

February 13, 2020

ATTORNEY GENERAL RAOUL: REVISED EPA STANDARDS FOR LEAD IN DRINKING WATER FALL SHORT

Chicago — Attorney General Kwame Raoul, as part of a 10-state coalition, [filed comments](#) urging improvements to the U.S. Environmental Protection Agency's (EPA) proposed amendments to nationwide standards for controlling and remediating lead in drinking water, also known as the Lead and Copper Rule. The EPA's proposed revisions represent the first major amendments in a generation to the Lead and Copper Rule, which was first promulgated in 1991. Although some of the proposed revisions strengthen the 1991 rule, others appear to weaken existing requirements and fail to adequately protect the public from lead in drinking water.

"Updating standards that protect residents and families with children from the dangers of lead in drinking water is long overdue," Raoul said. "While I appreciate the EPA's efforts to address the significant shortcomings in the existing standards, more must be done in order to protect families, disadvantaged communities and communities of color that are most affected by dangerous lead in drinking water."

Lead is a highly toxic heavy metal that can adversely affect almost every organ and bodily system. Lead exposure can cause a range of health problems, including premature birth, learning disabilities, delayed physical development for children, and cardiovascular and kidney problems for adults. It is particularly dangerous for children since their developing brains and nervous systems are more sensitive to its damaging effects. Lead most commonly is introduced to drinking water through the lead service lines that connect homes to public water mains and is exacerbated if the source water has high acidity or low mineral content. Lead also can come from faucets and other plumbing inside the home.

The existing rule requires water systems to work with customers to collect samples from a small number of drinking water outlets associated with lead service lines or plumbing materials. If 10 percent of all water samples taken exceeds the 15 parts per billion (ppb) action level, water systems must take corrective actions to reduce lead in drinking water.

While the EPA's proposed revisions strengthen the Lead and Copper Rule in a number of ways, Raoul and the coalition assert in the comment letter that the proposal falls short in several other areas necessary to make the rule an effective tool for protecting communities from lead in drinking water. The coalition also argues that some of the proposal may violate the Safe Drinking Water Act (SDWA). As identified in the comment letter, the EPA's proposed treatment requirements may fail to "prevent known or anticipated adverse effects on the health of persons to the extent feasible" as required by the SDWA. The rule's proposed reduction in the lead service line replacement rate — from 7 percent to 3 percent — may also violate the SDWA anti-backsliding provision that prohibits the EPA from weakening existing drinking water standards. Decreasing the current replacement rate would give water districts up to 33 years to replace lead service lines that test above actionable levels.

Additionally, Raoul points out the rule falls short in evaluating and addressing the impacts of lead in drinking water for disadvantaged communities or those that have been designated as areas of environmental justice concern. Communities in Illinois with a percentage of low-income and/or minority residents that is greater than twice the statewide average can be designated as areas of environmental justice concern by the Illinois Environmental Protection Agency. It is these communities that are most affected by lead in drinking water and are less able to pay to fix the problem.

Attorney General Raoul is committed to protecting Illinois residents from lead in drinking water. In 2019, the Attorney General, along with the Will County State's Attorney's Office, filed a lawsuit against Aqua Illinois alleging the supplier made changes to the public water supply in University Park that caused lead to be released from some piping and plumbing and resulted in contaminated drinking water at some homes and businesses. An agreed interim order is in place to ensure residents of University Park, which has been designated as an area of environmental justice concern, receive safe drinking water until the problem is corrected and while Raoul's lawsuit is pending.

Joining Raoul in filing the comments are the attorneys general of California, Connecticut, Maryland, Minnesota, New Jersey, New York, Oregon, Pennsylvania and Wisconsin.