

115TH CONGRESS  
2D SESSION

# S. 3492

To improve the removal of lead from drinking water in public housing.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25, 2018

Ms. DUCKWORTH (for herself, Mr. YOUNG, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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## A BILL

To improve the removal of lead from drinking water in public housing.

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 “Get the Lead Out of  
5 Assisted Housing Act of 2018”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ADMINISTRATOR.—The term “Adminis-  
9 trator” means the Administrator of the Environ-  
10 mental Protection Agency.

1           (2) DEPARTMENT.—The term “Department”  
 2       means the Department of Housing and Urban De-  
 3       velopment.

4           (3) LEAD SERVICE LINE.—The term “lead serv-  
 5       ice line” has the meaning given the term in section  
 6       141.2 of title 40, Code of Federal Regulations, or  
 7       any successor thereto.

8           (4) PILOT PROGRAM.—The term “pilot pro-  
 9       gram” means the program for providing grants es-  
 10      tablished under section 6(a).

11          (5) SECRETARY.—The term “Secretary” means  
 12      the Secretary of Housing and Urban Development.

13 **SEC. 3. SENSE OF THE SENATE.**

14      It is the sense of the Senate that—

15           (1) lead is a dangerous neurotoxin that can per-  
 16      manently impact brain development, especially in  
 17      young children;

18           (2) the Centers for Disease Control and Preven-  
 19      tion, the Environmental Protection Agency, the  
 20      American Association of Pediatrics, and many other  
 21      entities have determined that there is no safe level  
 22      of lead exposure;

23           (3) for vulnerable populations like young chil-  
 24      dren, pregnant mothers, and the elderly, exposure to  
 25      lead can be life altering;

1           (4) evidence is mounting that the lead in drink-  
 2           ing water problem in the United States is grossly  
 3           underestimated and inadequately addressed;

4           (5) according to the Environmental Protection  
 5           Agency, lead service lines are the single largest  
 6           source of lead in drinking water; and

7           (6) partial lead service line replacement, where  
 8           only a portion of a lead service line is replaced, can  
 9           increase lead exposure.

10 **SEC. 4. UNIFORM PHYSICAL CONDITION STANDARDS.**

11       The Secretary, in consultation with the Adminis-  
 12       trator, shall amend the physical condition standards set  
 13       forth in section 5.703 of title 24, Code of Federal Regula-  
 14       tions, to require that—

15           (1) the entities responsible for maintaining  
 16           housing inspect building systems to determine, using  
 17           tests that incorporate the best available technology  
 18           and science, if—

19                   (A) there are lead service lines; or

20                   (B) there is lead in the service line that  
 21           connects the interior plumbing to the public  
 22           water supply; and

23           (2) if a lead service line is found or lead is  
 24           found in a service line that connects to the interior

1 plumbing of the housing at the water meter, the en-  
2 tity responsible for maintaining the housing shall—

3 (A) not later than 1 day after the date on  
4 which the lead is found, notify each tenant of  
5 the housing that the lead was found and of  
6 safety precautions that should be taken;

7 (B) disclose that information within 30  
8 days to any water utility entity relevant to the  
9 housing;

10 (C) provide necessary interim measures to  
11 reduce exposure to the lead, such as water fil-  
12 ters designed to remove lead and other innova-  
13 tive technologies, based on guidance from the  
14 Administrator; and

15 (D) prohibit the partial replacement of  
16 lead service lines.

17 **SEC. 5. AUTHORITY TO INSPECT ALL SOURCES OF LEAD.**

18 The Secretary may inspect all sources of lead con-  
19 tamination in housing assisted by a program of the De-  
20 partment and work in coordination with the Environ-  
21 mental Protection Agency to mitigate sources of lead expo-  
22 sure as a result of water from the public water supply  
23 and ambient air levels or industrial emissions.

1 **SEC. 6. HEALTHY HOMES LEAD IN DRINKING WATER PILOT**  
2 **PROGRAM.**

3 (a) ESTABLISHMENT.—

4 (1) IN GENERAL.—Not later than 2 years after  
5 the date of enactment of this Act, the Secretary  
6 shall begin providing grants to State and local gov-  
7 ernments responsible for developing consolidated  
8 plans under part 91 of title 24, Code of Federal  
9 Regulations.

10 (2) PURPOSE.—The Secretary shall design the  
11 grants under the pilot program to—

12 (A) identify lead service lines and other  
13 sources of lead in drinking water serving hous-  
14 ing units and take steps to remediate those  
15 threats; and

16 (B) optimize corrosion control treatment in  
17 public water systems serving housing units.

18 (b) ACTIVITIES.—A State or local government receiv-  
19 ing a grant under the pilot program shall prioritize the  
20 following activities:

21 (1) Creating an inventory of lead service lines,  
22 which shall—

23 (A) be published on the website of the  
24 State or local government; and

25 (B) involve—

- 1 (i) working with local water utilities
- 2 that may have a similar inventory;
- 3 (ii) inspecting for lead service lines at
- 4 their entry point into a building using
- 5 methods that do not disturb the pipe;
- 6 (iii) conducting an inspection of visi-
- 7 ble pipes at all access points; and
- 8 (iv) prioritizing buildings based on the
- 9 age of the building, historical records, and
- 10 the size of the service line.

11 (2) Testing for lead in the drinking water at  
 12 child care facilities and schools and providing reme-  
 13 diation, as appropriate.

14 (3) Testing for lead in the drinking water at  
 15 water fountains in public facilities and providing re-  
 16 mediation, as appropriate.

17 **SEC. 7. HEALTHY HOMES AND LEAD HAZARD CONTROL OF-**  
 18 **FICE.**

19 (a) IN GENERAL.—The Office of Lead Hazard Con-  
 20 trol and Healthy Homes of the Department shall, when  
 21 providing grants for lead-based paint hazard reduction in  
 22 target housing under section 1011 of the Residential  
 23 Lead-Based Paint Hazard Reduction Act of 1992 (42  
 24 U.S.C. 4852)—

1           (1) ensure that testing for lead in drinking  
2       water is conducted;

3           (2) require notification of tenants of the level of  
4       lead in drinking water found; and

5           (3) implement interim controls, such as the in-  
6       stallation of water filters known to remove lead.

7       (b) **USE OF FUNDS FOR REPLACEMENT.**—The Sec-  
8       retary shall allow recipients of assistance from the Office  
9       of Lead Hazard Control and Healthy Homes of the De-  
10      partment or another program of the Department to use  
11      the funds to replace leaded water fixtures and lead service  
12      lines.

13   **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

14       There are authorized to be appropriated to the Sec-  
15      retary such sums as may be necessary to carry out this  
16      Act.

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