



November 4, 2013

The Honorable Barbara Boxer
Chair, Senate Committee on Environment and Public Works

The Honorable David Vitter
Ranking Member, Senate Committee on Environment and Public Works

The Honorable Fred Upton
Chair, House Committee on Energy and Commerce

The Honorable Henry Waxman
Ranking Member, House Committee on Energy and Commerce

Dear Senators and Representatives,

The undersigned organizations support the goal of the Reduction of Lead in Drinking Water Act to protect the public from lead exposure. Our members remain committed to protecting public health and maintaining America's water supply as the safest in the world. However, we have serious concerns about a recent interpretation of the act by the U.S. Environmental Protection Agency that appears to be inconsistent with Congress' intent.

Two weeks ago, EPA issued a "Frequently Asked Questions" document on implementation of the act. In this document, EPA suggests – for the first time – that fire hydrants are subject to, and not otherwise exempt from, the lead-free requirements of the act. We do not believe that this is what Congress intended, particularly because the federal law is modeled after bellwether state laws in California and Vermont that were drafted and interpreted to exclude fire hydrants. Of particular concern is the compliance deadline of Jan. 4, 2014, for this new interpretation of the law.

Health concerns associated with lead are generally a matter of long-term exposure, and hydrants used during emergencies or at special events as potable water sources typically serve this purpose for only a few hours or days. Applying this act to fire hydrants – particularly with such short notice - represents a massive investment of time and resources for little if any discernible public health benefit. We do not believe that this interpretation of the law is what you intended.

In addition, existing inventories of hydrants across the country will be rendered obsolete if not installed before Jan. 4. Again, the timing alone should give Congress grave concerns. The act set a prospective effective date to provide a three-year transition period. However, EPA's new interpretation gives manufacturers, distributors and public and private utilities only two months to use or lose their hydrant inventories.

We ask that you let EPA know that it should rethink this matter, and suggest the agency stay this aspect of the law while it undertakes information exchange and collaboration with water utilities, manufacturers, and public health experts. We would be happy to actively participate in such a stakeholder process on the fire hydrant issue.

Given the short time between now and the deadline for compliance with the law, and the very late notice from EPA, we ask your urgent attention to this matter. We would be pleased to meet with you or your staff at your convenience to discuss it further.

Sincerely,



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CC Members of the Senate Committee on Environment and Public Works
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Peter Grevatt, EPA