



Great Lakes-St. Lawrence  
Legislative Caucus

February 12, 2020

The Honorable Andrew Wheeler  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Re: Comments regarding Docket ID No. EPA-HQ-OW-2017-0300

Dear Administrator Wheeler,

As leaders of the Great Lakes-St. Lawrence Legislative Caucus (GLLC), we are writing to submit the GLLC's comments on the U.S. Environmental Protection Agency's Notice of Proposed Rulemaking, proposing revisions to the existing Lead and Copper Rule (LCR), published in the *Federal Register* on November 13, 2019 (Vol. 84, No. 219, pp. 61684-61774).

The GLLC is a nonpartisan, binational organization of state and provincial legislators who advocate for clean water policies and programs in the 10 jurisdictions that share the Great Lakes and St. Lawrence River. One of the Caucus's highest policy priorities is assuring the availability of safe, clean, affordable drinking water. In 2018, we organized a Task Force on Lead to guide our regional collaboration on policies intended to reduce the population's exposure to lead in drinking water, with special emphasis on protecting children. The Task Force developed an action plan and model policy for GLLC members to implement. Our comments on the LCR draw from the model policy and the many informational resources that the task force has obtained from EPA, state and provincial legislative offices and departments of health, and other individuals and organizations that work to eliminate lead from our drinking water.

Our comments focus on five aspects of the proposed LCR revisions:

### 1. Funding

Protecting public health is our primary concern. Nevertheless, we put funding at the top of our list of issues because, as legislators, we are keenly aware that all the actions EPA proposes – as well as the actions we are recommending – come at a cost. Governments at all levels, community water systems, and facilities like schools and child care facilities are



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making significant investments in infrastructure improvements and other measures to reduce exposure to lead in drinking water. This work is well underway, but a great deal more remains to be done. We feel strongly that, to keep water utility rates affordable for our most vulnerable citizens, additional funding will be necessary. For this reason, the GLLC's Task Force on Lead is examining policy recommendations for innovative financing measures that we can implement to make it less costly to conduct testing and replace infrastructure. Increases in federal funding, such as the Drinking Water and Clean Water State Revolving Funds, also will be necessary.

## **2. Lead Service Lines: Inventories and Replacement**

We agree with the proposed requirement for community water systems to conduct an inventory of their service lines to determine where lead is present, where it is not, and where there isn't sufficient information to make a determination. We encourage EPA to define exactly what is expected of the inventory in terms of documentation and acceptable methods of determining whether pipes and other plumbing components contain lead. An improvement to the proposed revision would be to establish a deadline for completing the initial inventory and a timeframe for updating it at regular intervals. It is also important for the results of these inventories to be available to the public in a manner that is easy to access and understand.

With regard to the replacement of lead service lines, we agree with the proposal to require the *full* replacement of lead service lines instead of *partial* replacement, which is currently allowed. EPA proposes to continue to allow partial replacements in certain situations (e.g., emergency repairs). Because there is evidence that partial lead service line replacement can lead to increased exposure to lead particles, at least temporarily, we urge EPA to very narrowly define what would constitute an emergency or other situation that could warrant partial replacement of lead service lines despite the potential risk to public health.

We would like to see EPA propose a more aggressive timeframe for replacing all lead service lines. With the proposed new 3% annual replacement rate (coupled with changes to what counts as "replacement"), EPA estimates that it will take 33 years to replace problem lines after the 15 µg/L action level has been exceeded. We strongly urge EPA to consider following a more aggressive timeline such as Michigan's 20-year timeframe.

## **3. Schools and Child Care Facilities**

The GLLC's model policy expanded upon the excellent example set by Illinois to call for all schools and all licensed child care facilities to test their drinking water for lead. We agree with EPA's proposal to require that community water systems "sample drinking water outlets at each school and each child care facility served by the system." To answer a question posed by EPA, we think it is preferable to have this testing requirement apply to *all* schools and child care facilities instead of limiting it to those that actively request testing.

Our model policy requires schools and child care facilities to implement mitigation measures if testing reveals lead in excess of 5 µg/L. We urge EPA to go beyond testing in the LCR revision to require *remedial actions* by the community water systems, schools, and child care facilities if testing reveals lead in the water.

#### 4. Reporting, Communication, and Education

Reporting, communication, and education are key components of the joint federal and state efforts to reduce exposure to lead in drinking water. To help researchers document the incidence of lead in community water systems, schools, and child care facilities, it is important for states to report standardized data to a central database. We urge EPA to establish a clearinghouse for such standardized reporting, in the process working in collaboration with the primary state agencies. We also feel strongly that the parents and guardians of children in our school systems and child care centers should be notified as soon as possible regarding the results of lead testing. Any communication to families or members of the public should be written for lay readers and translated into languages spoken by the affected community. These notifications also should be accompanied by unambiguous statements regarding the hazards of exposure to even small amounts of lead as well as information about ways to prevent exposure. Responding to the experience of Illinois child care facilities in implementing the state's required testing, we also urge EPA to consider developing standardized templates for accredited laboratories to use in reporting test results to customers in an easy-to-understand format.

We appreciate the opportunity to submit comments on behalf of the Great Lakes-St. Lawrence Legislative Caucus. Please feel free to contact Lisa Janairo, GLLC Director, at 920.458.5910 or [ljanairo@csg.org](mailto:ljanairo@csg.org) if you have any questions about our comments.

Sincerely,



Senator Ed Charbonneau, Indiana  
GLLC Chair



Senator Laura Fine, Illinois



Senator Rick Niemeyer, Indiana



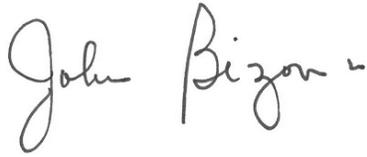
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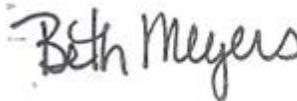
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