

Michael S Regan Administrator  
US Environmental Protection Agency  
EPA Docket Center  
EPA-HQ-OW-2022-0801  
Mail Code 28221T  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Regan:

The following comments on the National Primary Drinking Water Regulations for Lead and Copper: Improvements (LCRI), Docket ID No. EPA–HQ–OW–2022–080 are submitted on behalf of the Jersey Water Works Lead in Drinking Water Task Force.

### **Background**

[Jersey Water Works](#) is a collaborative effort of many diverse organizations and individuals who embrace the common purpose of transforming New Jersey’s inadequate water infrastructure by investing in sustainable, cost-effective solutions that provide communities with clean water and waterways, healthier, safer neighborhoods, local jobs; flood and climate resilience; and economic growth.

The Task Force is part of the Jersey Water Works (JWW) collaborative, where a diverse group of government entities, water utilities, academics, and environmental and public health organizations align to achieve practical, cost-effective, equitable, and permanent solutions to removing lead in drinking water.

Members of the Task Force work to identify practical and politically feasible policy solutions around the key recommendations outlined in two milestones reports:

- The 2019 report [Lead in Drinking Water: A Permanent Solution for New Jersey](#), which focused on lead in drinking water for New Jersey homes, schools, and child care facilities and
- The 2021 report, [Lead in Drinking Water in Child Care Facilities: Ensuring the Future for New Jersey’s Children](#), outlined key strategies and targeted solutions for state-regulated childcare facilities.

Together, these two reports provide a road map for tailored solutions that continue to advance the work of lead service line replacements in New Jersey.

Jersey Water Works is pleased to see that the US Environmental Protection Agency (EPA) has incorporated many of the best practices honed in New Jersey in its newly proposed Lead and Copper Rule Improvement requirements. We’re proud as New Jerseyans and as a collaborative that our collective leadership has shaped national standards as we work together to eliminate lead from our environment. We look forward to

continuing to support cities and towns in New Jersey and throughout the country in this imperative public health effort to deliver safe drinking water to the nation.

## Overview

Jersey Water Works acknowledges the dedication and commitment of the EPA to protecting the public's health and delivering clean, safe drinking water to the nation. The Task Force is proud that the EPA adopted New Jersey's framework for the proposed Lead and Copper Rule Improvements, citing the City of Newark as an example. However, we offer comments on the equity, efficiency, and cost-effectiveness of the proposed 10-year goal of total lead service line (LSL) replacement and the proposed reduction in the lead action level from the current 15 ppb to 10 ppb requirement. Equitable LSL replacements and health-based compliance standards for schools and childcare centers are needed nationally for the greatest impact on the most affected populations. The Task Force recommends the following two critical considerations for improvement on EPA's National Primary Drinking Water Regulations for Lead and Copper: Improvements (LCRI).

**The Task Force recommends that customers not be charged a cost share, enabling all customers to participate in the replacement program, and provides the following comments for consideration in eliminating customer-cost shares as a barrier to equitable LSL replacements nationwide.**

- Maximizing participation among communities most at risk

LSLs are typically jointly owned: the water system owns the portion from the water main to the curb stop, and the property owner owns the portion from the curb stop to the home. The places nationwide with the highest concentrations of LSLs tend to be lower-income communities and communities where a majority of residents are renters. As such, many residents must rely on absentee property owners to consent to make their properties available for work and to coordinate LSL replacements. Without free LSL replacements for water customers, the only LSLs remaining will be those in lower-income areas, exacerbating the equity concerns. **The Task Force recommends customers not be charged a cost share, enabling all customers to participate in replacement programs.**

- Maximizing the opportunities for private-side replacement of LSLs

Many LSLs will remain without sufficient funding for private-side replacements since many families in disadvantaged areas cannot pay for private-side replacements. In most states, water systems do not believe they can use the Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Law, financing for private side replacements since they must repay the loan with ratepayer funds. In New Jersey, water systems can use ratepayer funds to remove private-side LSLs in the interest of public health for the greater public good due to a [state law passed in 2021](#). Without the recommendation for states to allow the use of rate-payer funds for private-side replacement and/or the provision for additional grant funds for water systems to use specifically for the private side, replacement will become quite difficult.

- Minimizing property owner refusal for private side replacement of LSLs

In reality, cost-shares do not work, and in most cases, they increase the number of property owner refusals. Whether the locality is a disadvantaged city, an urban area with an abundance of absentee landowners, or a more affluent neighborhood, investor and government-owned water utilities encounter many property owners who simply refuse to participate if required to pay a cost share.

Consequently, water utilities waste time on outreach, and the replacement process lacks coordination and becomes inefficient, resulting in the replacement of far fewer pipes at a significantly higher cost.

**The Task Force recommends strengthening compliance standards for Schools and Childcare Centers.**

Lead Action Level

The Task Force recommends further reduction of the action level for lead in drinking water for schools and childcare facilities to 5 ppb. The current action level of 15 ppb and subsequent proposal for 10 ppb set by the federal LCR and proposed by the LCRI is not a health-based standard but rather a technology treatment measure that gauges the effectiveness of corrosion control treatment, which minimizes lead leaching. Since exposure to small amounts of lead can seriously impact children's health and cognitive development, and current science cannot identify a safe level of exposure, lead concentrations in drinking water at schools and childcare facilities should be kept as low as reasonably achievable.

Filters

There is no safe level of lead exposure. The Task Force recommends strengthening the filter provisions for schools and childcare facilities. Though lead exposure poses a risk to people of all ages, children are most vulnerable. Even in small doses, infants, toddlers, and pre-schoolers up to age six are particularly susceptible, as their growing bodies absorb lead much faster than adults. For children, prolonged exposure can cause irreversible damage to the brain and nervous system, slowing growth and development and prompting behavioral, hearing, and speech problems. And the long-term damage is not just physical. Lead exposure can also trigger severe learning disabilities, as well as emotional and social health impacts. Point-of-use filters should be used to reduce lead and particulate at all fixtures intended to supply water for drinking, food preparation, or baby formula in schools and childcare facilities.

**Submitted by the Jersey Water Works Lead in Drinking Water TaskForce**

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