed, and
- Increase research and development to improve corrosion control methodologies and develop tools and resources for assisting water utilities and their technical support providers in achieving state-of-the-art corrosion control methodologies.

Also, existing lead-pipe replacement practices have resulted in more pipe removals in wealthier areas because utilities are more likely to replace the public side of the pipe when the owner is willing to replace the house side of the pipe. Similarly, there is anecdotal evidence that partial lead-pipe replacements are more common in poorer communities. Utilities should be encouraged to look for and replace lead pipes in disadvantaged neighborhoods.

Finally, EPN asks EPA to consider the [comments](#) we made on April 6, 2021, supporting EPA's proposal to extend the effective date of the January 15, 2021, final LCR and the [comments](#) we made on February 6, 2020, on the proposed LCR. EPN and others (State of Michigan, American Academy of Pediatrics, National Resources Defense Council, and Earthjustice) have recommended in public comments that in revising the LCRR, EPA should evaluate the costs and benefits of new options deleting the Trigger Level of 10 ug/L Pb while lowering the Action Level to at most 10 ug/L Pb, and retaining the 7% required annual replacement rate of lead lines. Because the costs and benefits of these options were not adequately considered in the LCRR, it will take time to adequately analyze them, and EPA should initiate cost-benefit analyses now rather than waiting to undertake these analyses after the pause in the rulemaking ends.

Thank you so much for your consideration. Please contact Mike Shapiro, mshaper75@gmail.com or 703-217-0941, for any follow-up regarding these comments.

Respectfully submitted on behalf of EPN's DrinkingWater Team,

Michelle Roos
Executive Director