

BRIEF

DATE: July 22, 2022

Lead and Copper Rule

On December 16, 2021, after a public comment period, the Environmental Protection Agency (EPA) [announced](#) new regulations to the Lead and Copper Rule (LCR), the first significant changes in over 30 years. The EPA's new rule aims to strengthen every aspect of the LCR to better protect children and communities from the risks of lead exposure. While the effective date was December 16, the EPA will develop a new rulemaking to address issues and opportunities of the rule and finalize the Lead and Copper Rule Improvements (LCRI) ahead of the compliance date of **October 16, 2024**.

The changes to the LCR follow the Biden Administration's [Lead and Paint Action Plan](#) with 15 actions, including removing and replacing all lead service lines over the next decade. The EPA has a two-pronged approach to improving the Lead and Copper Rule, including the Lead and Copper Rule Revision and the Lead and Copper Rule Improvements, which are covered in detail below.

Background

The Lead and Copper Rule was originally published in 1991 and serves over 300 million Americans nationwide. The rule is a treatment technique regulation requiring action to reduce exposure. Additionally, water systems must treat water using certain chemicals to reduce contamination.

Lead and Copper Rule Revision (Near-Term: Effective December 16, 2021)

Three main goals:

- 1) Getting the lead out
 - Using science-based testing protocols to find more lead sources in drinking water.
 - The new LCR requires water systems to follow new, improved tap sampling procedures to better locate elevated levels of lead in drinking water. One key improvement in testing protocols is the new "fifth liter" sampling requirement, which captures lead that can enter drinking water from a lead service line (LSL)—a lead pipe that connects tap-water service between a water main and house or building.
 - Establishing a trigger level to jumpstart mitigation earlier and in more communities.
 - The rule establishes a new threshold of 10 ppb that, when exceeded, requires more and rapid implementation of corrosion control treatment to reduce lead in drinking water. The rule creates a "find and fix" approach and flexibility for small systems.
 - Closing loopholes and replacing more Lead Service Lines (LSL) in their entirety.

- Under the new rule, systems:
 - Must have a plan in place and start replacing lines as soon as sample results are above the trigger or action level.
 - Cannot avoid replacing lead service lines through testing.
 - Are required to replace the water system-owned portion of a lead service line when a customer chooses to replace their customer-owned portion of the line.
- 2) Empower communities
 - Public inventory of Lead Service Lines
 - The new rule will require water systems to identify and make public the locations of lead service lines
 - Timely testing notifications and lead reduction options for homeowners
 - If a sample taken from a home has a result over 15 ppb of lead, the water system must notify occupants of the home within three days so that steps to reduce lead exposure are available immediately.
 - Information on funding resources to support lead service line replacement
 - The EPA has [compiled](#) a list of resources and federal funding to assist in lead service line replacement.
- 3) Better protect children
 - For the first time, the LCR requires community water systems to test in schools and childcare facilities.
 - Water systems are also required to provide timely results and information about the actions the elementary school or childcare facility can take to reduce lead in drinking water.

Lead and Copper Rule Improvements (Long-Term: Compliance by October 16, 2024)

While the EPA does not expect major changes to the original LCRR, the proposed rulemaking process will have the following focus areas:

- **Replacing all Lead Service Lines.** Replacing all lead service lines is an important public health goal. EPA intends to propose requirements that, along with other actions, would replace all lead service lines as quickly as feasible. EPA's proposal will fully consider the agency's statutory authority and required analyses, including an economic analysis.
- **Compliance Tap Sampling.** EPA intends to assess data to consider opportunities to strengthen compliance tap sampling requirements. Robust tap sampling methods are essential to identifying locations with elevated lead, whether the source of the lead is a lead service line or leaded plumbing materials within a residence.
- **Action and Trigger Levels.** For the proposed rule, the agency plans to explore options to reduce the complexity and confusion associated with these levels focusing on reducing health risks in more communities. The agency will also evaluate whether the trigger level requirements of the LCRR are still necessary with a proactive lead service line replacement and more protective action level.
- **Prioritizing Historically Underserved Communities.** EPA intends to explore how to replace lead service lines in a manner that prioritizes underserved communities. EPA will evaluate options to prioritize the removal of lead service lines in communities disproportionately impacted by lead in drinking water. These potential lead service line replacement regulatory improvements—coupled with non-regulatory actions—aim to be more equitable and protect public health.