

EPA STATEMENT IN RESPONSE TO GUARDIAN ARTICLE

EPA indicated in a memo to states on February 29, 2016 that “removal or cleaning of aerators during the collection of tap samples could mask the added contribution of lead at tap” and “pre-stagnation flushing may potentially lower the lead levels as compared to when it is not practiced.” EPA also issued official guidance on the removal of aerators in a 2006 memo. A 2008 letter on pre-stagnation flushing was directed to an individual water utility and was not framed as national guidance. The Lead and Copper Rule does not prohibit practices of pre-stagnation flushing and removal of aerators, but EPA’s February 2016 memorandum reflects the agency’s recommendations on these practices. EPA does not maintain data on the prevalence of these sampling practices as it does for violations and exceedances. Sampling practices are monitored by states, which are given primacy under the Safe Drinking Water Act.

EPA has intensified our work with state drinking water programs with a priority focus on implementation of the federal Lead and Copper Rule, including directing EPA staff to meet with officials from every state to make sure they’re addressing any high lead levels and fully implementing the current rule. In February 2016, we sent [letters](#) to every governor and every state environmental and/or health commissioner of states that implement the Safe Drinking Water Act, urging them to work with EPA on steps to strengthen protections against lead and on a broader set of critical priorities to keep our drinking water safe and making clear that approaches are not to include aerator removal or allow pre-stagnation flushing prior to collection of samples by residents. We’re following up with each and every state on actions to increase public health protection, transparency and accountability.

In addition, EPA is committed to improving the public health protection provided by the Lead and Copper Rule and is actively working on revisions to the rule. In March 2014, EPA’s National Drinking Water Advisory Council (NDWAC) convened a working group of stakeholders, including citizen advocates, to provide the EPA with recommendations on approaches to improve the rule. In December 2015, the agency received extensive recommendations from the NDWAC and other concerned stakeholders. EPA will carefully evaluate these recommendations, national experience in implementing the rule, and the experience in Flint to develop a proposed revision to the rule. EPA currently expects this proposal to be published for comment in 2017.

Below are the links to the 2016 memos, and attached is the 2006 guidance on aerators and the 2008 letter on flushing.

<https://www.epa.gov/sites/production/files/2016-03/documents/samplelettergovernorsfeb2016.pdf>

<https://www.epa.gov/sites/production/files/2016-03/documents/samplelettercommissionersfeb2016.pdf>

To learn more about the Lead and Copper Rule Long-Term

Revisions visit: <http://www.epa.gov/dwstandardsregulations/lead-and-copper-rule-long-term-revisions>

ADDITIONAL INFORMATION

EPA has already intensified our work with state drinking water programs with a priority focus on implementation of the federal Lead and Copper Rule, including directing EPA staff to meet with officials from every state to make sure they’re addressing any high lead levels and fully implementing the current rule.

We sent [letters](#) to every governor and every state environmental and/or health commissioner of states that implement the Safe Drinking Water Act, urging them to work with EPA on steps to strengthen protections against lead and on a broader set of critical priorities to keep our drinking water safe. We're following up with each and every state on actions to increase public health protection, transparency and accountability.

EPA has also launched a targeted engagement with key state co-regulators, regulated utilities, and nongovernmental stakeholders on priority issues related to implementing the Safe Drinking Water Act. EPA will work together with our partners and stakeholders to set a strategic agenda and identify and implement priority, near-term actions we can take in the coming months. By the end of this year, we will release a summary of our progress and a national action plan for the future.

Read more about the engagement effort: <https://blog.epa.gov/blog/2016/04/moving-forward-for-americas-drinking-water/>