



**120Water**

**A Practical Guide  
to  
LCRR Comments & Concerns**

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## **INTRODUCTION**

Soon after proposed LCR revisions were made public, we published an eBook titled [“Avoiding Crisis: How to Prepare for Proposed LCR Revisions.”](#)

Now that the comment period for EPA’s Lead & Copper Rule Revisions has closed, agency staff are going through the important but intense process of responding to thousands of comments and concerns from across the nation. As we await the final rule, we selected a handful of examples from the stack and summarized a few of the common issues agency, utility and non-profit communities are talking about.

It’s key for water systems to understand the proposed revisions so that they can prepare now - as well as to learn from the public comments what the top areas of concern are among their peers and other industry experts. These proposed revisions are coming, and water utilities need to take action NOW to ensure that they’re ready down the line.

Below are our top takeaways and perspectives from the public comments, as well as insights on public sentiment from a poll we conducted to show some top concerns that exist among water professionals.



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## LEAD SERVICE LINE INVENTORIES ARE THE RIGHT PLACE TO START

Though many environmental and public health groups viewed EPA's decision not to mandate Lead Service Line replacement as a missed opportunity, there seems to be agreement that mandating Lead Service Line inventories is a meaningful step in the right direction. Despite this consensus, there are a variety of perspectives on what should be included in the inventory, how it should be enforced and what information should be shared with the public.

Several utilities and associations felt inventory data should be collected during normal operations to reduce labor and material cost. They pointed out that it can be difficult to get customers to participate and expensive to verify lines. State regulators also shared a lot on this issue and many weighed in on what data should be included in the inventory. Some thought Lead Service Lines should be narrowly defined (Lead, Non-Lead and Unknown) for simplicity and others advocated for collecting all service line material types to enable better oversight and to efficiently gather other useful data. Luckily there is wisdom to gather from many of the states who have already walked this road. The Association of State Drinking Water Agencies released a helpful [white paper](#) summarizing some lessons learned just last year.

In terms of public transparency, the current LCRR would only require large utilities to publish a landmark-based inventory online. Though all systems serving more than 10,000 people would have to annually notify any customer on a known LSL or unknown service line, some non-profit groups and state agencies raised concerns about the renters not having access to this important information.

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### Our Position

Lead Service Lines and other leaded components (solder, goosenecks, etc.) should be clearly and holistically defined. Data should be gathered digitally to prevent future duplication of efforts and to promote successful outcomes for utilities and states.

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## **BOTH UTILITIES AND STATE AGENCIES ARE RAISING CONCERNS ABOUT RESOURCES**

Utilities fear the cost of taking a more aggressive approach to LSL management will be significant and it's clear that more funding for inventorying and replacement is needed. The [Environmental Defense Fund](#) has been tracking the number of states that have either enabled utilities to pay for replacement through rate increases or released funding for replacement work. State Revolving Funds, our country's water infrastructure financing authorities, have been leaders in this space in recent years.

Utilities also expressed concerns about the logistics and cost of school and childcare sampling. Though there are utility leaders who are running successful voluntary testing programs in their communities already, only [California](#) has asked utilities to do this work by law. This year EPA released [\\$40 Million for school and childcare facility testing](#) and an additional \$20 Million is budgeted for 2021. We estimate it could cost between [\\$292-\\$403 Million](#) to sample all schools and childcare facilities in the country.

A number of state agencies articulated that the complexity and scale of the LCRR is not compatible with the software they use to determine compliance. Concerns seem to mostly revolve around the [Safe Drinking Water Information System's](#) (SDWIS) ability to use the system to effectively manage lead service line inventories, data associated with the "find-and-fix" provision and school/childcare center testing data.

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### **Our Position**

WIIN grants for school and childcare testing are a meaningful step in the right direction. Additional grant funds to support inventorying efforts and to encourage replacement are necessary and states need more resources to tackle the new challenges these changes would bring.



## HEALTH EXPERTS, PUBLIC ADVOCACY GROUPS, AND SOME STATE AGENCIES ARE ASKING FOR A LOWER ACTION LEVEL

Many questions were raised about EPA’s decision to retain the non-health-based standard of 15 ppb. Our nation’s health experts have yet to identify a “safe” level of lead but it is difficult to know what our collective target should be. The American Academy of Pediatricians has asked policymakers to choose 1 ppb. Many Americans turn to bottled water following a water quality crisis, but the Food and Drug Administration only asks private companies to insure lead in bottled water does not exceed 5 ppb, which is the same target certified treatment products like filters now use. To further complicate an already complicated situation, plumbing manufacturers are still allowed to use small amounts of lead in our drinking water products and its not entirely clear that brand new devices could meet a 1 ppb standard. If you felt the last paragraph was as clear as mud, please see the table below.

Group	Standard	What it covers
Environmental Protection Agency	15 ppb	Water utility treatment standards
Food & Drug Association	5 ppb	Bottled water standard
15 State Policies	2 ppb-20 ppb	School & childcare sampling
National Sanitation Foundation	5 ppb	Maximum allowable standard for treated water
American Academy of Pediatrics	1 ppb	Recommended water standard
National Sanitation Foundation	0.25% of the “wetted surface”	Amount of lead allowed in modern “lead-free” products





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## **Our Position**

We should listen to our scientists and health experts by continuing to drive lead exposure down in water, paint, soil, and products and this effort will require policy changes both up and downstream. As leaded products are still entering the market today, it may be ineffective to hold utilities to a standard they may not be able to reach. 5 ppb is the yardstick for treatment and bottled water products in the private sector today and would help keep us on a lead-free trajectory.



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## SOME OF THE PROVISIONS REQUIRE MORE CLARIFICATION

In her comments, [Dr. Mona Hanna-Attisha](#) argued that one of the driving forces behind the perfect storm of Flint was a “weak and confusing Lead and Copper Rule.” She and others asked regulators to strengthen and clarify many of the provisions.

Here are a few common questions from our small selection:

- What data can utilities base inventories on?
- What methods can agencies use to validate/oversee annual inventories?
- What is the basis for the Trigger Level? The current basis for retaining the current Action Level?
- What communication methods will EPA allow if an ALE is considered a Tier 1 violation? Will additional methods be left to the states?

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## Our Position

We know EPA is weighing feedback carefully and look forward to clarity on these and other issues.

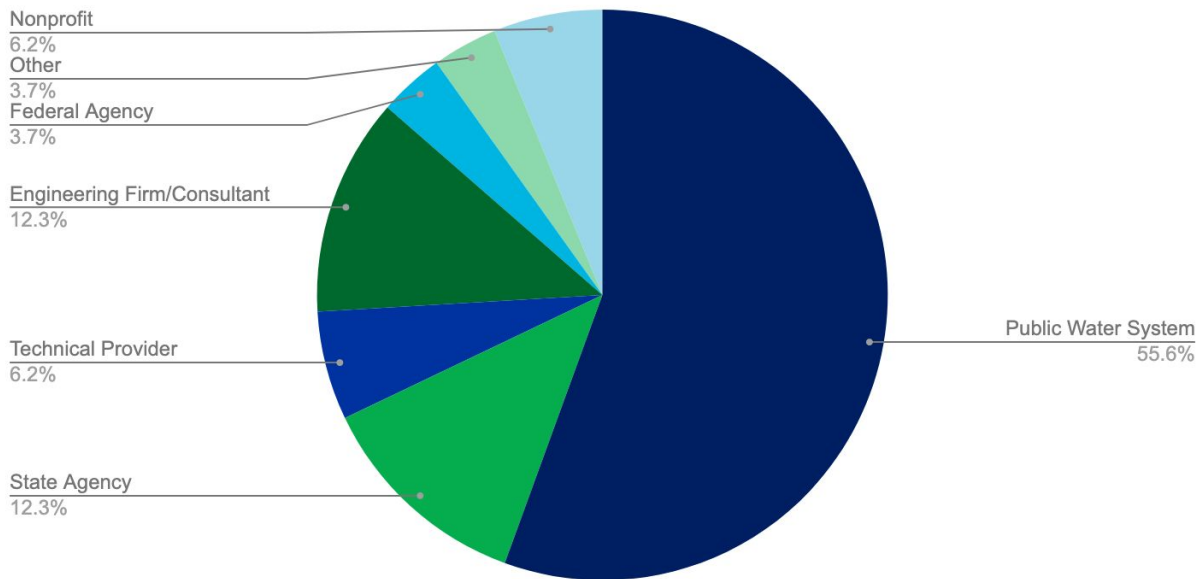




## INDUSTRY SENTIMENT

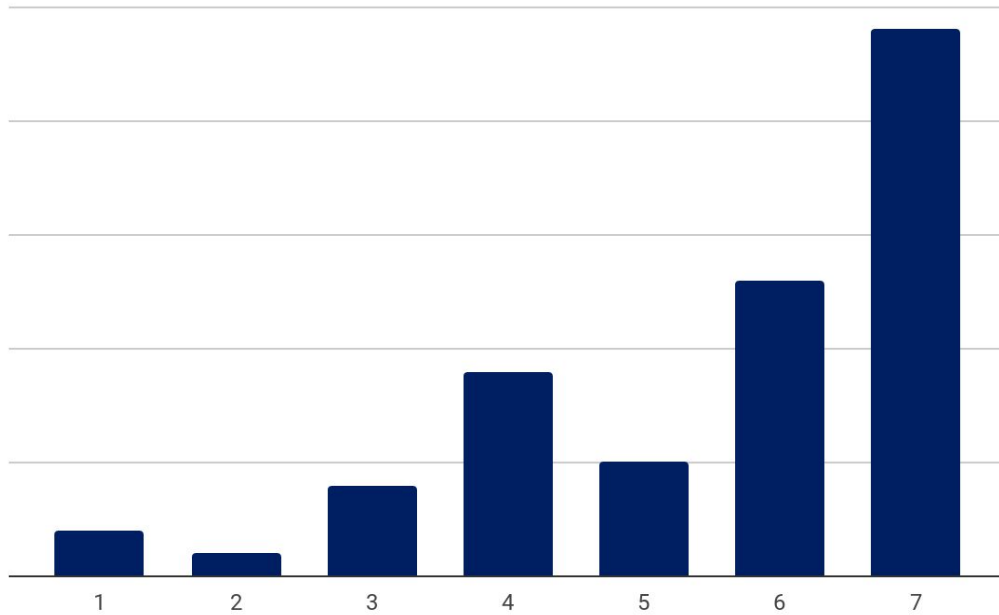
In our recent webinar addressing LCRR top concerns and questions, we polled water professionals on their sentiments regarding the proposed changes. See their responses below.

Sectors Represented



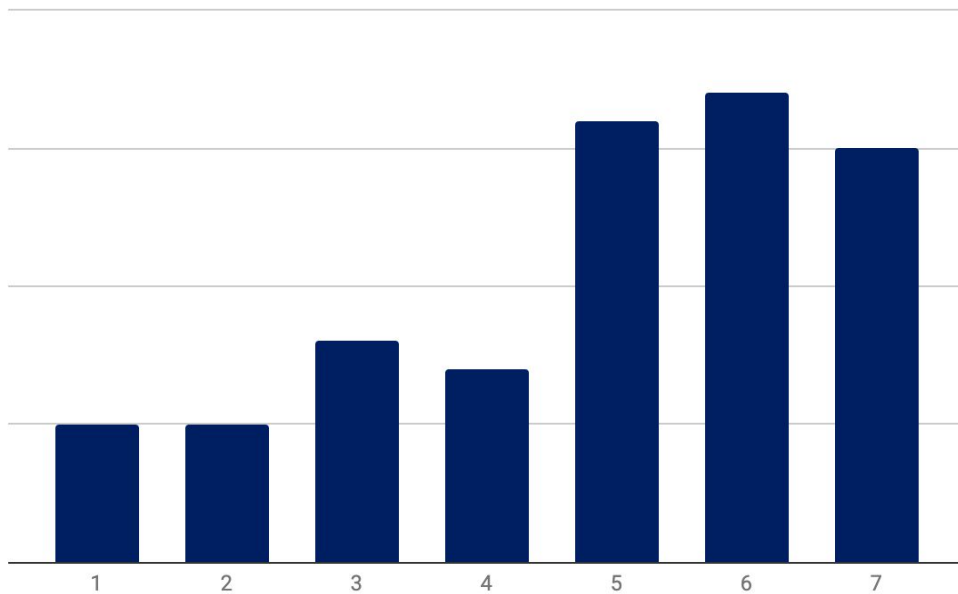
How concerned are you about managing a lead sampling program for schools and daycare facilities?

1 = "Not at All" - 7 = "Very"



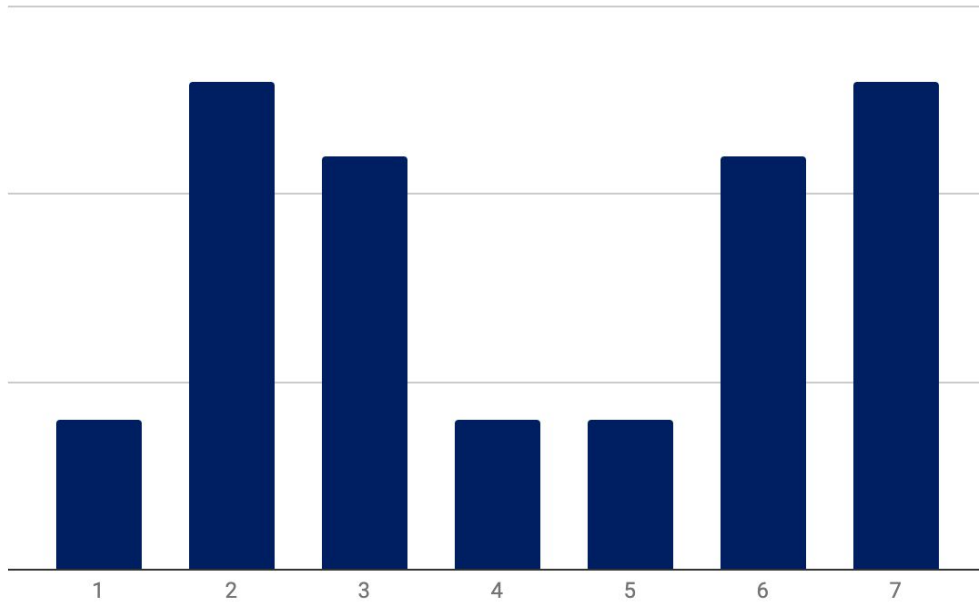
How concerned are you about creating an LSL Inventory?

1 = "Not at All" - 7 = "Very"



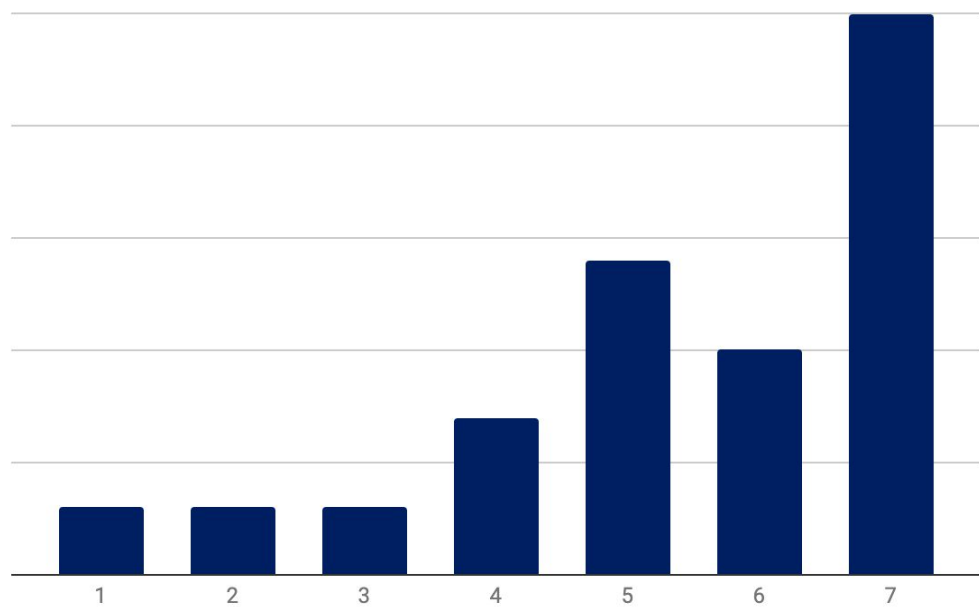
How concerned are you about meeting the “trigger level” of 10ppb?

1 = “Not at All” - 7 = “Very”



How concerned are you about meeting the notification timeline of 24 hours?

1 = “Not at All” - 7 = “Very”



## Key Takeaways

If you're concerned about upcoming LCR revisions, **you're not alone.**

- **53%** of respondents are concerned about **meeting the “trigger level” of 10 ppb.**
- **75%** of respondents are concerned about **creating an LSL inventory.**
- **86%** of respondents are concerned about **meeting the notification timeline of 24 hours.**
- **89%** of respondents are concerned about **managing a lead sampling program for schools and daycares.**

These new requirements are daunting, and the concern is widespread. However, the good news is that there are ways to begin addressing the proposed changes now.

Some tangible action items water systems can take right now include:

- Improve proactive communications NOW to build relationships with your customers and make sure they understand LCR
- Create and test an emergency communications plan to ensure you're ready for the 24-hour notification rule
- Take an inventory of your inventory information - audit what customer information you have so that you have a starting point and can create a plan that sets you up for success.
- Lean on resources that currently exist to plan for LSL inventories, such as the [LSLR Collaborative](#) and the [ASDWA LSL Whitepaper](#)
- Reach out to the entities that regulate your schools and daycares to get a list of facilities that might be in your system.

For more ideas on how to act now to avoid crisis, download our first LCRR eBook [here](#).

## **OTHER RESOURCES**

Interested in learning more about LCRR? The following resources are available to help guide you on insights and best practices as you prepare for the changes.

- [\[eBook\] - Avoiding Crisis: How to Prepare for Proposed LCR Revisions](#)
- [120Water LCRR Webinars](#)
- [LCRR Overview Blog Post](#)

