

FIX EPA'S WEAK LEAD & COPPER RULE

Lead in Drinking Water is a Big Public Health & Environmental Justice Issue

- **Lead is a potent toxin.** It is especially dangerous to children's developing brains, interfering with their ability to learn and concentrate, and can cause irreversible harm.¹ In adults lead has been associated with high blood pressure, heart disease and death from cardiovascular disease.²
- **There's no safe level of lead in water.** EPA and health experts agree: even low levels are dangerous.³
- **Black and other people of color are disproportionately exposed to lead from water and other sources like paint.** Black children are far more likely to be lead poisoned than white children.⁴
- **Black and Latino neighborhoods are up to twice as likely to have lead service lines than white communities in Illinois.**⁵ Similar patterns are expected in other states.
- **Communities of color suffer disproportionately from violations of drinking water rules and receive less-effective state and EPA response, according to analyses of EPA's national data.**⁶

EPA's 1991 Lead & Copper Rule

- **EPA established its "Lead and Copper Rule" (LCR) in 1991.**⁷ There have been no substantial updates since then.
- **EPA's Old 1991 LCR includes 4 major components:**
 - **A "lead action level" of 15 parts per billion (ppb) lead.** This is not a health-based number. It only means that water systems exceeding it are supposed to take certain actions to try to reduce their lead levels. The action level is measured at the 90th percentile, meaning that up to 10% of high-risk home water taps can exceed it without consequences.
 - **Corrosion Control Treatment.** This requires many water systems (small ones, which comprise the majority of systems, often are exempt) to add chemicals to their water to reduce how corrosive it is. This can help reduce, but not prevent, the amount of lead that the water releases from lead service lines or lead in home plumbing.
 - **Lead Service Line Replacement in Very Limited Cases.** Only water systems consistently exceeding the 15 ppb action level must start removing lead service lines at a slow rate of 7% per year, but only as long as they are exceeding the action level. Few systems have replaced all their lead service lines.
 - **Public Notification and Education.** Customers who participate in compliance sampling, and all users of a system exceeding the action level must be notified. Also, public education provisions in theory are supposed to educate consumers about lead in water.

The Trump EPA's January 2021 Lead & Copper Rule

- **The Trump EPA's revised LCR⁸ sticks with most of the worst aspects of the old 1991 rule. It:**
 - **Doesn't set a Maximum Contaminant Level for lead,** so there is no highest allowed lead level in tap water.
 - **Delays lead service line replacement, extending the time for highly contaminated systems to replace lead lines to 33 years** (it was 14 years under the old 1991 rule).
 - **Keeps the weak 15 ppb lead action level and weak corrosion control requirements.**
 - **Fails to ensure that testing for lead will pick up elevated lead levels in many homes.**
 - **Makes only minor changes to improve lead public notification and education.**
 - **Creates misleading, inadequate sampling requirements in schools and childcares.**

Talking Points: How to Fix the Trump EPA's Lead and Copper Rule

- **Set a Maximum Contaminant Level at the tap for lead of 5 ppb.** It is feasible to monitor for lead at this level, and if a water system can prove it's removed all lead service lines and installed full corrosion control, it could be considered in compliance. This would substantially simplify enforcement and implementation.

OR:

- **If EPA won't set a Maximum Contaminant Level for lead, at a minimum it should:**
 - **Require all lead service lines to be replaced within 10 years.**
 - **Reduce the "action level" to 5 ppb.**
 - **Improve monitoring so both first-draw water and water from lead service lines is checked.** The Trump EPA rule only requires testing of the 5th liter of water, not first draw water from the tap, so lead released due to corrosive water in interior plumbing will be missed.
 - **Require better corrosion control, monitoring, public education and notification.**
 - **Fix the lead in schools and childcares provisions to have water systems help with installing lead filters instead of relying on inadequate and misleading extremely limited testing.**

NOTES

¹ EPA, Health Effects of Exposures to Lead in Drinking Water, available online at <https://www.epa.gov/ground-water-and-drinking-water/basic-information-about-lead-drinking-water>; World Health Organization, Lead Poisoning and Health, available online at <https://www.who.int/news-room/fact-sheets/detail/lead-poisoning-and-health#:~:text=The%20neurological%20and%20behavioural%20effects,behavioral%20difficulties%20and%20learning%20problems..>

² Lanphear BP, Rauch S, Auinger P, Allen RW, Hornung RW. Low-level lead exposure and mortality in US adults: a population-based cohort study. *Lancet Public Health*. 2018 Apr;3(4):e177-e184. doi: 10.1016/S2468-2667(18)30025-2. Epub 2018 Mar 12. PMID: 29544878. Available online at [https://www.thelancet.com/journals/lanpub/article/PIIS2468-2667\(18\)30025-2/fulltext](https://www.thelancet.com/journals/lanpub/article/PIIS2468-2667(18)30025-2/fulltext).

³ See EPA and WHO citations in note 1 above,

⁴ See, for example, Cassidy-Bushrow AE, Sitarik AR, Havstad S, et al. Burden of higher lead exposure in African-Americans starts in utero and persists into childhood. *Environ Int*. 2017;108:221-227. doi:10.1016/j.envint.2017.08.021, available online at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5623116/>; Yeter D, Banks EC, Aschner M. Disparity in Risk Factor Severity for Early Childhood Blood Lead among Predominantly African-American Black Children: The 1999 to 2010 US NHANES. *Int J Environ Res Public Health*. 2020;17(5):1552. Published 2020 Feb 28. doi:10.3390/ijerph17051552, available online at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7084658/>.

⁵ Justin Williams and Tara Jagadeesh, Metropolitan Planning Council, Data Points: the environmental injustice of lead lines in Illinois, 2020, available online at <https://www.metroplanning.org/news/9960/Data-Points-the-environmental-injustice-of-lead-lines-in-Illinois>.

⁶ Pullen Fedinick, K, Taylor S, Roberts, M. Watered Down Justice, Natural Resources Defense Council, Coming Clean, Environmental Justice Health Alliance, 2019, available online at <https://www.nrdc.org/sites/default/files/watered-down-justice-report.pdf>.

⁷ 56 Fed. Reg. 26460 et seq. (June 7, 1991), codified at 40 C.F.R. 141.80-141.91.

⁸ EPA, National Primary Drinking Water Regulations: Lead and Copper Rule Revisions, 86 Fed. Reg. 4198 (Jan. 15, 2021), available online at <https://www.federalregister.gov/documents/2021/01/15/2020-28691/national-primary-drinking-water-regulations-lead-and-copper-rule-revisions>.