



# Stronger Protections from Lead in Drinking Water: Next Steps for the Lead and Copper Rule

The science on lead has been settled for decades. There is no safe level of lead exposure. In drinking water, the primary source of lead is from pipes, which can present a risk to the health of children and adults. The U.S. Environmental Protection Agency (EPA) is committed to using every tool available—statutory authority under the Safe Drinking Water Act, technical assistance, funding for lead service line removal, and more—to protect all Americans from lead in drinking water. The agency will collaboratively work with local, state, and federal partners to make rapid progress on President Biden’s vision to remove 100% of lead service lines, with a focus on prioritizing communities that are disproportionately impacted by lead contamination.

On December 16, 2021, EPA announced next steps to strengthen the regulatory framework on lead in drinking water. Following the agency’s review of the Lead and Copper Rule Revisions (LCRR) under Executive Order 13990, EPA has concluded that there are significant opportunities to improve the rule to support the overarching goal of proactively removing lead service lines and more equitably protecting public health. A critical component of EPA’s review of the LCRR was robust public engagement. The agency hosted a series of engagements from April to August of 2021 to obtain public input. The engagement meetings included two days of public listening sessions, 10 community roundtables, a Tribal roundtable, a national stakeholder association roundtable, a national co-regulator meeting, and a meeting with organizations representing elected officials.

In a Federal Register Notice, EPA announced that the LCRR will go into effect to support near-term development of actions to reduce lead in drinking water. At the same time, EPA will develop a new proposed rulemaking to strengthen key elements of the rule. The agency anticipates finalizing the forthcoming Lead and Copper Rule Improvements (LCRI) prior to October 16, 2024, the initial compliance date in the LCRR.

## Implementation of the Lead and Copper Rule Revisions

The agency has determined that there are advancements in the LCRR. Specifically, lead service line inventories that will be developed under the LCRR are necessary to achieve 100% removal of lead service lines. EPA intends to maintain the requirements for information to be submitted in the initial lead service line inventory by the current October 16, 2024 compliance date. Maintaining this compliance deadline ensures water systems will make continued progress to identify lead service lines, which is integral to lead reduction efforts.

To assist local water systems, state primacy agencies, and other partners, EPA is committed to **issuing new guidance for the LCRR**. EPA will issue guidance on developing lead service line inventories,



including best practices, case studies, and templates. EPA is also updating the Safe Drinking Water Information System to support state and Tribal data management needs for inventories.

### **New Rulemaking Action: Lead and Copper Rule Improvements**

EPA intends to immediately begin to develop a proposed National Primary Drinking Water Regulation: Lead and Copper Rule Improvements to address key issues and opportunities identified in our review. EPA intends to promulgate the LCRI prior to October 16, 2024.

#### **Focus Areas for the Proposed Rulemaking**

- **Replacing all Lead Service Lines.** Replacing all lead service lines is an important public health goal. EPA intends to propose requirements that, along with other actions, would replace all lead service lines as quickly as feasible. EPA’s proposal will fully consider the agency’s statutory authority and required analyses, including an economic analysis.
- **Compliance Tap Sampling.** EPA intends to assess data to consider opportunities to strengthen compliance tap sampling requirements. Robust tap sampling methods are essential to identifying locations with elevated lead, whether the source of the lead is a lead service line or leaded plumbing materials within a residence.
- **Action and Trigger Levels.** For the proposed rule, the agency plans to explore options to reduce the complexity and confusion associated with these levels with a focus on reducing health risks in more communities. The agency will also evaluate whether the trigger level requirements of the LCRR are still necessary with a proactive lead service line replacement and more protective action level.
- **Prioritizing Historically Underserved Communities.** EPA intends to explore how to replace lead service lines in a manner that prioritizes underserved communities. EPA will evaluate options to prioritize the removal of lead service lines in communities disproportionately impacted by lead in drinking water. The goal of these potential lead service line replacement regulatory improvements—coupled with non-regulatory actions—is to more equitably protect public health.

#### **Additional Actions to Reduce Lead in Drinking Water**

EPA concluded that there are additional actions outside of the SDWA regulatory framework for the Lead and Copper Rule that can further reduce lead in drinking water. They include:

- **Additional Infrastructure Funds.** EPA announced that it will allocate \$2.9 billion in Bipartisan Infrastructure Law funding to states, Tribes, and territories to remove lead service lines. This 2022 allocation is the first of five allotments that will provide \$15 billion in dedicated funding for lead service line replacements. In addition to the dedicated investment in lead service lines, the Law provides an additional \$11.7 billion in general funding through the DWSRF, which can also be utilized for lead removal projects.
- **Equity in the Distribution of Funds.** EPA will seek opportunities to provide technical assistance to small and disadvantaged communities, promote awareness of the availability of



these funding programs to address lead in drinking water and highlight case studies from communities that have successfully addressed concerns regarding the use of public funds for private-side lead service line replacements. Two EPA programs central to EPA's goal to accelerate lead service line replacements are pilot programs under the Justice 40 Initiative: Drinking Water State Revolving Fund (DWSRF) and the Water Infrastructure Improvements for the Nation Act (WIIN) Reducing Lead in Drinking Water Grant. EPA is engaging with stakeholders to explore opportunities to maximize the benefits of these programs in disadvantaged communities, including their specific application to lead service line replacement projects.

- **Federal Collaboration to Address School and Child-Care Lead in Drinking Water.** EPA will explore collaborations with other federal agencies to remediate lead in drinking water in schools and child-care facilities, with a particular focus on communities at risk of multiple forms of lead exposure.
- **Targeted Technical Assistance to Communities with High Drinking Water Lead Levels.** EPA will collaborate with states and Tribes that have primary enforcement responsibility for public water systems to provide oversight as well as assistance to communities experiencing high levels of lead in their drinking water.
- **Improving Risk Communication Tools.** EPA intends to develop guidance and templates to assist states, Tribes, and water systems in the communication of lead risk to households and communities.
- **Discourage Partial Lead Service Line Replacements and Encourage Full Replacements.** EPA will provide training, guidance, and tools on developing lead service line replacement programs, including how to ensure equitable implementation of removal projects. EPA will provide guidance on available methods for replacing full lead service lines as safely and efficiently as possible.