

United States Senate

WASHINGTON, DC 20510

October 25, 2022

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

Dear Administrator Regan:

We write to commend the Environmental Protection Agency (EPA) for its aggressive action to reduce lead in drinking water. Lead in tap water impacts the development of children and the health of millions of Americans across the country. We support your commitment, reiterated in the Lead Pipe and Paint Action Plan in December, to fully replace all of the nation's lead pipes within 10 years. That is an ambitious but critically important goal. To accomplish this objective, EPA must strengthen and enforce the Lead and Copper Rule (LCR) to require water systems to replace these often century-old and deteriorating lead pipes over the coming decade. The agency also must ensure that lead in school and child care center drinking water is prioritized, with emphasis on disadvantaged communities and communities with the highest cumulative impact of lead exposures.

Lead service lines (LSLs) pose an unacceptable health threat and disproportionately plague older, lower-income neighborhoods and communities of color. Black children especially have higher blood lead levels, and are more likely to be poisoned by lead than white children and more likely to live in communities with LSLs. There is a concerning lack of data on lead presence in drinking water and LSLs in Native American communities, preventing mitigation measures from reaching those most in need. Disadvantaged low-income communities and communities of color are at greater cumulative risk from lead and as such they must be the top funding priority.

We support EPA's March 2022 Implementation Memo for the *Infrastructure Investment and Jobs Act* (IIJA). We appreciate its emphasis that disadvantaged communities must be prioritized for funding, are eligible for state and EPA technical assistance, and receive the mandated 49 percent of the State Revolving Fund in the form of grants, no interest loans, or forgivable loans. We also support its requirement that any funded project only pay for *full* replacement of service lines, including the lead joints, except when completing a prior partial replacement, preventing partial replacements. We believe the EPA's LCRI also should reflect this requirement, especially as Illinois, Michigan, and New Jersey already have passed state legislation requiring full replacement of lead drinking water pipes.

Additionally, we support the President's call for \$45 billion in federal funding to achieve removal of 100 percent of the nation's LSLs in the next decade. The IIJA provides more than \$15 billion towards this goal, and we continue to support additional funding to address lead in drinking water. Federal funding is already at work in our states, many of which are leading on full LSL replacement, and EPA should ensure the rest of the nation does so as well. To illustrate the impact such funding can have, replacement of Illinois' at least 686,000 lead lines,

representing 12.5 percent of the nation's lead lines, could generate 87,841 to 224,500 jobs and \$9 billion to \$23 billion in economic activity.

We also strongly urge the EPA to adopt, by the end of 2023, a strong LCR. Among other measures, this rule should require water systems to achieve the President's goal of 100 percent full replacement of all LSLs in the next decade. Service lines should be fully replaced regardless of homeowners' ability to pay and the costs should include repairs to homes from this replacement. The City of Newark, New Jersey, has shown this can be done quickly, efficiently, and equitably while creating good-paying union jobs for local residents.

The LCR also must be revised to: (a) strengthen monitoring requirements to ensure lead presence is detected; (b) update treatment requirements to ensure water is less corrosive and lead is not released into tap water from plumbing; (c) reduce the Action Level for lead to no higher than five parts per billion; and (d) strengthen reporting, public education, and notification requirements, to ensure the public receives straightforward and honest information about the risk of lead in tap water. This should include efforts to expand lead testing and education programs in Native American 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 residents, as it is inexcusable for federally funded housing to provide contaminated water to its residents. Further, the LCR also must be enforced. According to EPA's own data, there currently are widespread violations and underreporting of violations. Finally, EPA's rule must require immediate action to prevent lead exposure at child care facilities and schools and develop a long-term plan to expeditiously remove lead pipes and fixtures that contain lead from facilities that host our nation's youth.

Our constituents deserve to know what is in their drinking water and to test for pollutants easily and regularly from their own taps. We strongly encourage EPA to approve scientifically developed and peer-reviewed user-friendly, at-home kits to test for contaminants in water systems. Such test kits should be inexpensive, fast-acting, and easy to use, akin to the at-home health tests that proliferated during the pandemic. This is critical to tackling the challenges of lead pipe replacement and ensuring LCR compliance nationwide. We share EPA's commitment to safe and healthy lives for all Americans and we look forward to working together to address this public health issue.

Thank you for your attention and dedication to this important matter. We believe that together, we can resolve the lead in drinking water crisis so future generations will not have to question the safety of the water flowing from their taps.

Sincerely,



Richard J. Durbin
United States Senator



Tammy Duckworth
United States Senator



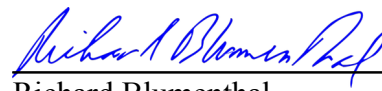
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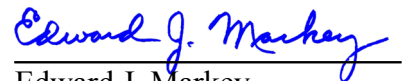
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