

Long-Term Lead and Copper Rule Federalism Consultation: Environmental Council of the States Comments



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The Environmental Council of the States (“ECOS”) 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 and copper 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 agency in an October 2016 white paper discussing potential LCR revisions, noted the following principles:

- Focus on minimizing exposure to lead in drinking water
- Clear and enforceable requirements
- Transparency
- Environmental justice in children’s health
- Integrating drinking water with cross-media lead reduction efforts

ECOS notes in its March 8th comments its prior work with the Association of State Drinking Water Administrators and National Governors Association in addressing potential LCR revisions. Some of the points raised in its comments include:

- Reduction of lead exposure should be accomplished through a holistic approach which considers all sources of exposure (i.e., not just drinking water).

- Revisions to the LCR should provide flexibility for states to determine how best to meet lead and copper standards.
- The LCR revisions should reflect the latest research around lead service lines and tap sampling that provides an accurate picture of exposure, and corrosion control treatment.
- All potential sources of lead in drinking water at the tap should be assessed.
- Communication addressing LCR revisions should be a priority.
- Consideration should be given to de-coupling lead and copper and address the contaminants in separate rules.
- Delegated authority for the drinking water programs should receive an adequate increase in funding from the federal government.

Note that Arkansas Department of Environmental Quality Director Becky Keogh serves as Vice President of ECOS.

[A copy of the March 8th comments can be downloaded here.](#)