

115TH CONGRESS  
1ST SESSION

# H. R. 1974

To amend the Safe Drinking Water Act to improve transparency under the national primary drinking water regulations for lead and copper, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 6, 2017

Mr. KILDEE introduced the following bill; which was referred to the  
Committee on Energy and Commerce

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## A BILL

To amend the Safe Drinking Water Act to improve transparency under the national primary drinking water regulations for lead and copper, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Opportunity  
5 for Lead Exposure Accountability and Deterrence Act of  
6 2017”.

1 **SEC. 2. NATIONAL PRIMARY DRINKING WATER REGULA-**  
2 **TIONS FOR LEAD AND COPPER.**

3 The Safe Drinking Water Act is amended by insert-  
4 ing after section 1417 of such Act (42 U.S.C. 300g-6)  
5 the following:

6 **“SEC. 1417A. NATIONAL PRIMARY DRINKING WATER REGU-**  
7 **LATIONS FOR LEAD AND COPPER.**

8 “(a) LEAD AND COPPER RULE.—

9 “(1) IN GENERAL.—The national primary  
10 drinking water regulations for lead and copper (in  
11 this section referred to as the ‘lead and copper rule’)  
12 shall include each of the requirements described in  
13 this section.

14 “(2) REVISION.—The Administrator shall revise  
15 the lead and copper rule in accordance with this sec-  
16 tion—

17 “(A) not later than 9 months after the  
18 date of enactment of the National Opportunity  
19 for Lead Exposure Accountability and Deter-  
20 rence Act of 2017; and

21 “(B) thereafter, in accordance with section  
22 1412(b).

23 “(b) SAMPLING.—

24 “(1) APPLICABILITY.—This subsection applies  
25 with respect to sampling by a public water system

1 of lead or copper in drinking water, irrespective of  
2 whether such sampling—

3 “(A) is required by the lead and copper  
4 rule; or

5 “(B) is voluntary sampling initiated by  
6 customers of the public water system.

7 “(2) REPORTING.—Subject to paragraph (3),  
8 not less than once every 3 months, a public water  
9 system shall report the results of sampling to the  
10 Administrator or the State exercising primary en-  
11 forcement responsibility, as applicable, and shall in-  
12 clude in such reporting—

13 “(A) the number of residential and non-  
14 residential facilities at which the sampling was  
15 conducted;

16 “(B) subject to paragraph (4), the address  
17 of such residential and nonresidential facilities;

18 “(C) previous samples taken at such resi-  
19 dential and nonresidential facilities and the re-  
20 sults of those samples;

21 “(D) where such information exists, the  
22 material composition of the service lines at such  
23 residential and nonresidential facilities;

24 “(E) the dates on which the respective  
25 sampling occurred;

1           “(F) the highest and median lead and cop-  
2 per levels detected;

3           “(G) the 90th percentile lead and copper  
4 levels (as such percentile is calculated under  
5 section 141.80 of title 40, Code of Federal Reg-  
6 ulations, and any successor regulations) de-  
7 tected;

8           “(H) the number and value of all samples  
9 pursuant to sampling described in subpara-  
10 graph (A) or (B) of paragraph (1) above the  
11 lead or copper action levels;

12           “(I) the disinfectants and corrosion inhibi-  
13 tors being used and the target doses at the  
14 water treatment plant;

15           “(J) any changes since the previous report  
16 under this section in the type, method, or quan-  
17 tity of treatments being used in the water sam-  
18 pled;

19           “(K) the history of violations, and fines re-  
20 ceived, by the system;

21           “(L) the number of samples invalidated  
22 and the reason for their invalidation; and

23           “(M) if sampling is conducted at residen-  
24 tial facilities other than those with lead service

1 lines, an explanation of why such sampling was  
2 conducted.

3 “(3) PUBLIC AVAILABILITY OF REPORTS.—A  
4 public water system shall make publicly available  
5 any report that is required by this section or by the  
6 lead and copper rule.

7 “(4) PRIVACY.—A public water system shall—

8 “(A) give the owner of each residential and  
9 nonresidential facility at which sampling data is  
10 collected, at the written request of such owner,  
11 the option be identified only by block number  
12 and street name, unless the facility includes a  
13 child care center; and

14 “(B) keep each such request on file.

15 “(5) SAMPLING PROTOCOL; INSTRUCTIONS.—

16 The Administrator shall—

17 “(A) develop a protocol for sampling for  
18 compliance with the lead and copper rule;

19 “(B) in such protocol—

20 “(i) prohibit the use of techniques  
21 that minimize the detection of lead or cop-  
22 per in drinking water;

23 “(ii) require sampling under this sec-  
24 tion to occur not less than once per year;

1 “(iii) include criteria for site selection  
 2 that prioritize testing at high-risk build-  
 3 ings (as defined in subsection (g));

4 “(iv) require sampling in all schools  
 5 and child care centers served by the public  
 6 water system at all designated drinking  
 7 water taps, to be designated by the respec-  
 8 tive schools and child care centers; and

9 “(v) require the sampling methodology  
 10 to be scientifically based; and

11 “(C) develop instructions for compliance  
 12 with such protocol for dissemination to public  
 13 water systems and customers thereof.

14 “(c) ACTION LEVEL EXCEEDED.—

15 “(1) INVESTIGATIONS.—The Administrator (or  
 16 the State exercising primary enforcement responsi-  
 17 bility) shall require on-site investigations to identify  
 18 the source of lead in all residential or nonresidential  
 19 facilities with individual samples with a lead or cop-  
 20 per concentration above the action level, which inves-  
 21 tigation shall—

22 “(A) subject to paragraph (3), be com-  
 23 pleted by the public water system or local  
 24 health department within 10 business days of  
 25 the sample result; and

1           “(B) include additional samples at addi-  
2           tional locations outside of the facility sampled  
3           to identify the potential scope of elevated lead  
4           or copper levels.

5           “(2) NOTIFICATION.—Whenever a public water  
6           system detects a lead or copper concentration level  
7           above the action level, the system shall, within 2 cal-  
8           endar days of detecting such an exceedance that is  
9           specific to one or more facilities, notify the persons  
10          at such facilities.

11          “(3) NO RESPONSE FROM OWNER OF FACIL-  
12          ITY.—The requirement of paragraph (1)(A) to com-  
13          plete an investigation concerning a facility is deemed  
14          to be satisfied if—

15               “(A) within the period of 10 business days  
16               described in such paragraph, the public water  
17               system or local health department makes at  
18               least 3 attempts to contact the owners of the  
19               facility, including—

20                       “(i) at least once in person;

21                       “(ii) at least once by letter or email;

22                       and

23                       “(iii) at least once in person or by  
24                       phone call, letter, or email;

1           “(B) the public water system or local  
2 health department maintains documentation of  
3 such attempts; and

4           “(C) such owners fail to respond.

5       “(d) PUBLIC EDUCATION.—The lead and copper rule  
6 shall require testing results—

7           “(1) to be in a standardized format;

8           “(2) to be posted on the website of the Admin-  
9 istrator, the State exercising primary enforcement  
10 responsibility, and the public water system; and

11          “(3) to include—

12           “(A) the provisions of consumer confidence  
13 reports under section 1414(c)(4) relating to  
14 lead and copper;

15           “(B) reports under subsection (b)(2) on  
16 the results of sampling;

17           “(C) educational materials on lead service  
18 line replacement and financial assistance, in-  
19 cluding forms for applying for such financial as-  
20 sistance; and

21           “(D) instructions on how a consumer can  
22 request a water test.

23       “(e) SERVICE LINE INVENTORY.—A public water  
24 system shall—



1           “(1) develop, maintain, and beginning not later  
2           than 3 years after the date of enactment of the Na-  
3           tional Opportunity for Lead Exposure Accountability  
4           and Deterrence Act of 2017 make publicly available  
5           an inventory of the material composition of the serv-  
6           ice lines at all residential and nonresidential facili-  
7           ties, including—

8                   “(A) online maps showing the locations of  
9                   lead service lines; and

10                   “(B) where information is available, a his-  
11                   tory of services performed on such lines, includ-  
12                   ing partial line replacement;

13           “(2)(A) give the owner of each residential and  
14           nonresidential facility at which sampling data is col-  
15           lected, at the written request of such owner, the op-  
16           tion be identified only by block number and street  
17           name, unless the facility includes a child care center;  
18           and

19                   “(B) keep each such request on file; and

20           “(3) in developing such inventory, take meas-  
21           ures to minimize any disturbance to service lines  
22           that might release contaminants.

23           “(f) SERVICE LINE OWNERSHIP.—A public water  
24           system shall collect, maintain, and beginning not later  
25           than 3 years after the date of enactment of the National

1 Opportunity for Lead Exposure Accountability and Deter-  
2 rence Act of 2017 make publicly available all legal docu-  
3 ments establishing the ownership of service lines at resi-  
4 dential and nonresidential facilities.

5 “(g) DEFINITIONS.—In this section:

6 “(1) The term ‘high-risk buildings’ means—

7 “(A) residential and nonresidential facili-  
8 ties with lead service lines—

9 “(i) that have galvanized pipes;

10 “(ii) that have low water use; or

11 “(iii) whose lead service lines are  
12 among the longest served by the public  
13 water system; and

14 “(B) residential facilities at which one or  
15 more pregnant women or children reside or  
16 where in-home childcare occurs.

17 “(2) The term ‘lead service line’ means a pipe  
18 and its fittings, which are not lead free (as defined  
19 under section 1417 of the Safe Drinking Water Act  
20 (42 U.S.C. 300g–6)), that connect the drinking  
21 water main to the building inlet.

22 “(3) The term ‘publicly available’ means that a  
23 report is—

24 “(A) written in plain language that is cul-  
25 turally and linguistically appropriate; and

1 “(B)(i) published on a publicly accessible  
2 website of the public water system; or

3 “(ii) with respect to any person who is  
4 served by the system and gives notice to the  
5 system of not having access to a publicly avail-  
6 able website, distributed by carrier route.”.

7 **SEC. 3. TO LOWER THE ACTION LEVEL FOR LEAD IN DRINK-**  
8 **ING WATER.**

9 Section 1412(b) of the Safe Drinking Water Act (42  
10 U.S.C. 300g–1(b)) is amended by adding at the end the  
11 following new paragraph:

12 “(16) LEAD IN DRINKING WATER.—The Ad-  
13 ministrator shall revise the national primary drink-  
14 ing water regulation for lead to ensure that—

15 “(A) not later than December 31, 2020,  
16 the action level for lead in drinking water is not  
17 more than 10 parts per billion; and

18 “(B) not later than December 31, 2026,  
19 the action level for lead in drinking water is not  
20 more than 5 parts per billion.”.

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