

United States Senate

WASHINGTON, DC 20510

October 25, 2017

VIA ELECTRONIC DELIVERY

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington DC, 20004

Dear Administrator Pruitt:

We are writing to express our frustration over the U.S. Environmental Protection Agency's (EPA) delay in modernizing and strengthening the inadequate Lead and Copper Rule (LCR), which is pivotal to achieving the statutory goals of the Safe Drinking Water Act (SDWA). In addition, we are deeply concerned that EPA's revisions to the LCR, which we understand will be promulgated next year, could lead to an updated rule that sounds ambitious on paper but would make more people, not less, vulnerable to lead exposure in their drinking water.

To address our serious concerns, we are requesting that EPA provide our respective offices and the relevant Congressional committees with any documents related to findings and recommendations from staff in the Office of Research and Development who are working on LCR revisions. This congressional oversight request includes any internal memos, correspondence and other material that has been generated on this issue.

Our alarm over how EPA is updating the LCR is based principally on the recommendations for revisions that were published last year in a white paper titled *Lead and Copper Rule Revisions White Paper* and the recommendations made by the National Drinking Water Advisory Council (NDWAC). Both of these documents prioritize completely replacing lead service lines (LSLs), while neglecting to focus on improving the LCR to strengthen near-term mitigation efforts and corrosion control.

To be clear, we strongly support the long-term goal of putting Americans back to work removing and replacing LSLs in Michigan, Illinois and throughout the country. We would welcome your personal support, along with EPA's formal endorsement, of our efforts in Congress to provide hundreds of billions of dollars in additional infrastructure funding necessary to carry out such an ambitious public works project over a period of many years. However, EPA's ongoing effort to update the LCR must focus on addressing the immediate crisis of making sure the SDWA is effectively implemented so that drinking water is actually safe in every community.

We strongly urge EPA to clearly and decisively upgrade the LCR to prioritize corrosion control. Corrosion control yields enormous benefits both to public health and extends the productive life of plumbing components. Reduced corrosion ensures longer life for radiators, hot water heaters, faucets, water valves and connections, while leading to fewer pipe breaks and leaks. Corrosion

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EPA must also prioritize closing loopholes in the LCR. This includes instituting rigorous testing requirements, strengthening consumer education and outreach and lowering the lead action level. EPA must also recognize that any LCR revision will be meaningless if the agency fails to accompany the updated requirement with a renewed and strengthened commitment by EPA to proactively and rigorously enforce the LCR. Currently too many water utilities are able to skirt complying with the LCR. Testing just 100 homes in a water service area is woefully inadequate and fails to capture worst-case lead-in-water levels. These failings in testing requirements allowed Flint, Michigan to be found in compliance with the LCR. The LCR must build specific protections and testing requirements for at-risk homes like public housing developments.

We also strongly disagree with NDWAC's recommendation to eliminate standard compliance monitoring at the consumer's tap. This is where monitoring matters most—before lead in drinking water reaches the tap, the threat is real but may be mitigated. Once lead is flowing through a household tap, the threat can be life altering. Enforceable standards at the customer's tap are the only way to know how much households are being exposed to lead in their drinking water and how effective the utility's treatment is. They must remain the primary indicator of a system's compliance with Federal regulations under the SDWA.

In Congress, we plan to introduce legislation to update the outdated LCR in order to make necessary improvements and protect public health. It is our duty to protect Americans from the harmful impacts of lead exposure.

We appreciate your timely response to our request.

Sincerely,



Tammy Duckworth
U.S. Senator



Daniel T. Kildee
Member of Congress