

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

August 8, 2023

RE: Initiating a Rulemaking on the Lead and Copper Rule Improvements

Dear Administrator Regan,

Lead service lines are found in every single state in our country, and lead-bearing plumbing is found in almost every building. Millions of people have been drinking water contaminated with lead. As part of the Biden administration's strong commitment to addressing the lead in tap water contamination crisis and replacing every lead service line in the next 10 years, we urge the Environmental Protection Agency (EPA) to immediately propose Lead and Copper Rule Improvements (LCRI) that comprehensively address roadblocks to finishing the job. We, the undersigned organizations, are concerned about this public health emergency and are calling for the strongest possible LCRI to be released and finalized as quickly as possible, certainly no later than mid-2024.

The longer it takes for the EPA to issue this rule, the more families will face health issues, from brain development issues in children to heart and kidney problems in adults. While the Bipartisan Infrastructure Act and the American Rescue Plan Act created funding to replace lead service lines, the states hardest-hit by this public health emergency need additional support and clear requirements to ensure appropriate corrosion control treatment to address lead-containing premise plumbing and the complete removal of all lead pipes from their communities within 10 years.

Regarding the replacement of lead service lines, the LCRI should, at a minimum:

- Require water systems to complete a full inventory of all service lines to identify all those made from lead or galvanized steel pipe and conduct a validation process to confirm the materials.
- Follow the examples of [New Jersey](#) and [Rhode Island](#) by requiring systems to fully remove every lead pipe within a decade, replacing 10 percent of their lead service lines each year, with attention to ensuring equity in the replacement plan, especially by prioritizing communities most impacted.
- Inventory and remove all lead “connectors” such as so-called pigtails and goosenecks, which are curved lead pipes that connect the straight portion of a pipe to the water main.
- Remove galvanized pipes that have ever been downstream of lead connectors or lead pipes.
- Follow the examples of Newark, New Jersey, the state of Michigan, and forward-looking utilities by requiring the replacement of lead service lines at the water utilities’ expense. This is critical to a) repairing the environmental injustices that have resulted from millions of people’s routine exposures to lead-contaminated water since the enactment of the LCR, and b) avoiding the environmental injustices that have been ongoing for decades

and that are exacerbated when utilities charge individual homeowners thousands of dollars to remove the lead pipes, which has resulted in lower-income and disproportionately homeowners and renters of color continuing to draw their water from lead service lines.

- Explicitly ban partial lead service line replacements, which can increase lead levels for some time. Any emergency partials should be fully replaced quickly.
- Not allow pipe lining or coating to count toward lead service line replacement.
- Require water utilities and states to adopt measures to ensure full replacement, even if they have trouble obtaining property owner access; for example, tracking the [successful ordinance](#) in Newark and the approach in [Benton Harbor, Michigan](#).
- Ensure that utilities provide homes with lead service lines or elevated lead levels with point of use filters that are independently certified to remove lead to protect consumers.
- Not base requirements to replace lead service lines on whether they are under public or private land. All lead pipes can contribute lead to tap water, and utilities control the service lines, often explicitly requiring, encouraging, or approving use of lead for them.
- Strongly discourage the [risky use of plastic pipe](#) and encourage the use of copper (ideally recycled) to replace lead service lines, as was done in Newark and many other communities.
- Require that the lead service line replacement program be publicly available and provide consumers with the opportunity for public comment, to ensure that it is equitable.
- Encourage water systems to adopt measures, including revised rate structures, to ensure that low-income consumers can afford their water bills.

Regarding the prevention of lead contamination of schools' drinking water, the LCRI should:

- Require schools that are directly regulated by EPA under SDWA to install filters at all taps used for drinking water or cooking. Because lead contamination of schools' water is widespread and lead testing is highly variable, this prevention-oriented "filter-first" approach is the most effective way to ensure safer water at every tap.
- Establish a preference for awarding grants under the bipartisan infrastructure law to school districts installing and maintaining filters, rather than funding more testing.
- Change both the name and substantive recommendations of EPA's 3 Ts Guidance to reflect a prevention-oriented approach for schools, rather than a test-and-fix strategy.

Congress has taken the important step of providing sorely needed funding for lead service line replacement, however without a stronger and more protective LCRI, such funding will be undermined and communities will continue to struggle to get their lines replaced. Please do not miss this critical opportunity to build on the progress Congress has made during this administration and finalize a rule to protect communities across the country from lead in their drinking water.

Thank you for your time and consideration.

Sincerely,

Alabama Rivers Alliance  
American Public Health Association  
Benton Harbor Community Water Council  
Black Millennials 4 Flint  
BlueGreen Alliance  
Bridges // Puentes Justice Collective of the Southeast  
California Public Interest Research Group (CALPIRG)  
Campaign for Lead Free Water  
Children Now  
Clean Water Action  
Clean Water for North Carolina,  
Clean+Healthy  
Conservation Colorado  
Cooper Square Committee  
Earthjustice  
Endangered Habitats League  
Endangered Species Coalition  
Environment America Research & Policy Center  
Environment America Research & Policy Center  
Environment Arizona  
Environment Florida Research & Policy Center  
Environment Georgia Research & Policy Center  
Environment Illinois Research & Policy Center  
Environment Maryland Research & Policy Center  
Environment Massachusetts Research & Policy Center  
Environment Michigan  
Environment Missouri Research & Policy Center  
Environment New Hampshire Research & Policy Center  
Environment New Jersey Research & Policy Center  
Environment Texas  
Environmental Policy Innovation Center (EPIC)

Environmental Transformation Movement of Flint  
Freshwater For Life Action Coalition  
Freshwater Future  
Get the Lead Out Coalition of Milwaukee  
Harpeth Conservancy  
Illinois Environmental Council  
Illinois PIRG  
International Union of Operating Engineers, Local 150  
Lawyers for Good Government  
Lead-Free Delaware  
League of Conservation Voters  
Legal Action Chicago  
Little Village Environmental Justice Organization  
Louisiana Partnership for Children and Families  
Massachusetts Public Interest Research Group (MASSPIRG)  
Michigan Environmental Council  
Missouri Confluence Waterkeeper  
National Head Start Association  
New York League of Conservation Voters  
Newark Education Worker Caucus  
Newburgh Clean Water Project  
North Carolina Conservation Network  
NRDC (Natural Resources Defense Council)  
Ohio River Foundation  
Portland Advocates for Leadfree Drinking Water  
River Network  
Safe Water Engineering, LLC  
The Water Collaborative of Greater New Orleans  
Waterkeeper Alliance  
Weequahic Park Association  
West Central Initiative  
Wisconsin Early Childhood Association  
Wisconsin Environment