

## Portland Oregon is a cautionary tale

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If you happened to be starting a family in Portland Oregon in the 90's, like me, or, if you are just now starting your family here in 2024 (27 years later)...you likely had -- *and still have* -- absolutely no idea that this water provider had -- *and still has* -- harmful levels of lead in drinking water.

Since 1997, the compliance date, our water provider somehow managed to skirt the federal Lead and Copper Rule (LCR) regulation, whose intent is to “...**minimize public exposure to lead in drinking water.**”<sup>1</sup>

Instead, our water provider, Portland Water Bureau, and their state regulator found loopholes in the weak regulation, in order to avoid the *optimal* corrosion control treatment provisions in the Rule.

As a result, Portland Water Bureau has infamously racked up multiple lead action level - and near-action level - exceedances (ALE) for decades, passing blame and cost burdens to private plumbing. But the public is kept in the dark.

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While the Utility insists they have “no lead service lines” (despite no materials inventory on what's underground), water that is improperly treated for corrosion can cause serious lead contamination, as it has here, and where it's an ongoing problem.

Importantly, no doubt other providers may have no LSLs (or few), but like us, do have pigtail/gooseneck connectors, lead-contaminated galvanized service lines, aging meters, valves and fittings. With old fixtures, pipes, and solder in private-side plumbing, the LCRI must retain **Optimal** Corrosion Control Treatment (OCCT) techniques.

Here, the more concerned citizens raise red flags about alarming water lead levels and misleading public education, the more our officials have doubled down, generating more misleading public information. Then, they either ignore, censure, gaslight, or intimidate us for advocating for better public health protection and awareness.

After six years begging for City-provided water filters, after learning of the Bureau's history of high lead in water levels, *and only after* negative press following another

Portland Water Bureau ALE in late 2021, our water Director finally *pledged* she would distribute filters. But there's a HUGE caveat. It looks like she hasn't.

Since the Bureau's offer of free filters was *not* required, leaders created deeply flawed eligibility criteria that no doubt saved them money. Worse, it likely prolonged lead in water exposure and health-harm.

Perhaps, worse, with no data, and no public information, it appears the Bureau's "free filters" are a facade rather than a bona fide public program. Ironically, City Hall touts support of diverse communities, and yet they've left behind the most vulnerable communities, who have paid the biggest price.

### **Portland is a cautionary tale.**

Meanwhile, the vast majority of residents are still unaware of the Bureau's chronic lead problem. That's because officials insist that water is "pristine" and "safe to drink", underscored by the catchphrase, "*From forest to faucet we deliver the best drinking water in the world*" (recently changed). To make matters worse, officials still misinform the public that private property's plumbing is causing high lead. It's a shameless tactic that denies the science of lead in water, and distances the Bureau from their own failed policy; "substitute" to the LCR, known as the Lead Hazard Reduction Program (a misnomer for sure).

A regulation is only effective if the agency is genuinely committed to public health and responsive. And, if there's effective oversight. Our water agency has *not* been responsive and their regulator, Oregon Health Authority, has *not* been effective.

It's a collective failure. And it's caused damage to our water infrastructure (disproportionately high lead corrosion), our health, and the public trust.

The LCRI must include the strongest *regulatory* standards for utilities, standards which include lead *prevention* measures (POU filters), and standards requiring honest, robust public messaging (beyond the Annual Water Quality Report).

When our Water Director and staff say, over and over, "*Portland's water is safe*", "*It's delicious*"...most of us simply go on with our lives.

### **Portland Oregon is a cautionary tale.**

Because it has worked for them for decades, I fear our water provider is busy looking for *new* loopholes in EPA's *new* Lead and Copper Rule improvements (LCRI).

**Therefore, we strongly urge EPA to:**

- **Set an enforceable MCL of 5 parts per billion (ppb) lead in water.**
- **Require immediate free filters distribution from utilities with an ALE history**
- **Prohibit Comms teams from using misleading rhetoric about water quality**
- **Underscore zero tolerance for Utility bullying, intimidation, retaliation (FOIA fees) toward customers asking about the quality of their drinking water.**

5 ppb is both protective of health *and* feasible. We know that it's feasible because most, *if not all*, large water providers in the western U.S. region achieved 5 ppb (90th percentile) lead in water concentration levels (and less!) years ago. They adhered to EPA's LCR *optimal* corrosion control treatment provision... except Portland Oregon.

**EPA's proposal of lowering AL and requiring cities with multiple lead in water exceedances to give water filters brings hope. Portland meets that criteria today. Right now.**

Therefore, we strongly urge EPA to require water utilities (like Portland Oregon's) to distribute, install, and train customers how to operate and maintain water filters, *immediately and at absolutely no cost to customers*. Since even very low levels of lead adversely impact children's brain development, and because lead is cumulative, prevention is key.

Our utility (robustly and often) encourages people to request the Bureau's free water test kits, despite the science that one, 1-liter test result is *highly unreliable*. Furthermore, and more concerning, the Bureau **does not allow independent/3rd-party testing** in order to receive a City "free filter".

Though important, testing does not reduce lead to zero, which EPA long ago determined is the health protective level for lead at the tap. **Filters do.**

Finally, requiring honest, complete, concise, and timely public education and key messaging is essential if EPA is to rebuild the public trust in tap water.

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<sup>1</sup>Jeanne Briskin, EPA ODW, JAWWA, July 1989