Lead in the DC Water; Why EPA’s Drinking Water Protection Program Works Against Public Health Protection.

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With the best of intentions, the federal Environmental Protection Agency (EPA) is in full-force implementing the federal Safe Drinking Water Act’s authorities and regulations with the intent to protect the country’s drinking water supplies. Recently, in testimony before the House of Representatives, EPA Administrator Lisa Jackson said the EPA keeps American children safe from harmful pollution in the water they drink. No reasonable person can argue with the intention to protect our children’s drinking water from pollution and contamination. However, as Saul Bellow frequently observed through his ironic reference to the “Good Intentions Paving Company,” the proverbial road south is paved with good intentions.

It appears the “Good Intention Paving Company” is in full-force in the District as the city attempts to comply with EPA’s lead in drinking water rules and provide District residents with safe drinking water.

On Wednesday, the Government Accountability Office is scheduled to release a new report rebuking the Centers for Disease Control and Prevention for saying that elevated levels of lead in the DC’s tap water did not pose a public health threat, in 2004. However, that is the not real scandal and damage to DC residents. What the Post and other reportage has discerned is that the federal EPA likely caused the initial increase in the city’s drinking water supply by requiring a change in the type of disinfect treatment utilized by the city’s treatment works, and compounded the problem by requiring the partial replacement of lead service lines to mediate the problem the caused by EPA.

To make matters worse, the EPA’s solution to the problem (partial replacement of lead service pipes) likely caused an increase in levels of lead in the drinking water and cost the District $97 million in remediation costs. The city does not have an extra $97 million to waste and even more egregious – to make matters worse.

Numerous water chemistry and public health experts had know of potential for such a situation for years. Many had been arguing for the flushing of household lines for a few minutes each day as an alternative to service line replacement because it would likely save the public millions of precious public health dollars and make the water safer. Even the EPA seems to have known of the effete protection provided by their requirement to replace service lines. In August, 2000, EPA exempted the City of Columbus from the requirement to replace lead service lines if the city provided funding to a non-drinking water related program run by the Columbus Departments of Health and Trade and Development.

As it stands now, we have spent millions in city funds, distributed thousands of costly home treatment units, decreased public confidence in the city’s water and competence, worried thousands of district parents, and likely made the health situation worse.
How could such a situation occur? Good intentions; in order to claim the higher moral ground many advocates (EPA, policy makers, environmental groups) have to deny reality; that the challenge with delivering safe drinking water is more of a resource problem than a regulatory problem. Every community wants to provide safe water and meet all drinking water standards. Do unelected and unaccountable regulators care more about your family’s health (and budget) then your elected officials and the general manager of the District’s water supply? After all, locally elected offices are operated by people whose families drink the water every day, who are locally elected by their community, and who know, first-hand, how much their community can afford. If your local officials prove incompetent, at least you have the option of replacing them.

The solution is to provide education, expertise, and resources to local communities to build local civic capacity. Local consumers should be provided with all information and every aspect of their water supplies – and take responsibility for local governance, we should not continue to grow the current federal regulatory system that disenfranchises them from their local community and misleads them from the fact that they are in charge of their local governments. In essence, the current regime is predicated on the principle that local citizens have to be protected from themselves by the federal government by way of fines and penalties. Local governments only exist to advance local health and welfare, without the support of local people; regulations alone won't protect drinking water.

And perhaps the ultimate irony in the DC lead in the water scandal is that the same people who gave us the dysfunctional system will probably be successful in advocating the remedy for crises; more of the same – more regulation, less local control, and the continual strive to preempt local democratic processes in favor of ubiquitous federal paternalism.