

# Long-Term Lead and Copper Rule Federalism Consultation: Association of State Drinking Water Administrator's Comments



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The Association of State Drinking Water Administrator's ("ASDWA") submitted March 8th comments to the United States Environmental Protection Agency ("EPA") on the Lead and Copper in Drinking Water Rule ("LCR").

The EPA is stated to have undertaken engagements with states and others through federalism consultation on possible revisions to the LCR.

Beginning in 1991, the EPA promulgated a Rule to control lead in drinking water (i.e., the "LCR"). The LCR has since been revised at various times. The LCR is applicable to water utilities. Further, the Reduction of Lead in Drinking Water Act set standards for:

- Pipes
- Plumbing fittings
- Fixtures
- Solder
- Flux

The EPA is assessing potential long-term revisions to the LCR.

The ASDWA states in its March 8th comments that the regulatory approach to reach the goal of reduction of lead exposure in drinking water (and increased public health protection) includes:

- Targeting more stringent regulatory requirements where they are needed most
- Closing the loopholes in the current LCR
- Simplifying the regulatory requirements, so that water systems, state primacy agencies, technical assistance providers, contract operators, and anyone else working to provide safe drinking water can read and understand them.

The organization's seven recommendations include:

- Keep as many components of the current LCR as possible (if they are protective of public health) for the monitoring and sampling of site selection framework because water systems, state primacy agencies, technical assistance providers, and contract operators already know them

- Consider using a “bins” regulatory framework for the rule with progressively more stringent “bins” with required actions by water systems based on increasing levels of the 90th percentile of lead samples from 1-liter first draw tap samples.
- Apply a holistic approach that takes into consideration simultaneous compliance with all drinking water regulations, as well as regulations for waste water discharges
- Be the leader with all federal agencies in reducing total lead exposure, not just from drinking water, but look beyond drinking water regulations to reduce public exposure to lead
- Support Americans with lead service lines, with public education and programs that promote cooperative funding, so that all homeowners, no matter their income or location, can afford to replace them
- Assure all educational materials about reducing exposure to lead are consistent across all agencies and are fully transparent
- Be careful in how much flexibility is allowed under the LCR (too much flexibility could adversely impact rule implementation, create unintended loopholes, and ultimately delay the intended results).

[A copy of the ASDWA comments can be downloaded below.](#)