



**national  
collaborative  
for infants  
& toddlers**



**U.S. PIRG**  
Education Fund

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

Feb 5, 2024

**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."<sup>1</sup>

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.

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<sup>1</sup> U.S. EPA, [3Ts for Reducing Lead in Drinking Water in Schools and Child Care Facilities](#) (2018) at Module 4, page 36, accessed on January 10, 2024.

**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)

350 Conejo / San Fernando Valley

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

Wholly H2O

CoPIRG

Environment Colorado

Environment Connecticut

ConnPIRG

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  
Community Action Works

Environment Massachusetts

Maryland PIRG

Environment Maryland

Learning Disabilities Association of Maryland

Environment Maine	Learning Disabilities Association of Maine
Environment Michigan Learning Disabilities Association of Michigan	PIRGIM
Learning Disabilities Association of Minnesota	Environment Minnesota
Environment Missouri	
Environment Montana	
Clean Water for North Carolina Learning Disabilities Association of North Carolina	Environment North Carolina
Learning Disabilities Association of Nebraska	
Environment New Hampshire	
Environment New Jersey Learning Disabilities Association of New Jersey	New Jersey PIRG
Environment New Mexico	
Environment Nevada	
Heart of the City Neighborhoods, Inc. Learning Disabilities Association of New York	Environment New York
Northeast Ohio Black Health Coalition Environment Ohio	Ohio River Foundation Learning Disabilities Association of Ohio
Learning Disabilities Association of Oklahoma	
Environment Oregon	OSPIRG
PennEnvironment Learning Disabilities Association of Pennsylvania	Women for a Healthy Environment 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