

ONE HUNDRED EIGHTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-3641
Minority (202) 225-2927

March 8, 2023

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

Dear Administrator Regan:

Safe drinking water is a fundamental right, and every American should be able to trust the water coming out of their tap. However, too many communities across the nation have been, and continue to be, exposed to lead through their drinking water. To that end, we urge you to expeditiously strengthen the Lead and Copper Rule and ensure it truly protects communities from lead in drinking water.

Lead in drinking water is a national crisis that requires urgent attention to address preventable, adverse health impacts. Low-income communities and communities of color carry a disproportionate lead burden, and children are especially susceptible to its impacts. The science is clear: there is no safe level of lead.¹ The best way to prevent drinking water lead exposure is to replace all lead service lines, and we are pleased to see the Biden Administration's commitment to replacing all of these lines within 10 years as part of its Lead Pipe and Paint Action Plan.²

Last year, Congress passed the Bipartisan Infrastructure Law, which appropriated \$15 billion to address lead service lines.³ This funding is a transformative investment in our communities, providing a down payment toward a shared goal of removing all lead service lines. As we move towards realizing that goal, a strong regulatory framework is also essential to

¹ World Health Organization, *Lead Poisoning* (Aug. 31, 2022) (www.who.int/news-room/fact-sheets/detail/lead-poisoning-and-health#:~:text=There%20is%20no%20known%20safe,symptoms%20and%20effects%20also%20increase).

² The White House, *Fact Sheet: The Biden-Harris Lead Pipe and Paint Action Plan* (Dec. 16, 2021) (www.whitehouse.gov/briefing-room/statements-releases/2021/12/16/fact-sheet-the-biden-harris-lead-pipe-and-paint-action-plan/).

³ Pub. L. No. 117-58 (2021).

preventing lead exposure. Specifically, we urge you to expeditiously fulfill your commitment to strengthen the current, inadequate Lead and Copper Rule.

The Lead and Copper Rule Revisions (LCRR)⁴, which took effect December 16, 2022, fails to protect public health. The LCRR requires public water systems to inventory lead service lines as mandated by the America's Water Infrastructure Act.⁵ While the LCRR lead service line inventory requirements should move forward to require water systems to do the necessary work to prepare for a complete replacement of these lines, we strongly believe other aspects of the rule are inadequate. In particular, the LCRR continues to allow a lead action level of 15 parts per billion⁶, despite clear evidence that there is no safe level of lead.

We commend the Administration for recognizing the deficiencies in the LCRR and its announcement to propose a new, strengthened rule, the Lead and Copper Rule Improvements (LCRI).⁷ The LCRI must recognize that there is no safe level of lead, and expedite the replacement of all lead service lines regardless of a homeowner's ability to pay. The historic investment included in the Bipartisan Infrastructure Law, particularly when allocated based on a state's lead burden, provides an opportunity to accelerate replacements.

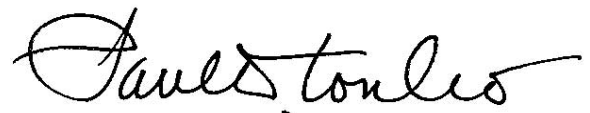
The LCRI must also include provisions to strengthen monitoring requirements, reporting, and public education. Additionally, the updated rule must protect our most vulnerable by including strong provisions to prevent lead contamination in school and daycare facility drinking water. These and other key measures will help ensure that EPA's Lead and Copper Rule, when combined with significant investments in removing lead service lines and upgrading our water infrastructure, will finally remedy the longstanding threat of lead in drinking water.

Thank you for your attention to these important matters. If you have any questions, please contact Timia Crisp with the Committee staff at (202) 225-2927.

Sincerely,



Frank Pallone, Jr.
Ranking Member
Committee on Energy and Commerce



Paul D. Tonko
Ranking Member
Subcommittee on Environment,
Manufacturing, and Critical Materials

⁴ Environmental Protection Agency, *National Primary Drinking Water Regulations: Lead and Copper Rule Revisions* (EPA-HQ-OW-2017-0300).

⁵ Pub. L. No. 115-270 (2018).

⁶ See note 4.

⁷ Environmental Protection Agency, *Lead and Copper Rule Improvements* (www.epa.gov/ground-water-and-drinking-water/lead-and-copper-rule-improvements) (accessed Nov. 23, 2022).