



NATIONAL CONFERENCE *of* STATE LEGISLATURES

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March 6, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave N.W.
Washington, D.C. 20460

Docket ID No. EPA-HQ-OW-2018-0007

Dear Administrator Pruitt:

The National Conference of State Legislatures (NCSL), the bipartisan organization representing the legislatures of our nation's states, territories and commonwealths, appreciates the opportunity to provide input on potential revisions to key areas of the Lead and Copper Rule (LCR), as requested following the Environmental Protection Agency's (the agency) federalism consultation in January 2018. We look forward to working together with the agency to further strengthen the state-federal partnership in ensuring clean and safe drinking water for our citizens.

NCSL is encouraged by the administration's actions to revise the LCR, especially in light of recent developments across the nation regarding lead contamination in drinking water systems, and strongly urges the agency, if it begins a formal rulemaking process, to complete the required federalism consultation with state governments. Such consultation should include both formal and informal meetings with stakeholders to ensure that the agency can assess, from numerous viewpoints, the various impacts, both positive and negative, of any and all potential revisions to the LCR.

As states currently possess the ability to obtain/retain primacy enforcement responsibility (primacy) for public water system supervision under the Safe Drinking Water Act, we encourage the agency to work in tandem with primacy states in any potential revisions to water testing requirements that recognizes the potential of contaminants based on source, storage and delivery of the water. Disapproval or withdrawal of primacy should not result in a decreased level of public health protection. To ensure the protection of human health, we also urge EPA to base any and all potential revisions on scientifically sound principles. For more information see enclosed [NCSL's Water Policy Directive](#).

Additionally, as the agency moves forward to identify potential revisions to the LCR, we strongly urge consideration of the potential costs such changes would impose on states and their existing programs, and that the agency avoid creating new unfunded federal mandates. If existing state

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responsibilities are amended, we urge the agency to ensure that states receive the appropriate federal financial assistance in order to implement the rule's mandated objectives. As partners in protecting the nation's water resources, it is essential that state governments have a clear understanding of any financial obligations required to enforce any potential revisions to the LCR, including costs to state facilities, municipalities, and schools as a result of implementing and complying with any such revisions.

Finally, as EPA looks to revise the LCR, NCSL strongly urges the agency to take into account states' legislative session schedules as it develops potential new compliance deadlines. This is necessary to ensure states have adequate time to make any necessary legislative changes to comply with revisions to the rule. State legislatures' in-session dates vary significantly across the nation, and although a special session may be held post adjournment, such sessions are often limited in scope and duration depending on the state in question. Additionally, special sessions could cost tens of thousands of dollars per day. For additional information on state legislative calendars and processes for special legislative sessions, please visit [NCSL's website](#).

We appreciate the agency's initial federalism consultation meeting on January 8, and look forward to continuing dialogue as it moves forward in its consideration of potential revisions to the LCR. Please contact NCSL staff, Kristen Hildreth (kristen.hildreth@ncsl.org, 202-624-3597) and Ben Husch (ben.husch@ncsl.org, 202-624-7779) with any additional questions.

Sincerely,



Representative Curt McCormack
Vermont House of Representatives
Co-Chair, Natural Resources and Infrastructure
Committee, NCSL



Representative Ed Orcutt
Washington House of Representatives
Co-Chair, Natural Resources and Infrastructure
Committee, NCSL

Enclosure:
[NCSL Water Policy Directive](#)