Fact Sheet on EPA's Proposed Updates to Lead and Copper Rule

On October 10, 2019 the U.S. Environmental Protection Agency (EPA) announced the first major revision of the Lead and Copper rule since 1991.[1] The overhaul was announced as a part of the Trump Administration's Federal Action Plan to Reduce Childhood Lead Exposure. This fact sheet outlines the proposal's major revisions to the Lead and Copper Rule and presents the Northeast-Midwest Institute's comments on each one.

1. Action Level and Trigger Level
   a. Action Level

   Maintains previous action level thresholds: lead action level of 15 parts per billion (0.015 mg/L) or copper action level of 1.3mg/L in at least 10% of samples tested.

   The action level of 15 ppb has been unchanged since 1991. This threshold has no connection to human health, as the CDC has found no known "safe" level of lead in humans.[2] The CDC reduced the blood lead level threshold from 10 micrograms-per-deciliter to 5 micrograms-per-deciliter in 2012 indicating a growing understanding of the threat that lead can pose to children and infants.[3] The EPA needs to follow the CDC and lower the lead action level.

   b. Trigger Level

   Defines new "**trigger level**" of 10 parts per billion of lead that triggers a requirement for the utility to consult with their state agencies on planning, monitoring, and corrosion control treatment.

   The addition of this "trigger level" does not actively help a community remediate their lead issues as it **does not require any actions** by the utility, and is merely a requirement for state consultation on steps to prevent reaching 15 ppb. Without required remediation measures, this addition is ineffective and does nothing to help communities manage lead levels of 10 ppb which can have detrimental effects on child and infant development.[4]

[1] "Reference Guide for Public Water Systems Lead and Copper Rule Proposal Comparison."
[2] "Basic Information about Lead in Drinking Water | Ground Water and Drinking Water."
[3] Wittenberg, "Enviros Lament 'lost Opportunity' with Lead Rule Revamp."
[4] Environment America Research & Policy Center and U.S. PIRG Education Fund, "Get the Lead Out."

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2. Lead Service Line Replacement Plan

Any systems with lead service lines must develop a lead service line removal plan. Additionally, if a private consumer chooses to replace their portion of a lead service line, utilities are required to replace the system's section of the same lead service line within 3 months.

Requiring all systems to develop lead service line removal plans is a good step as communities throughout the nation are faced with lead crises.[5]

If a lead action level of 15 ppb is reached, the new rule requires a replacement program of **3% of lead service lines per year** for two years.

This is a major rollback of the previous requirement which required a replacement program of **7% of lead service lines per year**. This increases the time utilities have to remove lead lines from **13 years to 33 years**, greatly increasing the risk of lead exposure within these communities.[6]

3. Lead and Copper Monitoring and Sample Collection

Makes collection of samples from lead service lines the highest priority. Systems are required to collect all their samples from sites with lead service lines, if they are able to.

Requires the collection of water samples in wide-mouth bottles and prohibits sampling methods known to alter results such as aerator cleaning/removal, and flushing water before collecting the sample. The rule also sets a new lead monitoring schedule.

Requiring that all samples come from sites with lead service lines, if able, increases the likelihood that action levels will be identified more efficiently. Additionally, setting stricter requirements on sample collection methods is a critical step to ensuring that utilities don't intentionally "water-down" their samples as they have been known to do.[7]

4. Lead Service Line Inventory

[5] Vedachalam, "Lead in Drinking Water: Post-Flint Media Coverage and Policy Changes in the Northeast-Midwest Region."
[6] Wittenberg, "Enviros Lament 'lost Opportunity' with Lead Rule Revamp."
[7] Williams, "State's Instructions for Sampling Drinking Water for Lead 'Not Best Practice.'"

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All systems must develop an annually updated and publicly available **inventory of lead service lines**.

Having a publicly available inventory of lead service lines is critical for members of the community to be informed.

5. Small System Flexibility

Allows smaller community water systems with ≤ 10,000 people to decide their approach to address lead levels > 15 ppb. Choices are corrosion control treatment, lead service line removal, or distribution and maintenance of point-of-use filtration devices.

Point-of-use devices are not a sufficient solution to lead crises. A recent survey of Flint found that 15% didn't have a faucet filter and 5% didn't properly change the cartridge.[8] Having a filter distribution program does not ensure 100% adoption or proper use and maintenance, reducing effectiveness when compared to lead service line removal programs.

6. Public Education and Outreach

Community water systems must notify customers **within 24 hours** if lead action level is reached. Additionally, they must provide information about lead service lines to the public and healthcare providers.

Flint residents waited 17 months before they received official notification that their water was unsafe to drink.[9] This addition is a great move to ensure that residents get more timely warnings.

7. Lead in Drinking Water at Schools and Child Care Facilities

Community water systems must test for lead in drinking water at 20% of **K-12 schools and child cares** every year.

Currently there are more than 24 million children at risk of losing IQ points because of elevated levels of lead in their blood.[10] This new requirement is a good step forward in ensuring all future lead contamination at schools is caught before more children are exposed.

[8] Fonger, "Flint Bottled Water Being Used for Everything from Drinking to Toilet Flushing."
[9] "A Timeline of the Water Crisis in Flint, Michigan."
[10] Environment America Research & Policy Center and U.S. PIRG Education Fund, "Get the Lead Out."

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Sources Consulted:

"A Timeline of the Water Crisis in Flint, Michigan." Associated Press, 2017. https://www.apnews.com/1176657a4b0d468c8f35ddbb07f12bec.

"Basic Information about Lead in Drinking Water | Ground Water and Drinking Water." U.S. Environmental Protection Agency, 2019. https://www.epa.gov/ground-water-and-drinking-water/basic-information-about-lead-drinking-water.

Environment America Research & Policy Center, and U.S. PIRG Education Fund. "Get the Lead Out." Environment America, 2019. https://environmentamerica.org/feature/ame/get-lead-out-0.

Fonger, Ron. "Flint Bottled Water Being Used for Everything from Drinking to Toilet Flushing." MLive, 2019. https://www.mlive.com/news/flint/2018/03/survey_says_flint_residents_us.html.

"Reference Guide for Public Water Systems Lead and Copper Rule Proposal Comparison," 2019. www.epa.gov/safewater/LCRproposal.

Vedachalam, Sridhar. "Lead in Drinking Water: Post-Flint Media Coverage and Policy Changes in the Northeast-Midwest Region," 2018. www.nemw.org.

Williams, Rebecca. "State's Instructions for Sampling Drinking Water for Lead 'Not Best Practice.'" Michigan Radio - NPR, 2015. https://www.michiganradio.org/post/states-instructions-sampling-drinking-water-lead-not-best-practice.

Wittenberg, Ariel. "Enviros Lament 'lost Opportunity' with Lead Rule Revamp." E&E News, 2019. https://www.eenews.net/stories/1061252277.

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