



# LIUNA!

February 5, 2024

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VIA ELECTRONIC SUBMISSION

Mr. Michael Goldberg  
Standards and Risk Management Division  
Office of Ground Water and Drinking Water  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

RE: Comments on *National Primary Drinking Water Regulations for Lead and Copper: Improvements (LCRI)* (Docket No. EPA-HQ-OW-2022-0801)

Dear Mr. Goldberg:

The Laborers' International Union of North America (LIUNA) submits the attached comments in response to the request for comments on *National Primary Drinking Water Regulations for Lead and Copper: Improvements (LCRI)*.

Your time and attention to the attached are appreciated. Should you have any questions, please contact this office.

With kind regards, I am

Sincerely yours,

**BRENT BOOKER**  
General President

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Attachment

*Feel the Power*

**COMMENTS OF THE LABORERS' INTERNATIONAL UNION OF NORTH AMERICA ON THE ENVIRONMENTAL PROTECTION AGENCY'S PROPOSED NATIONAL PRIMARY DRINKING WATER REGULATIONS FOR LEAD AND COPPER: IMPROVEMENTS (LCRI)**

Docket ID No. EPA-HQ-OW-2022-0801

On behalf of the more than 500,000 members of the Laborers' International Union of North America ("LIUNA"), we submit these comments in support of the Environmental Protection Agency's ("EPA") proposal to reduce copper and lead exposure in drinking water, both for our members who are affected and the communities that they serve.<sup>1</sup> The EPA's proposed Lead and Copper Rule Improvements ("LCRI") will protect children and adults from lead contamination in drinking water with the ultimate goal of 100% lead service line ("LSL") replacement within the next 10 years. This aggressive goal will not only accelerate local lead line replacement programs, but will also provide valuable job opportunities for LIUNA members who are trained for this work. We encourage the implementation of these changes as quickly as possible, and we support the EPA and Biden Administration in making lead abatement a top public health priority.

**LIUNA SUPPORTS THE REDUCED ACTIONABLE LEVEL FOR LEAD REPLACEMENT AND THE TEN-YEAR REPLACEMENT REQUIREMENT**

LIUNA supports the EPA proposal to lower the lead action level from 0.15mg/L to 0.010 mg/L as it will ensure that we are setting a higher standard for what we allow in our communities' drinking water. EPA Administrator Michael S. Regan has plainly stated, "There is no safe level of exposure to lead."<sup>2</sup> Even at low levels, lead particles in the environment can cause developmental delays and other health issues to our nation's children. The negative effects of lead in drinking water on overall health are well known. Small children and pregnant women are especially at risk of being harmed by lead exposure from water lines. Permanent cognitive

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<sup>1</sup> National Primary Drinking Water Regulations for Lead and Cooper: Improvements (LCRI), 88 Fed. Reg. 84878 (proposed Dec. 6, 2023).

<sup>2</sup> U.S. Envntl. Protection Agency, *EPA and HHS Encourage States to Utilize Federal Resources for Lead Detection and Mitigation in Early Care and Education Settings*, (Mar. 28, 2023).

impairment and cancer have been linked to overexposure to lead particles.<sup>34</sup> Additionally, there are significant health and safety concerns in the handling of LSLs for the workers involved in pipe replacement activities.<sup>5</sup>

Protecting LIUNA members who reside in areas with lead lines, as well as everyone in the communities they serve, is a priority for our union. The available data on lead service line inventories are notably incomplete and state-by-state LSL estimates vary significantly – a gap which this proposed rule intends in part to remedy.<sup>6</sup> Nonetheless, we know the number of union Laborers directly affected by LSLs is significant. The EPA’s 2021 needs assessment survey produced an estimate of 9.2 million lead service lines.<sup>7</sup> This number is consistent with an earlier survey conducted by the National Resources Defense Council (“NRDC”) which arrived at an estimated range of 9.7 million to 12.8 million LSLs, albeit with significant differences in respective state-by-state numbers.<sup>8</sup> There are a combined thirteen states that appear on one or both of the EPA and NRDC “top ten” lists for existing LSLs inventory estimates.<sup>9</sup> In these thirteen states, LIUNA represents 189,663 active members.<sup>10</sup> Given the direct consequences to our members, we support all reasonable efforts to address the health threat caused by lead contamination in drinking water.

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<sup>3</sup> U.S. Centers for Disease Control and Prevention, *Lead in Drinking Water and Human Blood Lead Levels in the United States*, Supplements, pp. 1-9; (Aug. 2012).

<sup>4</sup> Stanek, L. W. et al., *Environmental Science & Technology, Modeled Impacts of Drinking Water Pb Reduction Scenarios on Children’s Exposures and Blood Lead Levels*, 54(15), pp. 9474-9482. (2020).

<sup>5</sup> U.S. Dep’t of Health and Human Services, Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health, Pub. No. 2023-141, *Reducing Workers’ Lead Exposure During Water Pipe Removal and Replacement*, (Sept. 2023) <https://doi.org/10.26616/NIOSH PUB2023141>.

<sup>6</sup> The Government Accountability Office (GAO) noted in its 2018 report: “The total number of lead service lines is unknown and while national, state, and local estimates exist, approaches used to count lead service lines vary. *The total number of lead service lines is unknown because, among other things, the Lead and Copper Rule does not require all water systems to collect such information.* National, state, and local estimates exist, but the methods used to arrive at these estimates vary, making it challenging to compare estimates.” (emphasis added). U.S. Gov’t Accountability Office, *Drinking Water: Approaches for Identifying Lead Service Lines Should Be Shared with All States*, (Sept. 2018), p. 8, <https://www.gao.gov/assets/gao-18-620.pdf>.

<sup>7</sup> U.S. Env’tl. Protection Agency, Off. of Water, *Drinking Water Infrastructure Needs Survey and Assessment*, 7th Report to Congress (Sept. 2023), pp. 21-22.

<sup>8</sup> Olson, Erik D. & Stubblefield, Alexandra, NRDC, *Lead Pipes Are Widespread and Used in Every State*, (July 8, 2021) <https://www.nrdc.org/resources/lead-pipes-are-widespread-and-used-every-state>.

<sup>9</sup> Florida, Illinois, Indiana, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Texas, Wisconsin.

<sup>10</sup> LIUNA membership data as of September 2023.

LIUNA supports complete lead service line removal as the preferred public health strategy to reduce lead exposure in drinking water. Determining lead levels in household drinking water remains difficult and imprecise. Removing lead lines remains the safest and surest method to eliminate the risk of lead exposure from this source. EPA's proposed ten-year requirement for water systems to remove lead lines is an appropriately aggressive yet practical goal. As EPA notes in its preamble, there are numerous examples of water systems that have successfully implemented LSL replacement programs with aggressive timelines and exceptional results. 88 Fed. Reg. 84911-84913. Illinois, Michigan, New Jersey, and Rhode Island have required replacement of LSLs through state law, and the latter two states require systems to conduct such replacements in ten years unless granted an extension. The proposed rule is therefore consistent with the trend in legislative action among states with the highest lead line inventories.

The feasibility of implementing a complete removal of LSLs in ten years is evidenced in part by the individual systems that have successfully undertaken removal programs. EPA offers notable examples of water systems that have replaced LSLs in a ten-year window. The large systems that responded to crises – Newark, New Jersey and Flint, Michigan – have successfully removed nearly all of the lead lines in their systems, in four years and seven years, respectively. During its peak, Newark replaced several hundred lines per day for 4-5 days per week. Other systems that took leadership on lead include Madison, Wisconsin and Lansing, Michigan, which successfully inventoried lead lines, developed a program, and successfully contracted the work for thousands of LSL in just over a ten-year period (11 and 12 years, respectively). 88 Fed. Reg. 84912.

LIUNA has been at the forefront of lead service removal across the country. On nearly all of the water system examples of successful LSL programs described in the NPRM, the relevant construction work was performed predominately or exclusively by union craft labor. Each residential LSL replacement project is generally performed by a composite construction crew comprised of Laborers and other crafts. In Newark, New Jersey and Flint, Michigan, local LIUNA leaders established job pathways for local workers that included training programs for the applicable skills need to perform underground and pipelaying activities for LSL, as well as

health and safety instruction related to the work.<sup>11</sup> <sup>12</sup> In Milwaukee, LIUNA Local 113's apprenticeship program was incredibly successful in generating interest in LSL removal and prepared a well-trained workforce ready to implement the program rapidly.<sup>13</sup> This collaboration with employers and water systems to train and employ Laborers to replace LSLs continues in St. Paul, Minnesota where its Regional Water Services (SPRWS) is implementing its portion of \$240 million in the state's dedicated LSL funding by partnering with LIUNA Local 363 on a training program tailored for entry-level jobseekers.<sup>14</sup> In Wausau, Wisconsin the city recently entered a public-private partnership to remove approximately 8,000 lead lines from its system. Wausau's collaboration includes LIUNA's national training program to address contractor capacity issues and ensure an adequate local and skilled workforce to replace LSLs.<sup>15</sup>

### **LIUNA RECRUITING AND TRAINING INFRASTRUCTURE IS CAPABLE OF DELIVERING A SKILLED WORKFORCE NECESSARY FOR LSL REPLACEMENT PROGRAMS**

LIUNA is dedicated to providing invaluable training and administering effective local hire programs to ensure the availability of laborers to perform LSL replacement. LIUNA's sixty affiliated training facilities in the United States operate as national network of local providers which operate under our Construction Craft Laborer registered apprenticeship program standards and have access to common curricula covering the broad range of tasks performed by construction laborers. The requisite skills required for LSL replacement include pipelaying basics, OSHA safety training, and in some cases lead awareness. These classes are commonly

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<sup>11</sup> Cunningham, M., Environmental Policy Innovation Center (EPIC), *Echoing Newark: How American Cities Can Replicate Newark's Success in Replacing Over 23,000 Lead Pipes in Under Three Years*, (Feb. 10, 2022). <https://www.policyinnovation.org/blog/echoing-newark-how-american-cities-can-replicate-newarks-success-in-replacing-over-23000-lead-pipes-in-under-three-years>.

<sup>12</sup> Young, M., *Local Union Seeks Flint Workers to Train for Water Line Replacement*, Mlive.com, (June 23, 2016) [https://www.mlive.com/news/flint/2016/06/flint\\_residents\\_needed\\_for\\_tra.html](https://www.mlive.com/news/flint/2016/06/flint_residents_needed_for_tra.html).

<sup>13</sup> Fitzgerald, Joe & Diaz, Richard. *Hiring Workers is Vital to Speeding Up Lead-Pipe Replacement in Milwaukee*. The Madison Times, (Oct. 7, 2023) <https://themadisontimes.themadent.com/article/hiring-workers-is-vital-to-speeding-up-lead-pipe-replacement-in-milwaukee/>

<sup>14</sup> *State to Invest \$240 Million in Replacing Lead Pipes*, Union Advocate, (May 17, 2023) <https://advocate.stpaulunions.org/2023/05/17/state-to-invest-240-million-in-replacing-lead-pipes/>.

<sup>15</sup> Zaal, E. & White, S., *New Partnership Created to Eliminate Over 8,000 Lead Service Lines in Wausau*, WSAW-TV, (Oct. 12, 2023) <https://www.wsaw.com/2023/10/12/new-partnership-created-eliminate-over-8000-lead-service-lines-wausau/>.

taught throughout the LIUNA training network but are also available on as needed basis when in demand. Such flexibility proved invaluable in the case of Flint, Michigan as LIUNA Training of Michigan (LTM) offers multiple in-depth courses related to the pipelaying and underground work required for LSL replacement.<sup>16</sup> A similar program was quickly implemented in Newark to meet the City's aggressive LSL replacement schedule goals.<sup>17</sup> These initial large-scale programs demonstrate that LIUNA training centers across the country have the capacity to ensure complete LSL removal within the next 10 years. Beyond improving the quality of life by helping to remove LSL's, LIUNA has shown it can help these communities by training and recruiting unemployed locals as well as giving them skills that will continue to be invaluable even after this work is completed.

EPA notes in the NPRM that "concerns about limited workforce and shortages of materials and supplies as factors that could impede service line replacement progress, especially when all systems in a geographic region are conducting replacement simultaneously."<sup>18</sup> LIUNA has shown that these can be addressed with robust training and apprenticeship programs and proper implementation.

## CONCLUSION

LIUNA supports, in general, EPA's approach to removing the risk of lead in the nation's drinking water. The proposed reduction in the lead action level and the required ten-year window to replace all lines in each water system are appropriate policy strategies needed to address this public health crisis. Numerous water systems have demonstrated the EPA's proposed timelines are feasible at both the small and large-scale system level. LIUNA's own experience in this sector provides confidence that the workforce capacity to meet this challenge is adequate. Our affiliated unions and their contractor partners in this sector will be capable of implementing LSL

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<sup>16</sup> Carah, J., *Flint Begins Lead Pipe Removal*, The Detroit News, (Mar. 4, 2016). <https://www.detroitnews.com/story/news/michigan/flint-water-crisis/2016/03/04/flint-begins-lead-pipe-removal/81333670/>; LIUNA Training of Michigan, Course Offerings, <https://www.lt-mi.org/course-offerings/>.

<sup>17</sup> LIUNA Local 472 Newark Lead Service Line Replacement Project. (Jan. 27, 2020). <https://www.facebook.com/LIUNAEasternReg/videos/liuna-local-472-newark-lead-service-line-replacement-project/472097573465427/>.

<sup>18</sup> 88 Fed. Reg. 84913.

replacement programs in most geographic areas within the ten-year required window. Our members look forward to supporting these implementation efforts nationwide.