

Lead in Drinking Water Exceeding Action Levels/Public Notification Issues: U.S. EPA Office of Inspector General Report



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The United States Environmental Protection Agency (“EPA”) Office of Inspector General (“OIG”) issued a July 20th report titled:

The EPA Should Determine What Interim Actions Can Be Taken to Immediately Notify the Public When Lead in Drinking Water Exceeds the Agency’s Action Level (“Report”)

See *Report* No. 23-N-0024.

The *Report* is transmitted from Inspector General Sean W. O’Donnell to EPA Office Water Assistant Administrator Radhika Fox.

OIG states that it initiated an audit to determine whether EPA complied with the public notification requirements found in Section 2106 of the Water Infrastructure Improvements for the Nation Act (“WIIN”).

The issuance of this July 20th *Report* is stated to have been undertaken during the audit to inform EPA of concerns that:

. . . immediate public notifications are not being made for drinking-water lead-action-level exceedances that may pose a significant risk to public health.

Lead-action-level exceedances occur when more than 10% of tap water samples collected during the monitoring period show a lead concentration above 15 parts per billion. See 40 CFR § 141.80(c).

EPA is noted to have determined on January 15, 2021, that a lead-action-level exceedance has the potential to have serious adverse effects on health as a result of short-term exposure. As a result, it revised the Safe Drinking Water Act regulations to require immediate public notification for exceedances. Nevertheless, the compliance date for this revised regulation is October 16, 2024. Consequently, until that date immediate notices are not required.

The OIG *Report* recommends that EPA consider what immediate, interim actions can be taken to timely notify the public of exposure to lead-action-level exceedances.

Possible interim actions are stated to include:

- Issue a guidance document strongly encouraging state agencies/water systems to notify the public of such exceedances.

- Upload sample results to EPA's Safe Drinking Water Information System database as soon as practicable.

A copy of the *Report* can be downloaded [here](#).