

U.S. Environmental Protection Agency Consultation with the Department of Health and Human Services  
for the Final Lead and Copper Rule Improvements

Monday, July 15, 2024

9:30-10:30 AM

The U.S. Environmental Protection Agency (EPA), Office of Water (OW), conducted a consultation meeting via webinar with the Department of Health and Human Services (HHS) on the final National Primary Drinking Water Regulation (NPDWR) for the Lead and Copper Improvements (LCRI). The purpose of the meeting was to provide an overview of the key provisions of the draft final LCRI and respond to any questions or comments about the draft final rule. The EPA considers HHS input as part of the interagency review process under Executive Order 12866.

The EPA provided an overview of the following topics related to the LCRI:

- Background on lead in drinking water and health effects of lead
- Regulatory history
- Overview of the previous proposed LCRI HHS consultation and LCRI public comment process
- Key provisions of the Final LCRI
  - Achieving Lead Pipe Replacement within 10 Years
  - Locating Legacy Lead Pipes
  - Improving Tap Sampling
  - Lowering the Lead Action Level
  - Strengthening Protections to Reduce Exposure
- Other topic of interest – Schools and Child Care Facilities – Lead in drinking water
- Next steps

Participants provided questions and comments on the following topics:

- Requirements and guidance for developing equitable service line replacement plans
- Public availability of the service line inventory and communication with consumers about identification of lead status unknown service lines
- Water system and consumer communication with health care providers about lead and steps to protect health
- EPA communication with HHS on occurrence of lead action level exceedances to facilitate community outreach
- Communications materials around promulgation of the final rule
- Parents' access to lead tap sampling results in schools and child care facilities
- Timing of first rolling five-year period for identifying systems with multiple lead action level exceedances that must conduct additional outreach and comply with filter requirements
- Protections for workers during lead service line replacement

EPA Attendees

Mae Wu

David Risley

Jennifer McLain

Eric Burneson

Hannah Holsinger  
Michael Goldberg  
Anne Lausier  
Zaineb Alattar

HHS Attendees

Ana Mascareñas  
Barbara Choo-Brough  
Jenny Keroack  
Cody Fisher  
Kimberly Gray  
Jamar Hawkins  
Scott Douglas  
Liam O'Fallon  
Kimberly Thigpen Tart  
Jill Aksamit  
Rebecca Tsai  
Heather Schaefer  
Brittany Chao  
Abdul Ibrahim  
Shaun MacMahon

*Attachment: Presentation materials*



# Lead and Copper Rule Improvements



## Consultation with the Department of Health and Human Services July 15, 2024

# Purpose

- Consultation with the Department of Health and Human Services (HHS) on the final National Primary Drinking Water Regulation (NPDWR) for the Lead and Copper Rule Improvements (LCRI)

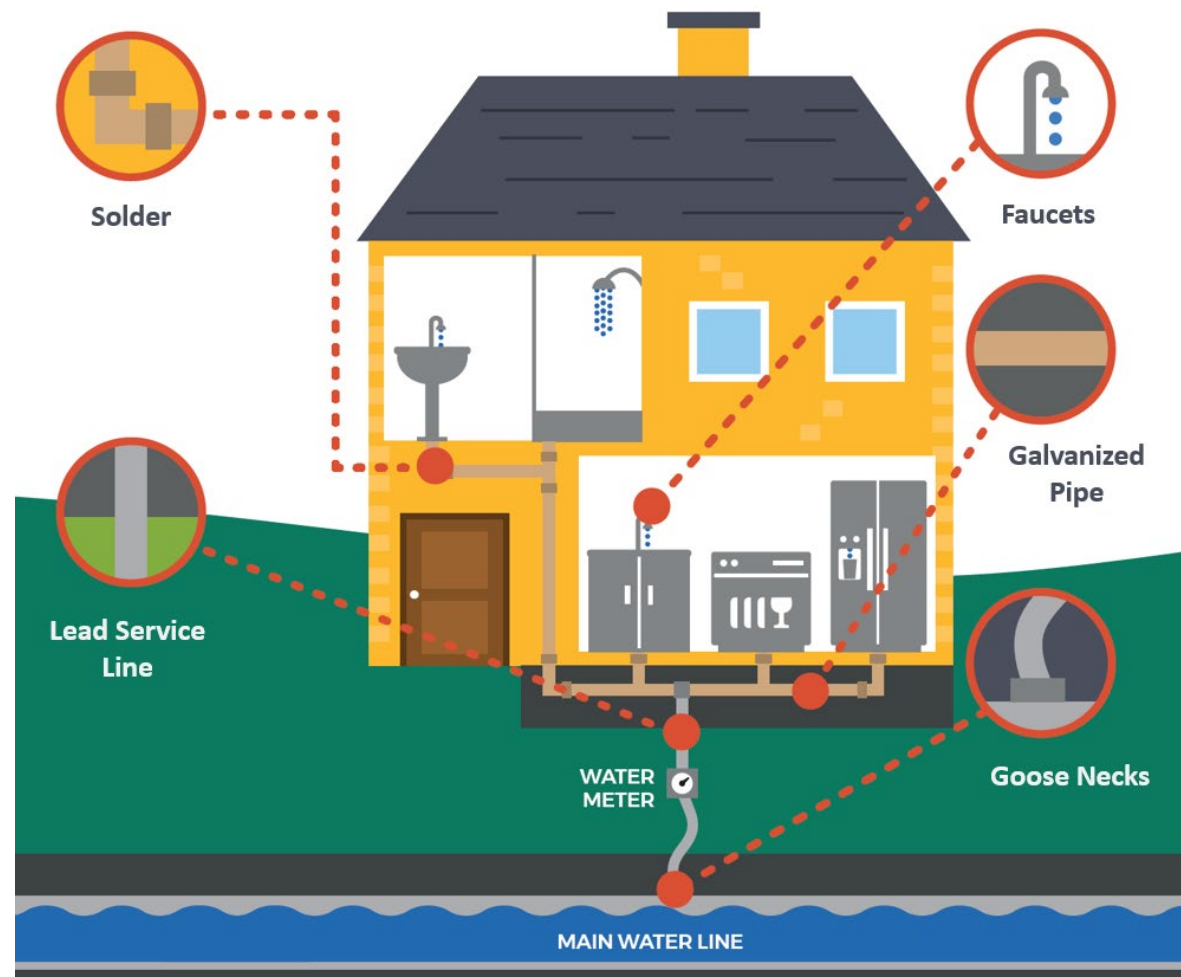


# Background on lead in drinking water and the Lead and Copper Rule



# Lead in drinking water

- Lead in pipes, solder, and faucets can dissolve in water or break off as particles.
- When present, lead service lines are the most significant source of lead in drinking water.
- In children, exposure to lead can cause serious health effects like lower IQ, learning and behavioral problems.
- In adults, health effects can include higher risk of heart disease, high blood pressure, and kidney or nervous system problems.



# Lead and Copper Rule

- The Safe Drinking Water Act (SDWA) authorizes the EPA to establish regulations for public water systems.
- The EPA first established the Lead and Copper Rule in 1991 to reduce exposure to lead and copper in drinking water.
- The rule requires some water systems to treat drinking water to prevent water from corroding lead (or copper) into the drinking water. This is called corrosion control.
- When corrosion control is not enough to reduce lead levels, the Lead and Copper Rule requires water systems to take additional actions, including lead service line replacement and public education.

# Lead and Copper Rule

- Maximum Contaminant Level Goal (MCLG): lead = 0  $\mu\text{g}/\text{L}$ ; copper = 1.3  $\text{mg}/\text{L}$ 
  - The MCLG for lead is zero because there is no level of exposure to lead that is without risk.
- Action Level: lead = 15  $\mu\text{g}/\text{L}$ ; copper = 1.3  $\text{mg}/\text{L}$ 
  - The Action Level was set in 1991 based on what water systems could achieve with corrosion control treatment.
- The Lead and Copper Rule requires water systems to test water at the tap in certain homes that have lead in the plumbing.
- If more than 10 percent of the lead samples from a system are greater than the Action Level, the system needs to take actions to reduce lead exposure.



# The 2021 Lead and Copper Rule Revisions (LCRR)

- The 2021 LCRR was promulgated on January 15, 2021.
- Subsequently, the EPA reviewed the 2021 LCRR in accordance with Executive Order 13990.
- On December 16, 2021, the EPA announced that there are significant opportunities to improve the 2021 LCRR to support the overarching goal of proactively removing lead service lines and more equitably protecting public health.
  - The EPA stated its intent to propose and finalize the Lead and Copper Rule Improvements (LCRI) prior to October 16, 2024, the initial compliance date in the 2021 LCRR.
  - The LCRI was a key component of the [White House Lead Pipe and Paint Action Plan](#) released on that same date.

# Proposed Lead and Copper Rule Improvements (LCRI)



# Proposed LCRI

- The EPA consulted with HHS on the proposed LCRI on August 18, 2023.
  - Topics of discussion included lead service line replacement as well as school and childcare sampling.
- HHS (and other Federal Agencies) participated in the OMB E.O. 12866 Review of the proposed LCRI from August 31-November 17, 2023.
- The proposed LCRI was published for public comment on December 6, 2023.
- The EPA received almost 200,000 comments on the proposed rule.
- After review of the comments on the proposal, the EPA is largely maintaining the proposed LCRI requirements but with a key change to the criteria for deferring service line replacement deadlines.

# Final Lead and Copper Rule Improvements (LCRI)



# Key Provisions of the Final LCRI

- Achieving Lead Pipe Replacement within 10 Years
- Locating Legacy Lead Pipes
- Improving Tap Sampling
- Lowering the Lead Action Level
- Strengthening Protections to Reduce Exposure



# Achieving Lead Pipe Replacement within 10 Years

- In the final LCRI, the EPA is requiring mandatory full service line replacement of lead service lines (LSLs) and galvanized requiring replacement (GRR) service lines under the control of the water system, within 10 years, with limited exceptions.
- Water systems must replace lead and GRR service lines under their control regardless of the lead levels occurring in tap or other drinking water samples.
- All water systems with known or potential lead or GRR service lines must prepare a publicly available service line replacement plan to help to ensure an equitable replacement of all lead or GRR service lines by the replacement deadline. This plan must include a strategy to identify potential barriers to full replacement.
- Partial service line replacement will be prohibited except following emergency repairs or infrastructure work.

# Achieving Lead Pipe Replacement within 10 Years – Key Change

- The proposed LCRI included deferred deadlines (> than 10 years) for systems:
  - With a high proportion of lead and GRR service lines to total service lines; or
  - That would have to replace greater than 10,000 service lines per year to meet a 10-year deadline.
- The final rule's deferral criteria is based on a high proportion of lead and GRR lines (i.e., systems that would have to replace more than 39 per 1000 connections per year) and eliminates the >10,000 per year criteria.
  - Simplifies the implementation of the regulation.
  - Feasible based upon replacement rates among large systems that have conducted lead service line replacement programs.
  - The EPA estimates less than 2 percent of systems would be eligible and more than 98 percent of systems would replace their lead service lines in 10 years or less.
- To ensure that systems with deferred deadlines continue to replace at the fastest feasible rate, the final rule requires the State to regularly review progress and set a faster replacement rate where feasible.

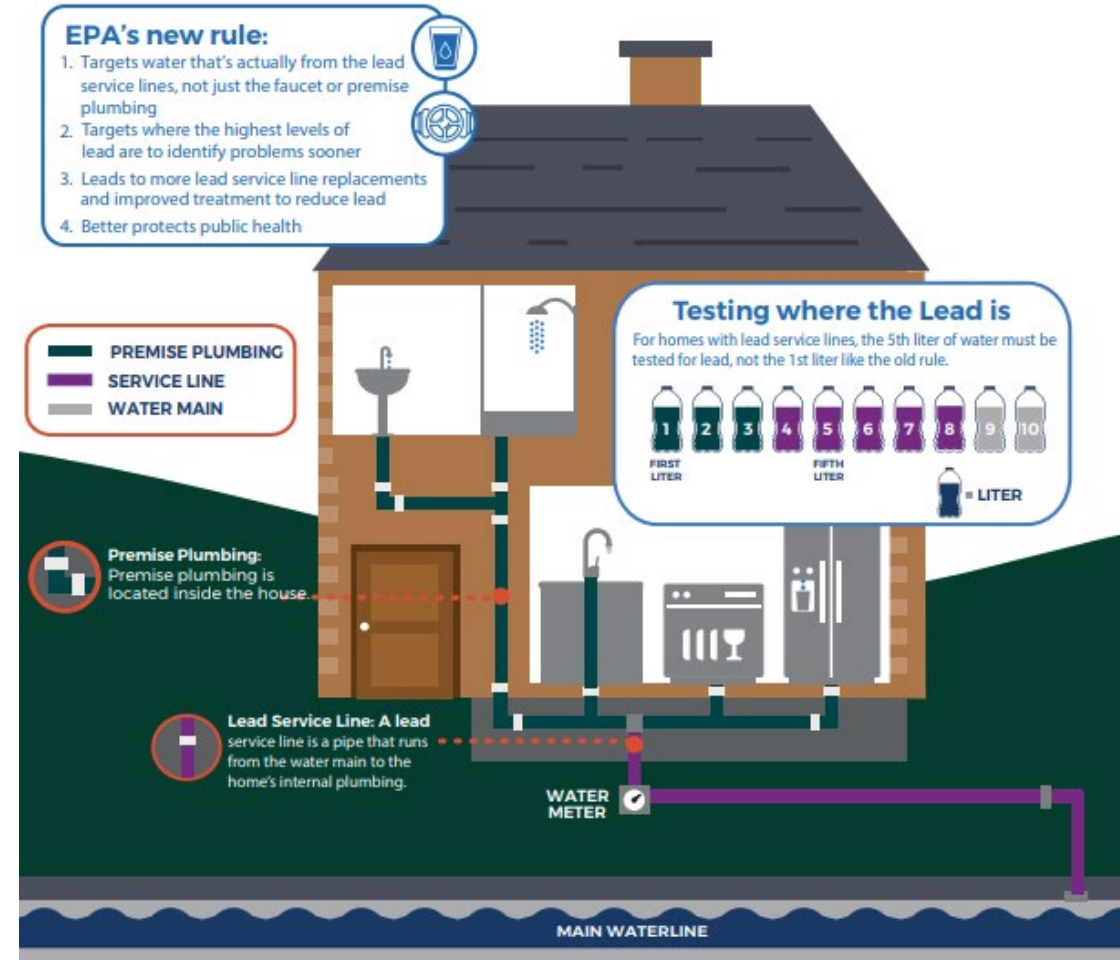
# Locating Legacy Lead Pipes

- The final LCRI builds upon the 2021 LCRR's requirement for water systems to create an initial inventory, regularly update the inventory, and to identify the material of all service lines by the mandatory service line replacement deadline.
- Under the LCRI, all water systems must make their service line inventories publicly available and must include addresses (if available) for all service lines, regardless of material.
- Systems must identify all unknowns by the same deadline to replace all lead/GRR service lines.
- Systems are also required to track lead connectors in their inventories and replace them as they are encountered.



# Improving Tap Sampling

- The final LCRI makes key changes to the required protocol for tap sampling informed by best practices already being deployed at the local and State level.
- Under the LCRI, water systems are required to collect first-liter and fifth-liter tap samples at sites with LSLs and use the higher of the two values when calculating the system's 90<sup>th</sup> percentile.
  - Better represents water that has been stagnant within the service line and the plumbing, and more accurately identifies where higher lead levels might be.
  - Increases a water system's understanding of the effectiveness of their corrosion control treatment (CCT).



# Lowering the Lead Action Level

- The final LCRI lowers the lead action level from 15 µg/L to 10 µg/L.
- The final rule also removes the 2021 LCRR's lead trigger level of 10 µg/L.
- This revision reduces the complexity of the rule and requires water systems to take action earlier to control corrosion and provide public education to reduce drinking water lead exposure.
- The EPA found that an action level at 10 µg/L is supported by past CCT performance data as being generally representative of optimal corrosion control treatment (OCCT).

# Strengthening Protections to Reduce Exposure

- The final LCRI requires water systems with continually high lead levels (at least three action level exceedances in a five-year period) to conduct additional outreach to consumers and make available to all consumers filters certified to reduce lead in drinking water.
- These additional actions can reduce consumer exposure to higher levels of lead in drinking water while the water system works to reduce systemwide lead levels (e.g., achieving 100 percent lead and GRR service line replacement, installation or re-optimization of OCCT), which may take years to fully implement.

## Other Topic of interest

# Schools and Child Care Facilities – Lead in Drinking Water

- The EPA does not have the authority under SDWA section 1412 to require schools and child care facilities that are not regulated as public water systems to act.
- HHS and EPA are working together to reduce children’s exposure to lead as signatories on a Memorandum of Understanding on Reducing Lead Levels in Drinking Water in Schools and Child Care Facilities.
- On March 23, 2023, HHS and EPA issued a [joint letter](#) to governors to encourage State and local governments to use federal funding to take actions to reduce and remove lead in drinking water in early care and education settings.
- EPA’s [3Ts for Reducing Lead in Drinking Water](#) provides information and recommendations to prepare schools, child care facilities, and states to build a voluntary implementation program to reduce lead levels in drinking water. This is supported by grants to states, Tribes, and territories.
- The final LCRI retains the 2021 LCRR requirements for water systems to conduct sampling in the schools and licensed child care facilities they serve. It adds a requirement for systems to include in Consumer Confidence Reports a statement that the system is required to sample for lead in schools and licensed child care facilities as requested and that directs the public to contact their school or child care facility for further information about potential sampling results.

# Next Steps



# Next Steps

- The EPA will initiate OMB and interagency review under EO 12866 in late July 2024. The EPA is requesting an expedited 45-day review.
  - This is the period in which HHS comments have traditionally been provided and addressed.
- The EPA must promulgate the final NPDWR by October 16, 2024. If not, States and public water systems will be required to comply with all of the 2021 LCRR requirements.
  - There would be significant confusion because States and water systems would not be positioned to comply.
- The EPA has encouraged water systems to focus resources on complying with limited provisions of the 2021 LCRR including:
  - Completing the initial service line inventory by October 16, 2024,
  - Notifying households if they are served by an LSL, GRR, or unknown service line, and
  - Issuing 24-hour Public Notification for lead action level exceedances.