



May 21, 2021

Dear EPA Administrator Regan and staff,

Thank you for the opportunity to provide additional comments to the proposed Lead and Copper Rule (LCR) revisions. Our comments are provided on behalf of Women for a Healthy Environment. Since 2009, the organization has educated individuals about environmental exposures, provided resources to communities to address these exposures, and advocated for primary prevention policies.

Our community witnessed enforcement of the LCR in action when the Pittsburgh Water and Sewer Authority (PWSA) exceeded 15 ppb just over five years ago. Beginning in 2017, with support from an EPA Environmental Justice Grant, our organization mobilized and distributed thousands of water filters that remove lead in drinking water, delivered hundreds of community workshops to speak on the significance of lead in drinking water and we continue to meet with PWSA's leadership today.

A health-protective Lead and Copper Rule is of utmost concern as an organization serving Southwest Pennsylvania. In a report released just weeks ago, our organization analyzed Allegheny County's water systems on the basis of lead content and risk communication transparency. We found that 80 percent of water systems in the county had detectable levels of lead and over 20 percent reported partial replacements on the public side, leaving lead service lines on the private side. Because there is no safe level of lead, any detectable level is reason for concern.

There is broad consensus that partial replacements can incur short-term increases in lead levels in drinking water. Studies now indicate that, in the long-term, these partial replacements do not decrease the levels of lead. In order to make an earnest pursuit of public health, we recommend the following regarding Lead Service Line (LSL) replacements:

- In conducting replacements, environmental justice communities, as defined by the EPA's EJ index, and those with the highest rates of childhood lead poisoning must be prioritized.
- Additionally, full Lead Service Line replacements must be implemented proactively as a means to lead-safe systems **rather than** emergency management. We join other water quality and public health leaders in recommending the replacement of all lead service lines within 10 years.

- Finally, we implore you to prohibit partial lead service line replacements under any circumstance.

Water systems are present in environmental justice communities and communities of color with low-income households. Many of these systems face a lack of resources such as funds to replace lead lines and in some cases, full-time staff members. These systems tend to have higher levels of lead and fewer means to mitigate its presence in the community. It is critical to invest in these systems and afford them the financial resources necessary to protect the public's health.

Our report found that 64 percent of water systems in Allegheny County do not publicly provide information on lead to their websites. As such, we also recommend the following changes to boost transparency for consumers:

- First, during the inventory process all leaded parts of a piping system must be disclosed to the ratepayer. This includes goosenecks, pigtailed, or other connectors made of lead.
- And second, while we support the new requirement for complete inventories of public and private service lines, we believe that all water authorities must also make their inventories available electronically for the public.
- Lastly, compliance under these revisions should happen in 2022. We must not delay these critical needs.

To address the portion of taps permitted to have lead levels greater than the current LCR action level of 15 ppb, we recommend implementing a maximum contaminant level. If this is not possible, it is imperative to, at the minimum, lower the LCR's lead action level to one that is health protective. Furthermore, the new LCR should require the submissions of LSL replacement plans and corrosion control plans to state officials regardless of sampling results.

We support the prohibition of flushing, cleaning or removing faucet aerators prior to sampling, as well as the requirement to increase sampling where initial samples are elevated. Further we support a requirement for water systems to conduct complete inventories of public and private lead service lines. Impacted consumers must be promptly notified of elevated lead levels, as well as upcoming service line replacements.

Additionally, an estimated 127,000 schools and 767,000 licensed childcare facilities are not tested under the current LCR.¹ And federal funding for testing has only been available for elementary school buildings, leaving the middle schools and high schools behind. Through our 1000 Hours a Year program we see firsthand the financial struggles schools and childcare centers face in environmental justice communities. In the schools we have supported, every school district had at least one building with a detectable level of lead. We know that the schools and childcare centers, especially those in environmental justice communities, must provide financial resources such as the WIIN grant program to remediate the presence of lead, including the installation of filters. After all, merely testing is not enough to address this environmental health hazard.

To mitigate the confusion caused by inconsistent action levels among local and state regulations for schools and childcare centers, we believe there must be a federal standard in place. Currently

15 states require lead testing in schools; 11 states require testing in childcare facilities. Inconsistencies exist in these state regulations. We recommend the following changes:

- Require a percentage-based system to determine an adequate number of samples to be taken in schools and childcare centers (i.e. five is not reflective of a large elementary school building occupying hundreds of students with dozens of drinking water outlets).
- Require annual testing of remediation systems to ensure they are working properly.
- Our data also show an exceeding number of leaded faucets and fixtures that must be replaced with certified lead-free parts. Further plenty of schools and childcare centers have lead service lines. That is why we recommend a filter first approach.
- Establish a health-protective action level for all schools and childcare facilities that reflect their vulnerable occupants. The American Academy of Pediatrics indicates there is no safe level of lead.
- Require schools and childcare centers to communicate sampling results, health risks associated with lead exposure, and applicable plans for remediation with families, as well as local health departments or state health agencies.

Thank you for the opportunity to provide input on these critical revisions to the Lead and Copper Rule. We hope the final updates reflect a commitment to the public health of our communities.

Sincerely,



Michelle Naccarati-Chapkis
Executive Director