

EPA Lead & Copper

Biden “Get the Lead Out” Initiative

- In November 2023, the Biden-Harris administration announced its “Get the Lead Out” (GLO) Initiative, a “whole-of-government effort to tackle lead exposure.”
- The GLO Initiative is funded entirely by the Bipartisan Infrastructure Law and supports communities with engagement planning, LSL inventory development, LSL replacement plans, and helping them access federal funding to support these activities.
- This initiative gave rise to the LCRI proposal.

Proposed Lead & Copper Rule Improvements (LCRI)

- Applies to community and non-transient, non-community public water systems.
- EPA estimates that approximately 9.2 million lead service lines remain in service across the US.
 - Estimated cost per line to replace = \$4,700 ; Total cost of all 9.2 million lines = \$43.2 billion.
- In its proposal EPA states the LCRI focuses on 3 main goals:
 - (1) equitably replacing all lead service lines;
 - (2) reducing complexity and improving public health protection; and
 - (3) increasing transparency and informing the public.
- Proposal to remove all lead service lines, as well as galvanized pipes downstream of lead pipes and pipes of unknown material, within 10 years.
 - Requirement to remove applies regardless of whether the lines have exceeded lead action levels or caused lead exposure or human health impacts.
 - Requirement only applies to lines “under the control” of the operator of the water system – defined as lines the operator has adequate access to conduct the replacement.
 - While water systems are working to replace the lines, they must encourage consumers to allow for the replacement of lines on consumer property.
 - Some states and localities require a consumer consent prior to completing service line replacement. In those situations, the proposed LCRI requires that the water systems reach out to consumers four times using at least two different types of communication to attempt to obtain this consent.

- if unable to obtain consent, the water system would not be required to conduct a complete service line replacement because the service line would not be “under the control” of the operator of the system.
- Water systems will be required to follow certain procedures including regularly updating their service line inventories, preparing a service line replacement plan, and identifying any service lines of unknown material by the replacement deadline.
 - Initial inventory deadline October 16, 2024.
 - Localities must make their service line replacement plan available publicly, and if the system has more than 50,000 connections, the plan must be available online.

Furthermore, water systems will be required to use a validation process to ensure that the service line inventory is correct, and track lead connectors in their inventories and replace them if encountered.

The proposal reduces the threshold for “small systems” from those serving 10,000 or fewer persons in the LCRR to those serving 3,300 or fewer persons in the proposed LCRI.

- EPA has removed the lead trigger level of 0.010 mg/L and lowered the lead action level from 0.015mg/L to 0.010 mg/L.
 - Where exceedances of the new lead action level of 0.010 mg/L are detected, notification must be provided within 24 hours and a public education program must be provided no later than 60 days after the sampling event.
 - public education program activities must be repeated within 60 days after the end of each tap sampling period where an exceedance occurs.
 - Systems with continually elevated levels would be required to conduct outreach to consumers about the lead in the drinking water and make certified lead-reducing filters available to impacted consumers.
- EPA introduced new sampling protocol that requires the collection of both first liter and fifth liter samples. The higher of the two sampling results would then be used to determine compliance.
 - If sampling is completed, the results must be delivered to residents within three days.
- new public communication requirements, including public education, requirements such as increasing the frequency of messaging and providing more up-to-date content.

- Funding source is the Infrastructure Investment and Jobs Act of 2021 which specifically allocates \$15 billion for lead service line replacement and another \$11.7 billion of general DW funds that can also be used for pipe replacement.
- Critical Question: Are the potential health benefits projected by EPA enough to justify the scope and extent of the rule and its related hefty price tag?¹
- Proposed rule published in FedReg on 12/6/23 and was open for public comment until 2/5/24.
- Key Components of the LCRI:
 - Submit initial service line inventories to TCEQ by **Oct. 16, 2024** and update annually.
 - Develop and submit updated service line inventories (known as baseline inventories) to TCEQ by the LCRI final compliance date—three years after the final LCRI is effective.
 - Replace known lead service lines and certain galvanized service lines within 10 years, with limited exceptions.
 - Change sample collection procedures for sites that are served by lead service lines to improve tap sampling.
 - Lower the lead action level from 15 micrograms per liter (µg/L) to 10 µg/L and eliminate LCRR’s lead trigger level.
 - Conduct distribution system and site assessment if an individual sample exceeds the lead action level. (Formerly called the Find-and-Fix approach in the LCRR.)
 - Increase public education requirements, such as adding mandatory language about lead health effects to Consumer Confidence Reports.
 - Expand allowable sampling waivers to community PWSs if schools and childcare facilities were sampled for lead between Jan. 1, 2021, and the LCRI compliance date, including sampling conducted through the **Voluntary Lead Testing in Schools and Childcare Facilities program**.
- EPA’s estimated total annualized monetized benefits of the LCRI proposal range from \$17.3 to \$34.8 billion at a 3% discount rate, and \$9.8 to \$20.9 billion at a 7% discount rate in 2022 dollars.
- EPA estimates that the total annual costs of the proposed LCRI range from \$2.06 to \$2.92 billion at a 3% discount rate and \$2.51 to \$3.56 billion at a 7% discount rate in 2022 dollars.

¹ The SDWA requires that EPA conduct a cost-benefit analysis to determine whether the benefits of the proposed LCRI can justify the costs. To do this, EPA must complete a Health Risk Reduction and Cost Analysis (HRRCA), which requires EPA to evaluate both quantifiable and nonquantifiable health risk reduction benefits as compared to the cost of compliance with the proposed treatment techniques.