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March 8, 2018

U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460

RE: Long-Term Lead and Copper Rule Federalism Consultation (Docket ID Number:
EPA-HQ-OW-2018-0007)

The Environmental Council of the States (ECOS) appreciates U.S. EPA's early engagement with states and others through the federalism consultation on the Lead and Copper in Drinking Water Rule (LCR) held on January 8th. Early and continuous consultation is consistent with ECOS' Cooperative Federalism 2.0 initiative and with the Cooperative Federalism goal in EPA's FY18-22 Strategic Plan. ECOS has worked closely with the Association of State Drinking Water Administrators and the National Governors Association in considering the information shared in the consultation and provides the following comments on Lead and Copper in Drinking Water Rule revisions.

As the goal of the LCR is to reduce exposure to lead in order to protect public health, ECOS believes it is valuable to take a holistic approach and consider all sources of exposure, not just drinking water. We applaud the goal of Administrator Pruitt's "war on lead" of eliminating lead exposure to children in the U.S. To achieve this, there will need to be a coordinated effort across states, across the EPA program offices, and with other federal agencies such as the U.S. Department of Health and Human Services, the U.S. Department of Housing and Urban Development, and the Centers for Disease Control and Prevention. We encourage EPA to engage the states early in this effort.

As EPA develops proposed revisions to the LCR, ECOS asks that it be written to provide flexibility for states to determine how best to meet the lead and copper standards. The situation in every state is different, therefore successful implementation will be best served by providing states with the ability to match their approach to their conditions. State flexibility in meeting national standards is a key principle in Cooperative Federalism 2.0. While there is some guidance needed, providing a set of options for achieving the standards would give states essential flexibility while providing some level of standardization and would recognize that one solution does not fit all states.

The revised LCR rule should reflect the latest research around lead service lines, tap sampling that provides an accurate picture of exposure, and corrosion control treatment. With EPA's Office of Research and Development (ORD) actively studying lead exposure and drinking water treatment, this cutting edge information should be considered in rule development. For instance, ORD researchers are studying the current tap sampling protocol accuracy in measuring lead exposure from drinking water. Additionally, they are studying lead service lines that have been treated for corrosion control and the potential for creating other issues that need to be considered. Given this emerging research, ECOS urges those writing the revised rule to work with ORD researchers to understand the potential implications of revisions.

Discussion in the Federalism Consultation, focused heavily on lead service lines, however there are other sources of lead in drinking water lines such as lead-containing fixtures, galvanized pipes, and lead-containing solder. As Ohio found when it tested for lead levels in schools in the state, lead in end-of-pipe fixtures alone can raise lead levels in drinking water. Therefore ECOS believes the revised rule needs to consider all potential sources of lead in drinking water at the tap.

In addition to working with other federal agencies in addressing all sources of lead exposure, ECOS believes EPA should work with other agencies such as HUD to encourage responsible actions regarding lead service lines and lead-containing plumbing on private property such as individual homes. Effective communication and financial support will be key to having lead exposure addressed on private property.

With public interest in lead exposure high, communication around the revised rule will be very important. Delegated states and EPA will need to communicate with local governments, drinking water system owners and operators, and the public on the revisions and how they will provide protection of public health. To communicate effectively with the public, states and EPA will need to be transparent and provide informative and consistent information. To help ensure such messaging, EPA should work with states to develop national materials that can be used by states, water systems, and consumers to easily understand the rule and its impacts.

ECOS also believes that EPA should consider de-coupling lead and copper to address the contaminants in separate rules. Due to the difference in what constitutes a high-risk site for lead versus one for copper, states believe the two can be better addressed in individual rules that allow for appropriate focus on each pollutant. This de-coupling should also help make the rules less complicated.

Finally, as almost any revisions to the LCR will require an increased state work load, at least during the first few years of implementation, these costs need be considered. ASDWA has estimated that the cost of implementing LCR revisions to be between \$73 million and \$97 million annually. Consistent with ECOS' Cooperative Federalism 2.0 principles, states with delegated authority for the drinking water programs should receive an adequate increase in funding from the federal government, as well as, an appropriate investment of state resources to implement the revisions successfully.

On behalf of ECOS, the directors of the state and territorial environmental agencies, thank you for the opportunity to provide this early input on revisions to the LCR. If you have any questions about these comments, please feel free to contact ECOS Deputy Executive Director, Carolyn Hanson at chanson@ecos.org or 202-266-4924.

Sincerely,



Todd Parfitt
Director, Wyoming Department of Environmental Quality
ECOS President