

Long-Term Lead and Copper Rule Federalism Consultation: American Water Works Association Comments



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The American Water Works Association (“AWWA”) submitted March 8th comments to the United States Environmental Protection Agency (“EPA”) on the Lead and Copper in Drinking Water Rule (“LCR”).

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

Beginning in 1991 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

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

The AWWA states in its March 8th comments that:

The body of research and experience with lead has grown since the initial federalism consultation on Long-Term Lead and Copper Rule in 2011.

The AWWA recommends that a revised LCR result in water systems engaging in:

- Development of an inventory of lead service lines
- Development of plans for the complete removal of lead service lines through a long-term, shared commitment
- Application of process control to educe corrosivity of water reaching customers’ homes
- Public outreach on lead risk and lead risk mitigation

The organization further notes that revisions to the LCR have taken over a decade to prepare for two reasons. It cites the challenging policy decisions in managing lead in water and the still evolving science to support such decisions.

Identified as a significant development since the 2011 federalism consultation is the National Drinking Water Advisory Council (“NDWAC”) recommendations.

Key aspects relevant to revisions to the LCR that are cited as important from the NDWAC report include:

- Individuals and communities need to be empowered to act
- Fully removing all lead service lines will require a long-term, shared commitment
- Corrosion control should be carefully evaluated, and if modified, changes should be based on system-specific information using sound process-control practices and system-specific studies

AWWA notes that the NDWAC recommendations were “substantial” and asks whether EPA can propose a rule that addresses all of them by August 2018 (the anticipated date for a proposal). Recommendations identified as potentially taking longer than the referenced date include:

- Identify a level of lead in drinking water of public health concern
- Substantiate the benefit of revising the rule with respect to copper
- Identify corrosion control changes that will reduce lead levels further for systems already reliably below the action level while also not leading to undesirable unintended consequences
- Dramatically change the method in which tap samples are collected

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