

Opening Statement
Chairman Paul D. Tonko
Subcommittee on Environment and Climate Change
Committee on Energy and Commerce
Hearing on “EPA’s Lead and Copper Rule Proposal: Falling Short of Protecting Public Health”
February 11, 2020

In 2004, EPA initiated a review of the Lead and Copper Rule following the lead crisis in Washington, DC.

Sixteen years later, we are still waiting for EPA to finalize its long-term revision.

The intention at that time was to take action to prevent the next crisis. Since then we have witnessed one water crisis after another, upturning the lives of millions in Flint, Newark, Pittsburgh, and other communities who have had to suffer, at least partially, due to an unprotective standard.

Last year, EPA proposed its long-awaited revision for the Lead and Copper Rule. The deadline for public comment is tomorrow.

I expect we will hear today that the proposal still needs works.

And in my opinion, it falls far short of the meaningful protective action necessary to get lead out of our drinking water systems.

Today’s panel includes witnesses representing health experts, environmental advocates, state regulators, local governments, and utilities.

I appreciate everyone’s perspective and hope we can find some common ground around a goal I know we share: ensuring Americans have safe drinking water.

The Lead and Copper Rule was first promulgated in 1991, so we have known for decades that there is no safe level of lead for children.

We also know that the impaired brain development these children experience from lead exposure will follow them the rest of their lives.

Unlike other contaminants, lead enters into drinking water from within the system. It can be found in millions of service lines and fixtures within homes.

Action to get the lead out of our water systems, starts with identifying existing service lines and making that information publicly available.

I support EPA's proposal to require inventories of services lines, but identifying these lines must be followed with full replacement— removing lead service lines and prohibiting unsafe partial replacements.

Many of the communities currently responding to lead contaminations are doing this at no cost to residents.

Unfortunately, the proposed Lead and Copper Rule revision does not require proactive service line replacement.

It also fails to establish a health-based household lead action level or even reduce the current action level of 15 parts per billion.

The proposal does include a new “trigger” level for utilities to begin to plan for future action at 10 parts per billion.

But we already have challenges with risk communication and lead contaminations.

And, in practice, this new level adds complexity to an already complicated rule without directly improving public health outcomes.

I know replacing all lead service lines will not be easy or cheap. That is why I strongly support additional federal funding to ensure state and local governments, schools, daycares, and water utilities have the resources necessary to map and replace water infrastructure containing lead as quickly as possible.

Today we will also hear about other aspects of the proposal, including treatment requirements, sampling procedures, public notification, and monitoring at schools and childcare facilities.

Ultimately, the revision as proposed will not require the action needed to get lead out of our drinking water systems.

This EPA proposal has further demonstrated the major deficiencies of the Safe Drinking Water Act, which have prevented EPA from setting enforceable standards that are truly protective of public health. The past 24 years of SDWA including recent considerations of PFAS, have made it clear that the regulatory framework for standard-setting has left Americans dangerously exposed.

I look forward to today's discussion on EPA's proposal and hope we can continue to explore the reforms necessary to ensure the Safe Drinking Water Act is able to guarantee the safe water that our constituents expect, require and deserve.