



February 5, 2024

Michael Goldberg,
Standards and Risk Management Division,
Office of Ground Water and Drinking Water,
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

RE: EPA-HQ-OW-2022-0801

Dear Mr. Goldberg,

On behalf of the Water Quality Association (WQA), a not-for-profit trade association with more than 2,500 member companies representing the residential, commercial, and industrial water treatment industry, we are writing to you in support of the proposed Lead & Copper Rule Improvements (LCRI). The proposed rule is pivotal in addressing lead contamination in drinking water by strengthening public health protections and WQA commends the Administration for taking this important action. To further enhance these efforts, WQA offers its expertise to the EPA for developing comprehensive educational resources, guidance on lead contamination, and using certified water treatment systems to minimize exposure.

About WQA

Since its creation in 1974, WQA has worked tirelessly to improve water quality through sustainable technologies and services. As a leader in the point-of-use (POU) and point-of-entry (POE) drinking water treatment system industry, the association operates an ANSI National Accreditation Board (ANAB) accredited testing and certification laboratory that evaluates and certifies water treatment systems to nationally accepted voluntary standards for contaminant removal, including lead. WQA also offers a variety of technical skills and educational resources, many of which can serve as vital tools to the EPA, Utilities, and other organizations looking to address drinking water contaminants.

WQA Comments on LCRI

The proposed LCRI puts the U.S. on the path to dramatically reduce Americans' exposure to this neurotoxin by strengthening key elements to address lead reduction in drinking water. Enabling a cohesive approach for water systems to locate lead service lines and improvements to tap sampling requirements are crucial first steps in understanding the extent of lead contamination. Moreover, lowering the action level to 10 µg/L for lead provides clarity and fixes a gap in the



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regulation, which may have led to a delayed response in treatment and mitigation efforts. All of these actions are central to ensuring that resources are allocated effectively and streamlined to communities that are most at risk and least equipped to address lead in their drinking water. WQA also applauds EPA's emphasis on public education materials – a cornerstone to empowering stakeholders in understanding the nuances of lead contamination and treatment options.

WQA supports the requirement that certified point-of-use water treatment products be made available to customers of water systems with multiple lead action level exceedances, so they may immediately reduce lead exposure while waiting for lead service lines to be replaced. WQA also supports the proposed rule's flexibility, which allows small systems to continue to use alternative compliance mechanisms, such as certified point-of-use products. These devices are proven to be effective, affordable, and immediate at reducing lead in water. In some instances, point-of-entry filtration devices should be used as well.

The EPA requested comments on several sections of the proposed rule. WQA is willing to provide the following insights:

EPA is requesting comment on the ability of the market to correct for potential shortages:

- The water treatment industry is ready to respond rapidly to any potential shortages in the services needed to address lead contamination. WQA and its members are already serving as a proven partner by assisting several cities in addressing lead, including during service line replacement. With multiple manufacturers producing certified water treatment products, municipalities should have a bevy of options to purchase large quantities of filters. The industry does not anticipate a shortage in supplies or labor and WQA is willing to prepare a list of certified products and professionals to help municipalities address lead issues.
- In the years leading up to the enforcement date, the EPA should collaborate with WQA to strengthen technical assistance availability through workforce development – especially in underserved and rural areas. WQA's professional certification program is prepared to provide the resources needed to educate and support the development of an expanded workforce to address water quality issues.

EPA is proposing to require water systems with multiple action level exceedances to make filters certified to reduce lead and replacement cartridges, along with instructions for their use, available to all consumers.



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- Third-party certified POU devices have been used in several cities (e.g., Newark, Pittsburgh, Kalamazoo, Benton Harbor, Eglin, and Denver) to address lead contamination and are success stories on how POU devices can serve a variety of communities immediately. WQA supports the requirement that certified POU devices be made available to all consumers of water systems that have multiple lead action level exceedances. This will allow the public to significantly mitigate lead exposure as an interim while finding and addressing the source of lead contamination in drinking water. WQA also supports the proposed rule's flexibility, which allows small systems to continue to use alternative compliance mechanisms, such as certified POU devices. These devices have been proven to be an effective, affordable, and readily available solution, and water systems, including those that serve up to 10,000 people, should not be restricted from utilizing this mitigation option.
- To assist with the implementation of POU filter compliance programs, the EPA should consider the use of Drinking Water State Revolving Funds (DWSRFs) and provide guidance to states.

EPA is proposing to revise the regulatory language regarding filter distribution to clarify that water systems are required to provide filters and replacement cartridges to every occupancy, rather than residence.

- WQA strongly supports providing certified filters and replacement cartridges to every occupant. Oftentimes, renters face unique challenges in accessing and implementing water quality measures. Unlike homeowners, they may not have the authority to make building infrastructure changes or install permanent fixtures. This shift in regulatory language will help clarify and address a historical unintended oversight. By emphasizing the provision of filters to every occupant, the EPA is taking a more inclusive approach to safeguarding public health, ensuring that individuals in various living arrangements benefit from lead exposure reduction measures.

EPA proposes to determine that allowing these systems [CWSs serving 3,300 persons or fewer] to install point-of-use devices or conduct lead-bearing plumbing replacements is consistent with the statutory standard for a treatment technique rule. EPA is requesting comment, however, on whether the Agency should maintain the small system flexibility for CWSs serving 10,000 persons or fewer (see section IX. of this document).

- Third-party certified POU devices have already been used by water systems and have a proven track record in effectively treating lead in drinking water. We encourage the EPA to continue to allow flexibility for utilizing this effective and affordable technology for all system sizes. As stated previously, water systems



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including those that serve up to 10,000 people should not be restricted of mitigation options and should continue to have the ability to choose a solution that fits their unique needs. Although concerns have been expressed by stakeholders regarding the continuous maintenance of POU devices, proper educational materials on filter use and strategies to distribute replacement cartridges for consumers can help address this issue. Furthermore, water filtration systems continue to evolve with new design options that can assist with implementation on a larger scale. This technology will continue to improve in the time between the finalized rule and enforcement date. WQA is also willing to work with its members and the EPA to provide “best practices” for communication and project management that will result in the successful deployment of this technology.

EPA is seeking comment on the minimum requirements for States to provide a waiver (e.g., should the waiver be limited to locations where the filter use is required by State or local law; should the waiver be limited to locations where State or local law requires periodic sampling or testing to ensure proper filter use).

- Filter-first approaches to school and childcare facilities are an effective and growing trend across the country. WQA supports a waiver for states that have laws that require periodic sampling or testing to ensure proper filter use and can subsequently minimize the burden on water systems in ensuring compliance.

EPA is also requesting comment on alternative approaches following multiple lead action level exceedances, including requiring water systems to deliver a filter and replacement cartridges to every household served by the system.

- WQA supports EPA’s approach in ensuring that every household and in the case of multi-unit residences, each occupant, be provided with third-party certified filters and replacement cartridges. To maximize effective program implementation, the EPA should consider increasing public awareness campaigns during lead service line replacement and disseminating information in a variety of media channels. Although stakeholders have highlighted that a portion of the filters distributed may go unused, WQA strongly urges the EPA to clarify that utilities and water systems should use “opt-out” language when distributing filters instead of requiring the end-user to have to “opt-in.” This will ultimately ensure that the public has received the necessary support to minimize lead exposure in drinking water.

EPA is proposing to maintain the requirement that filter replacement cartridges be provided for six months [after service line replacement]...EPA is [also] proposing to require risk mitigation actions following disturbances resulting from physical action or vibration.



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- Sediment from lead service line replacement or other disturbances (including water meter replacement, pipe cutting, and mechanical or vacuum excavation during service line material investigations) can continue to contaminate the drinking water even after project completion. WQA believes that filter replacement cartridges should be provided for a minimum of 6 months in alignment with the proposed rule. However, studies have shown that contamination can last up to 18 months in some circumstances.¹ Therefore, water systems should monitor for lead until it's confirmed to be below the set AL. Moreover, as a precautionary measure, WQA supports requiring risk mitigation actions such as providing filters to the end-user when their service lines are made of unknown materials.

EPA is requesting comment on the ability and practicality of point-of-use devices to address multiple contaminants.

- Point-of-use devices have the ability to address multiple contaminants and using them to combat lead would likely result in several additional benefits. NSF/ANSI 53 for example offers up to sixty-five different elective claims including PFAS, Cyst, and Volatile Organic Compounds (VOCs), in addition to lead. According to WQA's online database of certified water treatment technologies, 81% of POU certified to remove lead are also certified to remove other contaminants. Our database shows some of these POU products were certified to remove or reduce up to 25 contaminants.

EPA is also proposing requiring public education materials to explain that using a filter certified by an American National Standards Institute accredited certifier to reduce lead is effective in reducing lead levels in drinking water. EPA is proposing this change to ensure that consumers are made aware that filters are an effective option for reducing lead in drinking water.

- Providing resources and guidance is essential in educating the public on water quality issues and solutions. WQA welcomes collaboration with EPA on developing easily understandable guidance containing treatment options. Moreover, the EPA should have utilities share the [EPA's consumer tool for POU filters](#), which already contains the relevant certification bodies (e.g. WQA, IAPMO, NSF, etc.) and associated certification marks. Additionally, the EPA should consider including information on where to locate and find products, such as [WQA's product certification database and search tool](#). When navigating the complexities of drinking water challenges, it's paramount to recognize and

¹ <https://pubs.acs.org/doi/10.1021/acs.est.7b01720>





reference these groups so consumers and government officials can easily find certified drinking water solutions. The EPA also should correct the language in the final rule and subsequent materials referring to certifiers. The correct reference would be “using a water filter certified for reducing lead in drinking water by a third-party certifying body accredited by the American National Standards Institute (ANSI) National Accreditation Board (ANAB) and follow the manufacturer's instructions for use and maintenance.” Both of these comments should be taken into consideration when finalizing the EPA’s proposal for a revised *Lead Informational Statement*.

WQA’s mission and vision sit on the pillar of improving awareness and knowledge of water quality. Leveraging the expertise of organizations like WQA can significantly contribute to public awareness and understanding, ultimately empowering individuals to make informed decisions about their water quality. We urge that the EPA consider working with WQA on providing resources to the public and are here to support the agency in its efforts to reduce lead in drinking water.

Thank you in advance for the consideration of these comments, and we welcome any opportunity to meet with you to discuss these recommendations in greater detail.

Sincerely,

A handwritten signature in black ink that reads "Jeremy Pollack".

Jeremy Pollack
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