The Honorable Michael S. Regan, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

RE: Ensuring Safe Drinking Water at School - Proposed Lead and Copper Rule Improvements (Docket ID No. EPA–HQ–OW–2022–0801)

Dear Administrator Regan,

On behalf of millions of American families, educators and concerned citizens, we urge you to strengthen the proposed Lead & Copper Rule Improvements (LCRI) to ensure safe drinking water at schools and child care centers.

Lead contamination of drinking water is a serious, longstanding and widespread threat to public health. A key reason this problem persists is that federal policy has only required action when highly variable testing detects lead. To finally ensure safe drinking water for all Americans, the EPA must transform that “test and fix” policy to one that prevents lead contamination at every drinking water tap.

A perfect example of this preventative approach is the LCRI’s requirement that water utilities replace all lead service lines within 10 years. These 9+ million toxic pipes are the single greatest source of lead contamination for buildings served by them. We wholeheartedly support turning President Biden’s goal of eliminating these lead pipes within a decade into an enforceable reality.

We need similarly bold policies to stop lead from contaminating the water where America’s children go to learn and play each day. Even low levels of lead can damage children’s health - including learning disabilities, behavior problems, and more. Yet national standards have allowed the fountains, faucets, pipes and plumbing in our schools to contain a
significant amount of lead. (Even some post-2014 faucets can cause contamination.) As a result, lead contamination of schools’ drinking water is now widespread.

Yet for most schools and child care centers, the proposed rule only requires water systems to offer testing (and very limited testing at that). Even federally regulated schools and child care centers would only have to remediate taps where tests show lead concentrations at 10 parts per billion (ppb) or more.

These proposed policies will fail to secure safe water for kids and educators. Because lead testing is highly variable, the water from a fountain or faucet can be “highly hazardous” even if several samples fail to detect lead. Moreover, the 10 ppb action level means that no remediation will be required for a huge proportion of taps where some level of lead is detected. This weak policy is also contrary to EPA’s own 3Ts Guidance, which urges schools to reduce lead levels “to the lowest possible concentrations.”¹

America’s kids and educators deserve better. Just as we must replace every lead service line, federal policy should aim to prevent lead contamination at every tap at schools. Except where a school district or child care facility affirmatively opts out, the LCRI should require Community Water Systems (which serve 90% of schools) to implement one of the following options at schools and child care facilities:

a) Prevent lead contamination at every tap, including:

1. **Filter first:** Install and maintain point of use filters certified to remove lead on every tap used for drinking water, cooking or beverage preparation. As fountains contain lead and cannot accept filters at the point where water comes out, they should be replaced by new water stations with filters. A growing number of jurisdictions have already adopted some version of this “filter first” policy for schools - Including Michigan, Philadelphia, Portland (OR) and the District of Columbia;

2. **A health-based limit on lead:** Limit lead in schools’ water to 1 ppb, as recommended by the American Academy of Pediatrics. Schools and child care centers are particularly well-situated to meet this low lead concentration because they have full control of their water delivery systems - all the way to the tap. Taps should be tested after filter installation to ensure this standard is being met; and

3. **Get the lead out:** To stop the cycle of lead contamination at school, new and replacement taps and plumbing should meet the Q≤1 standard recently adopted by California, where lead leached into water is less than or equal to 1 ppb; or

b) Test every drinking water tap at least once every 6 months, and then replace taps and install filters whenever lead concentrations exceed 1 ppb. While not ideal, this much more robust “test and fix” option would be more effective at reducing the likelihood of lead-contaminated water at school than the infrequent testing and no required remediation in the proposed rule.

For the roughly 10% of schools and child care facilities that are federally regulated as Non-Transient Non-Community Water Systems, the EPA can and should simply require the much more protective Option a) above in the LCRI rule.

Right to Know: To counter the strong likelihood of a false sense of safety from inherently variable testing, the LCRI should also require all water utilities to regularly communicate (including online) the following to families, educators and the public regarding schools and child care facilities: full test results showing any level of lead at each tap; that tests are variable and can fail to detect lead; that there is no safe level of lead; prevention/remediation measures taken at each tap; and any school districts or child care facilities opting out of their Community Water System’s measures outlined above.

In addition to these requirements for schools and child care centers regulated as NTNCWS, EPA should also incorporate policy changes that will better prevent lead contamination at all other schools and child care facilities:

- Establish a clear preference for awarding grants aimed at prevention - such as replacing fountains with filter-equipped water stations - rather than funding more testing. Condition grants on adhering to the Right to Know provisions outlined above.
- Change the name of EPA’s 3 Ts Guidance to “Preventing Lead Contamination at Every Tap” and replace its “test-and-fix” recommendations with the prevention-oriented measures outlined above for LCR-regulated schools.

America’s children and educators need safe drinking water to thrive and be healthy. We urge the EPA to act more boldly to get the lead out at school.

Sincerely,

National Parent Teacher Association (PTA)  American Federation of Teachers (AFT)
National Education Association (NEA)  National Association of School Nurses
National Association of Pediatric Nurse Practitioners  National Collaborative for Infants & Toddlers
National League for Nursing  Learning Disabilities Association of America
Able Differently  Alliance of Nurses for Healthy Environments
AFSCME  Waterkeeper Alliance
Black Millennials 4 Flint  Campaign for Lead Free Water
Environment America Research & Policy Center  Clean Water Action
Environmental Protection Network  Environmental Working Group
Environmental Action  Lawyers for Good Government
League of Conservation Voters (LCV)  Natural Resources Defense Council
Student Public Interest Research Groups (PIRGs)  Sierra Club
U.S. Public Interest Research Groups (PIRG) Education Fund

Alaska Environment

Learning Disabilities Association of Alabama  Cahaba River Society
Learning Disabilities Association of Arkansas

Environment Arizona

Arizona PIRG

California Safe Schools

Environment California

California Public Interest Research Group (CALPIRG)

Active San Gabriel Valley

California Environmental Voters

Children Now

CHN, Sacramento Climate Coalition, SacAct

CleanEarth4Kids.org

Friends Committee on Legislation of California

Learning Disabilities Association of California

San Francisco Bay Physicians for Social Responsibility

Santa Cruz Climate Action Network

Children Now

Wholly H2O

CoPIRG

Environment Colorado

ConnPIRG

Environment Connecticut

Learning Disabilities Association of Connecticut

Learning Disabilities Association of Delaware

Environment Florida

Learning Disabilities Association of Florida

Environment Georgia

Learning Disabilities Association of Georgia

Environment Iowa

Learning Disabilities Association of Iowa

Environment Illinois

Illinois PIRG

Learning Disabilities Association of Illinois

Learning Disabilities Association of Indiana

Massachusetts PTA

MASSPIRG

The Health Foundation of Central Massachusetts

Environment Massachusetts

Community Action Works

Maryland PIRG

Environment Maryland

Learning Disabilities Association of Maryland
Environment Maine
Learning Disabilities Association of Maine

Environment Michigan
Learning Disabilities Association of Michigan

Learning Disabilities Association of Minnesota
Environment Minnesota

Environment Missouri

Environment Montana

Clean Water for North Carolina
Learning Disabilities Association of North Carolina

Learning Disabilities Association of Nebraska

Environment New Hampshire

Environment New Jersey
New Jersey PIRG

Learning Disabilities Association of New Jersey

Environment New Mexico

Environment Nevada

Heart of the City Neighborhoods, Inc.
Learning Disabilities Association of New York

Northeast Ohio Black Health Coalition
Ohio River Foundation

Environment Ohio
Learning Disabilities Association of Ohio

Learning Disabilities Association of Oklahoma

Environment Oregon
OSPIRG

PennEnvironment
Women for a Healthy Environment

Learning Disabilities Association of Pennsylvania
PennPIRG

Environment Rhode Island
Rhode Island PIRG

Learning Disabilities Association of South Carolina

Shelby County (TN) Lead Prevention & Sustainability Commission
Environment Texas
Learning Disabilities Association of Texas
TexPIRG

Learning Disabilities Association of Utah

Environment Virginia
Learning Disabilities Association of Virginia

Environment Washington
Learning Disabilities Association of Washington
WashPIRG

Freshwater For Life Action Coalition
Learning Disabilities Association of Wisconsin
Wisconsin Environment
WisPIRG