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Lead and Copper Rule/Safe Drinking Water Act: American Water Works Association Petition Before the United States Court of Appeals for the District of Columbia

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The American Water Works Association (“AWWA”) filed on December 13th a document styled: *Petition for Review of the Lead and Copper Rule Improvements (“LCRI”).*

The Petition challenges the rule promulgated under the federal Safe Drinking Water Act by EPA on October 30, 2024, entitled “*National Primary Drinking Water Regulations for Lead and Copper: Improvements*” (LCRI). See 89 Fed. Reg. 86418.

AWWA describes itself as:

...an international, non-profit, scientific and educational society dedicated to providing total water solutions assuring the effective management of water.

The association states that it is the largest organization of water supply professionals in the world, whose membership includes more than 4,000 utilities that supply roughly 80% of the United States’ drinking water and treat almost half of the Nation’s wastewater.

The LCRI requires that drinking water systems identify and replace lead pipes within 10 years. Furthermore, it will require:

- Additional testing of drinking water (i.e., improved tap sampling).
- A lower threshold for mandating actions to address lead exposure in drinking water.
- Enhanced communication and addressing (i.e., creating a publicly available service line replacement plan).

The LCRI also mandates that drinking water providers with multiple exceedances of lead action levels must undertake the following:

- Adjust treatment.
- Conduct additional community outreach.
- Make filters that are certified to reduce lead available to all consumers.

AWWA in its Petition states that it is a strong advocate for the protection of water consumers as:

...The United States strives for a future where lead is no longer in contact with drinking water.

The organization also states that it supports the complete replacement of lead service lines nationwide in their entirety within the quickest feasible timeframe.

Nevertheless, it argues in the Petition that the LCRI includes requirements that are neither feasible nor authorized by law. It cites the requirement that water systems must replace lead service lines that are located on private property and owned by entities other than the systems if the system can “access” those lines. The stated concern is the ability of some water systems to comply with the LCRI’s timeline and requirements. An additional concern is the impact of the LCRI on water affordability.

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