January 13, 2012

Ms. Cynthia C. Dougherty
Director
Office of Ground Water and Drinking Water
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Ms. Dougherty,

On behalf of the National League of Cities (NLC) and the United States Conference of Mayors (USCM), who represent the nation’s cities and mayors, we appreciate the opportunity to provide input pursuant to Executive Order 13132: Federalism on the U.S. Environmental Protection Agency’s (EPA) forthcoming proposed regulatory revisions to the Lead and Copper Rule (LCR). As the Agency considers revisions to the LCR, a drinking water regulation that requires monitoring and treatment techniques to control lead and copper corrosion in drinking water systems, we are hopeful you will consider the local government perspective on these important issues. We are pleased to share our comments and concerns.

In general, NLC and USCM support provisions in the 1996 Amendments to the Safe Drinking Water Act (SDWA) which mandate that drinking water standards be based on sound science, public health protection, occurrence of the contaminant(s) in drinking water supplies at levels of public health concern, risk reduction and cost. Moreover, where the contaminant is naturally occurring, monitoring should be required only if EPA can demonstrate that any proposed remedial treatment would ensure greater health protection. For introduced materials, a risk-based standard should be developed.

Additionally, NLC and USCM support programs for public education regarding safe drinking water. While our organizations do not have a position pertaining to copper, we do have with respect to lead on three of the five areas the Agency is focusing on for the rule revision. In general, we believe the National Primary Drinking Water Regulation for lead, and any legislative initiatives addressing lead in drinking water, should give municipal water systems options for reducing drinking water lead levels.

**Key Areas Under Consideration for Lead and Copper Rule Revisions**

- **Lead Sample Protocol** – We support measuring the level for lead in the public water system at the point where the water leaves the distribution system and enters the user’s property.
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- **Measures to Ensure Optimal Corrosion Control Treatment** – Corrosion control should be considered the optimal tool for reducing exposure to lead through the drinking water supplies. Municipal water systems should be allowed to utilize the least expensive, yet effective, methods for reducing human exposure to lead in drinking water.

- **Lead Service Line Replacement** – We have a concern about a potential revision to the lead service line replacement program, which would place an extreme financial burden on cities and towns and raises questions of jurisdiction. While a partial lead service line replacement—when the city or drinking water system replaces the portion of the pipe it owns, but the homeowner does not replace their portion—may not be effective in reducing lead levels in the short-term (as determined by a Science Advisory Board Drinking Water Committee in March 2011), cities and towns should not be held financially responsible for replacing the homeowner’s portion of the pipes. Such a mandate, absent a full federal funding source, could cripple local governments who are already struggling financially.

Thank you for considering the perspective of cities and mayors as you gather input for revising the Lead and Copper Rule. We look forward to a continued partnership between local governments and EPA as we work toward our mutual goals of providing safe drinking water in our nation’s cities and towns. If you have any questions, please contact Carolyn Berndt at NLC (202-626-3101) or Judy Sheahan at USCM (202-861-6775).

Sincerely,

Donald J. Borut  
Executive Director  
National League of Cities

Tom Cochran  
CEO and Executive Director  
The United States Conference of Mayors