

Congress of the United States

Washington, DC 20515

February 8, 2024

The Honorable Michael S. Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Dear Administrator Regan:

Thank you for your bold leadership working to address and eliminate lead in drinking water across our nation. In particular, the Environmental Protection Agency's (EPA) Lead and Copper Rule Improvements (LCRI) proposal in December 2023 represents a critical step forward that will protect public health, create jobs and ensure a better future for our children.

As you know, lead service lines (LSLs) pose an unacceptable health threat and disproportionately impact lower-income neighborhoods and communities of color. Black children especially are more likely to live in communities with LSLs and therefore have higher blood lead levels and are more likely to be poisoned by lead than white children. Given that disadvantaged low-income communities and communities of color are at greater cumulative risk from lead, they must be the top funding priority. This urgent public health crisis requires immediate action at all levels of government, which is why we strongly support the LCRI's commitment to fully replace almost all of the nation's lead pipes within 10 years.

We also appreciate that EPA is proposing to reduce the lead action level from 15 parts per billion (ppb) to 10 ppb. This will ensure that communities across the nation are quickly detecting and taking action to address lead where it poses the greatest threat to public safety. However, as we know, there is no safe level of lead in drinking water and we recommend that you consider further lowering the threshold to the lowest practicable level.

In order to further strengthen the LCRI proposal, we urge the agency to consider some additional important changes to the final rule. Specifically, we recommend that the agency reconsider its proposed provisions that would enable some water systems to drag out the process of replacing their lead pipes over multiple decades. While we recognize the challenges for some municipalities to remove thousands of lead pipes in 10 years, the proposed rule could allow another generation of children in many communities to be exposed to lead from their tap water. Some cities have been able to replace tens of thousands of lead pipes in just a few years, creating jobs while providing enormous benefits to their communities. Recent studies show that the health and economic benefits of removing lead pipes and reducing lead levels in tap water are more than 10-fold larger than the costs, and that this work can create hundreds of thousands of good-paying jobs.

As part of the replacement provisions, the final rule should clearly ensure that individual property owners do not have to pay for lead service line replacement. These costs should be covered by federal, state and local government funds intended for lead service line replacement, including but not limited to, public-private partnerships and funds provided in the State Revolving Funds, EPA grant programs and the Bipartisan Infrastructure Law. Some water systems and states required, installed, encouraged and approved lead pipe use for generations, with no input from homeowners. When utilities charge individual property owners for lead service line removal, low-income homeowners are often unable to pay and the landlords of low-income renters often refuse to pay. This particularly exposes renters, low-income people and people of color to higher levels of lead in their drinking water.

There are substantial new federal funds available to assist with the replacement of lead pipes, including \$15 billion in dedicated funding for lead pipe replacement and an additional \$11.7 billion in grants, loans and principal forgiveness through the Drinking Water State Revolving Fund (DWSRF) included in the *Drinking Water and Wastewater Act* that passed as part of the 2021 Bipartisan Infrastructure Law. There are additional funds provided under the Small, Underserved, and Disadvantaged Communities and the Reducing Lead in Drinking Water grants programs.

Billions of dollars remain in many state and local coffers from the 2021 *American Rescue Plan Act* that are explicitly available for full lead pipe replacement. Other federal funds that may be used for lead pipe replacement are provided through the existing annual DWSRF appropriations and the *Water Infrastructure Finance and Innovation Act*. We would be pleased to work with you on improving access to these federal investments in replacing lead pipes and addressing drinking water infrastructure needs.

We also recommend that the LCRI proposal require comprehensive testing for lead in schools and childcare facilities, including tribal educational centers, with incentives for water utilities and non-profits to install filtration stations at these facilities that can provide immediate safe water while taking steps to remove and replace any lead plumbing, faucets and fixtures. This could work in coordination with the existing Voluntary School and Child Care Lead Testing and Reduction Grant Program created in 2016 and further improved by the Bipartisan Infrastructure Law in 2021.

The agency's proposed strengthening of provisions for reporting, public education and notification requirements are welcome, though even more could be done to ensure the public receives straightforward and honest information about the risk of lead in their tap water. We particularly urge EPA to expand lead testing and education programs in Native American and Tribal communities in consultation with leaders, experts and stakeholders. EPA also should work with other relevant agencies, including the Department of Health and Human Services, the Department of Housing and Urban Development, the Department of Agriculture, the Department of Veterans Affairs and the Department of Defense to provide guidance and prioritization for the removal of lead pipes in government or government-subsidized housing, including transparent notification of lead presence for occupants. It is inexcusable for federally funded housing to poison its own residents.

In addition to these improvements, the existing Lead and Copper Rule must be better enforced. According to EPA's own data, there are widespread – and often underreported – violations. To truly improve the Lead and Copper Rule, EPA must do more to ensure that these violations are taken seriously and addressed.

We want to thank you Administrator Regan, Assistant Administrator Fox and EPA for your strong and consistent dedication to tackling this important problem. We believe that together, we can end the lead in drinking water crisis so future generations in this country will not have to question the safety of the water flowing from their taps.

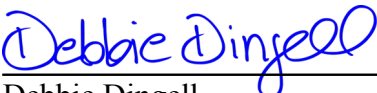
Sincerely,



Cory A. Booker
United States Senator



Tammy Duckworth
United States Senator



Debbie Dingell
Member of Congress



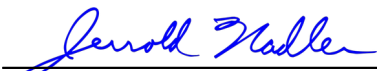
Rashida Tlaib
Member of Congress



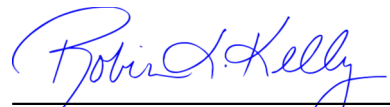
Richard J. Durbin
United States Senator



Eleanor Holmes Norton
Member of Congress



Jerrold Nadler
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Robin L. Kelly
Member of Congress



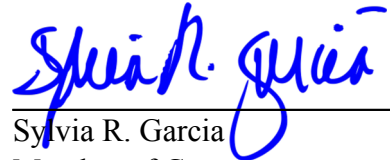
Troy A. Carter, Sr.
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Summer Lee
Member of Congress



Lauren Underwood
Member of Congress



Sylvia R. Garcia
Member of Congress



Alma S. Adams, Ph.D.
Member of Congress



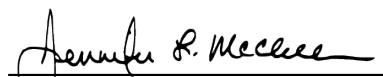
John Garamendi
Member of Congress



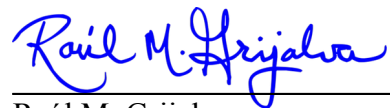
Katie Porter
Member of Congress



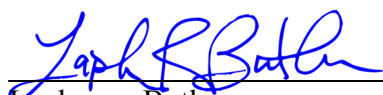
Alexandria Ocasio-Cortez
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Raúl M. Grijalva
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Eaphonza Butler
United States Senator



Gwen S. Moore
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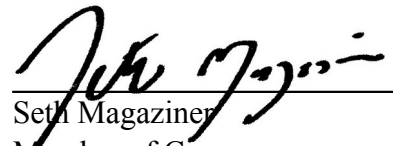
Julia Brownley
Member of Congress



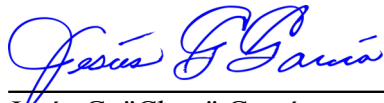
Steve Cohen
Member of Congress



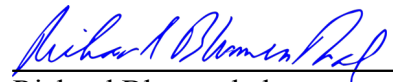
Adam B. Schiff
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Seth Magaziner
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Jesús G. "Chuy" García
Member of Congress



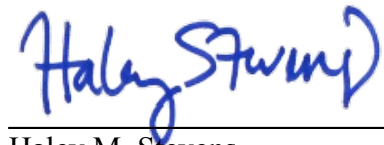
Richard Blumenthal
United States Senator



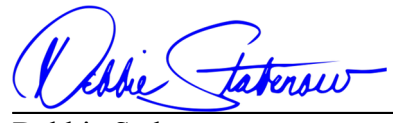
Dina Titus
Member of Congress



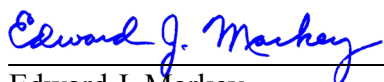
James P. McGovern
Member of Congress



Haley M. Stevens
Member of Congress



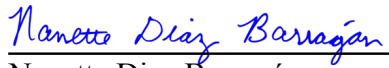
Debbie Stabenow
United States Senator



Edward J. Markey
United States Senator



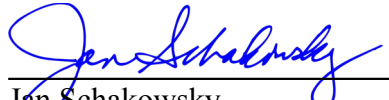
Chris Van Hollen
United States Senator



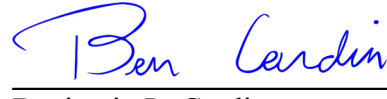
Nanette Diaz Barragán
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Jamaal Bowman, Ed.D.
Member of Congress



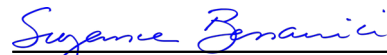
Jan Schakowsky
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Dwight Evans
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Suzanne Bonamici
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Pramila Jayapal
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Dan Goldman
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Elissa Slotkin
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United States Senator



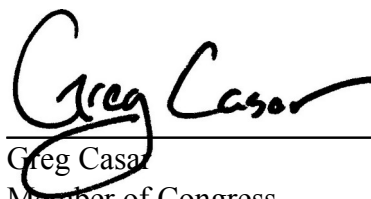
Sheldon Whitehouse
United States Senator



Henry C. "Hank" Johnson, Jr.
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Shri Thanedar
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Greg Casar
Member of Congress



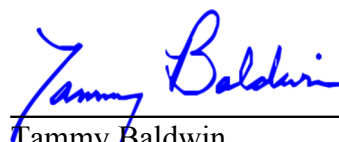
Donald M. Payne, Jr.
Member of Congress



Maxine Waters
Member of Congress



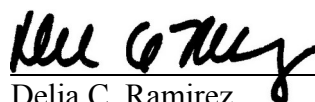
Gerald E. Connolly
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Delia C. Ramirez
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Darren Soto
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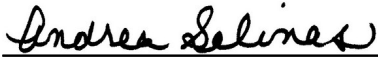
Bill Foster
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Patrick Ryan
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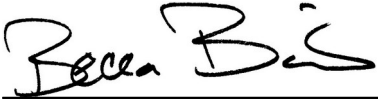
Zoe Lofgren
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Andrea Salinas
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Maxwell Alejandro Frost
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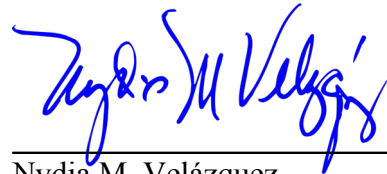
Becca Balint
Member of Congress



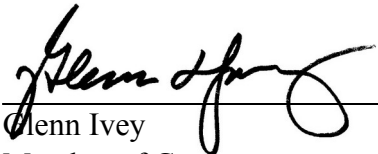
Robert C. "Bobby" Scott
Member of Congress



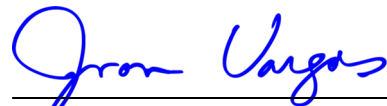
Barbara Lee
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Nydia M. Velázquez
Member of Congress




Glenn Ivey
Member of Congress



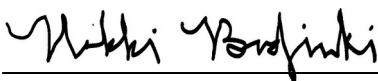
Juan Vargas
Member of Congress



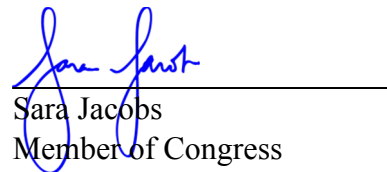
Ted W. Lieu
Member of Congress



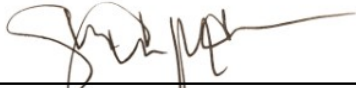
Mark Pocan
Member of Congress



Nikki Budzinski
Member of Congress



Sara Jacobs
Member of Congress



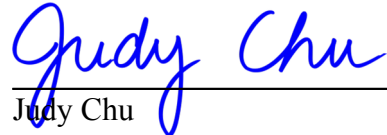
Sheila Cherfilus-McCormick
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Jamie Raskin
Member of Congress



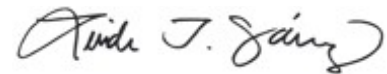
Alex Padilla
Chair, Subcommittee on
Fisheries, Water, and Wildlife



Judy Chu
Member of Congress



Ro Khanna
Member of Congress



Linda T. Sánchez
Member of Congress



Frederica S. Wilson
Member of Congress



Lucy McBath
Member of Congress



Kirsten Gillibrand
United States Senator



Kevin Mullin
Member of Congress



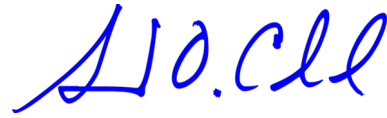
Ritchie Torres
Member of Congress



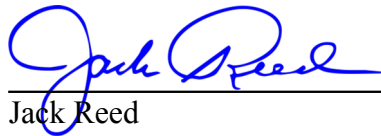
Raja Krishnamoorthi
Member of Congress



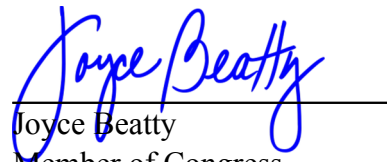
Elizabeth Warren
United States Senator



Salud Carbajal
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Jack Reed
United States Senator



Joyce Beatty
Member of Congress



Gabe Amo
Member of Congress



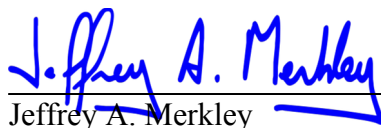
Bradley Scott Schneider
Member of Congress



Peter Welch
United States Senator



Bernard Sanders
United States Senator



Jeffrey A. Merkley
United States Senator



Sherrod Brown
United States Senator

