

Getting the Lead Out: Escalating State and Federal Priorities

Alert

10.25.2022

By Aimee Davenport, Kristen Ellis Johnson and Caleb Hall

The U.S. Environmental Protection Agency (EPA) and the state of Missouri are escalating initiatives to reduce lead exposure across the nation, focusing on schools and environmental justice communities. The agencies' initiatives are driven, in part, by the Center for Disease Control and Prevention's (CDC) adoption of a more stringent new blood lead reference value used to identify children with high levels of exposure. The CDC previously announced October of 2021, that it was lowering its current value from 5 micrograms per deciliter (ug/dl) to 3.5 ug/dl.

EPA's Lead Strategy and Soil Clean-Up Guide

The EPA has recently updated its strategy to reduce lead exposures, especially in environmental justice communities, has cleared interagency review, and will be released imminently. EPA's "[Strategy to Reduce Lead Exposures and Disparities in U.S. Communities](#)" will establish a whole-of-government approach integrating guidance from the Department of Housing and Urban Development and the CDC as federal agencies identify and address priority areas for lead in the United States. The draft strategy includes updated agency enforcement strategies to lower lead levels at Superfund sites, specifically focusing on overburdened communities where disparities in children's blood levels persist as a result of contamination, but lacks defined progress standards. Industries identified as requiring lead mitigation by the EPA's draft guidance include the aviation, fuel, and water utility sectors. The final version should contain actionable lead-blood level goals and milestones to judge EPA's progress. Given that the EPA's [National Lead Poisoning Prevention Week](#) runs from October 23 to 29, 2022, the EPA observers expect the final strategy document to be released imminently.

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Educational Initiatives

The EPA is also hosting training and outreach initiatives to target sources for lead exposure. The [Enhancing Lead-Safe Work Practices through Education and Outreach](#) initiative is particularly focused on eliminating childhood lead exposure.

The program entails two components. The first involves lead awareness curriculum sessions. These will be general public hearings using the [Lead Awareness in Indian Country: Keeping our Children Healthy Curriculum](#) to equip community leaders to educate others about the dangers of lead and how to reduce exposure. These public hearings will be available through December 1, 2022.

The program's second feature is free program training sessions in 11 different cities across the United States: Stratford, Connecticut; Loíza, Puerto Rico; Arecibo, Puerto Rico; Newark, New Jersey; Portsmouth, Virginia; Miami, Florida; Toledo, Ohio; St. Louis, Missouri; Billings, Montana; and Sacramento, California. The EPA is focusing on these particular communities due to known lead exposure levels. Local contractors can take advantage of the training to become [Renovation, Repair, and Painting](#) certified, and it will be available from October 17, 2022, until December 8, 2022. This certification is very important for industries working in housing and child-occupied structures because firms, sole proprietorships, and other contractors are generally required to be lead-safe certified by the EPA, or an EPA-authorized state or tribe, before starting any work that disturbs paint in housing or other buildings housing children that were built before 1978.

Building on Past Efforts to Replace Lead Service Lines

Another federal effort to target lead sources is the recent focus on identifying and replacing lead service lines. The EPA's new [Lead and Copper Rule revisions](#) (LCR) went into effect on March 16, 2021. The LCR requires public water systems to create an inventory of their lead service lines, develop a lead service line replacement plan, and take correction action if lead and copper levels in water reach 15 or 1,300 parts per billion (ppb), respectively. Corrective action can include service line replacement, monitoring, and public education measures to inform the public of potential lead and copper exposure. Water systems that continue to exceed lead levels of 15 ppb after taking corrosion control, source water monitoring, or treatment actions will be required to replace at least 3% of their lead service lines annually.

In addition, the EPA's 2021 revisions to the LCR require community water systems to engage in public education and monitoring campaigns for the schools and child care facilities they serve. The 2021 revisions also extended the LCR's compliance date to October 16, 2024, to account for the expected necessary investment to meet the LCR. Current compliance cost estimates range from approximately \$150 to over \$300 million, with first-year expenditures for state governments and water system operators expected to be around \$60 million.

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Beyond the LCR amendments, the Infrastructure Investment and Jobs Act (IIJA) secured \$11.7 billion for the Drinking Water State Revolving Fund (DWSRF) for capitalization grants, an additional \$15 billion to the DWSRF for Lead Service Line Replacement, and \$4 billion to the DWSRF for Emerging Contaminants. The EPA will provide these DWSRF funds as grants to all 50 states, which in turn may use the funds to provide low interest loans or other financial assistance for eligible water infrastructure projects, including lead-based water infrastructure replacements.

Missouri Requires Immediate Lead Line Replacement in Schools

Certain states are crafting their own means of eliminating lead sources independent of federal measures. For example, Illinois enacted the Lead Service Line Replacement and Notification Act in 2021 to expand the state's lead materials inventory and replacement program. Michigan also amended its Safe Drinking Water Act in 2018 to require water systems to replace all of their lead service lines over 20 years and prohibit partial lead service line replacements.

Missouri more recently enacted legislation that encourages lead water service line replacements in schools (Senate Bill "SB" 681). Also known as the "Get the Lead Out of School Drinking Water Act," (Section 160.077, RSMo), SB 681 was signed into law on Friday, July 1, 2022. The Act requires, among other things, all public and private schools to: (1) Begin testing their water supplies in the 2023-24 school year to ensure that their drinking water has a lead concentration below five ppb; (2) Remove any drinking water outlets that the EPA has determined to not be "lead-free" per the federal Lead Contamination Control Act of 1988 or a lead concentration of less than five ppb, before August 1, 2024; and (3) Install filters to address lead pollutants, depending on whether any contamination is determined to come from internal piping or water source.

Given the timing of this state legislation, LCR revisions, and federal funds under the IIJA, Missouri schools and water operators should consider whether [DWSRF](#) support can be used to replace lead service lines or make other needed improvements to comply with lead contaminant levels.

CONTACTS

Aimee Guzman Davenport

Kristen Ellis Johnson

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