



Office of the General Counsel

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Submitted Electronically

Environmental Protection Agency
EPA Docket Center (EPA/DC)
Docket ID No. EPA-HQ-OW-2022-0801

Mail Code 28221T
1200 Pennsylvania Avenue,
NW Washington, D.C. 20460

**Re: National Primary Drinking Water Regulations for Lead and Copper:
Improvements (LCRI)**

Dear Sir or Madam:

The EPA is proposing revisions to the National Primary Drinking Water Regulation for Lead and Copper (hereafter referred to as Lead and Copper: Improvements or LCRI) under the authority of the Safe Drinking Water Act. 88 Fed. Reg. 84878 (Dec 6, 2023).

Lead and copper enter drinking water mainly from corrosion of plumbing materials. 84 Fed. Reg. 61684 (Nov 13, 2019). “Lead was widely used in plumbing materials until Congress banned its use in 1986, and there are an estimated 6.3 to 9.3 million homes served by lead service lines (LSLs) in thousands of communities nationwide...” 84 Fed. Reg. at 61685. LCRI revisions include updates in testing protocols, corrosion controls, acceptable lead and copper levels, requirements for water sampling in schools and for utilities to complete lead service line inventories. The most significant revision is the requirement to replace lead service lines in the nation within 10 years. 88 Fed. Reg. at 84878.

The U.S. Conference of Catholic Bishops (USCCB) Committee on Domestic Justice and Human Development, Committee on Pro-Life Activities and other committees have long advocated for safe drinking water, including funding for lead pipe replacement in the Bipartisan Infrastructure Law¹ and other legislation to address chemicals in drinking water that disproportionately affect

¹ USCCB, Letter to Congress Concerning Legislation on Infrastructure, Apr. 22, 2021, <https://www.usccb.org/resources/letter-congress-concerning-legislation-infrastructure-april-22-2021>

children, expecting mothers, and the unborn.² “[A]ccess to clean water is crucial and additional funding is needed to replace lead pipes nationally, ensuring that all Americans have access to clean water, a universal human right.”³ The LCRI details the implementation of water standards throughout the United States which remains a priority for the USCCB’s integral ecology policies for three central reasons: the importance of water for health, life and justice.

Water, health, and life

It is well known that that lead exposure can cause harmful health effects for all people and “especially pregnant people, infants, and young children (CDC, 2022a; CDC, 2022b; CDC, 2023)... Lead exposure causes damage to the brain and kidneys and... developing fetuses, infants, and young children are most susceptible to the harmful health effects of lead (ATSDR, 2020)”. 88 Fed. Reg. at 84897.⁴ Drinking water can account for 20 percent of an adult persons lead exposure and most of a child’s lead exposure comes from drinking water (absent routine exposure to other sources like paint or contaminated soils), whereas infants may “receive 40 to 60 percent of their exposure to lead from drinking water used in the formula.” 88 Fed. Reg. at 84897.

The health and well-being of all people—especially the unborn, children, and pregnant mothers—is affected by the quality of drinking water. In his landmark encyclical on ecology, *Laudato Si’*, Pope Francis dedicated an entire section exclusively to the importance of water for the world’s peoples and the planet.⁵ In turn, the USCCB has continuously advocated for safe water standards and highlighted the connection of water with health of the most vulnerable. Indeed, clean water is an expression of a “culture of life.”⁶

For people of faith, the stewardship of water matters not only for life on this earth but for the afterlife. Numerous religions throughout the world revere and respect water for its healing, purifying and spiritual qualities and symbolism.⁷ Inspired by the Jewish customs and the sacred scriptures with its “many connections between water and healing (cf. 2 Kings 5:8-14; Jn. 5:2-4; Jn. 9:6-11)”⁸, Christians throughout the world use water for the sacrament of baptism, which

² USCCB, Letter to Congress Regarding PFAS Action Act of 2021, Jul. 19, 2021, <https://www.usccb.org/resources/letter-congress-regarding-pfas-action-act-2021-july-19-2021>

³ USCCB, Letter to Congress on Federal Budget Reconciliation, Sep. 7, 2021, <https://www.usccb.org/resources/letter-congress-federal-budget-reconciliation-september-7-2021>

⁴ “Exposure to lead is known to present serious health risks to the brain and nervous system of children (USEPA, 2013). Young children and infants are particularly vulnerable to the physical, cognitive, and behavioral effects of lead due to their sensitive developmental stages. There is no known safe level of exposure to lead.” 88 Fed. Reg. at 84897.

⁵ See Pope Francis, *Laudato Si’: On care for our common home*, nos. 27-31, 24 May, 2015, https://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html#_ftn1

⁶ USCCB, Chairmen Statement, Aug. 1, 2022, <https://www.usccb.org/news/2022/after-dobbs-congress-must-come-together-protect-life-and-promote-common-good>

⁷ See Dicastery for Promoting Integral Human Development, *Aqua fons vitae*, no. 23, Mar. 2020, https://www.humandevlopment.va/content/dam/sviluppoumano/documenti/Aqua_fons_vitae_03_2020.pdf

⁸ Ibid, no. 21. https://www.humandevlopment.va/content/dam/sviluppoumano/documenti/Aqua_fons_vitae_03_2020.pdf

“signifies and actually brings about death to sin” as the baptized are “born of water and Spirit” (Jn 3:5) and enter “into the life of faith.”⁹

Water is a source of life and salvation. As such, it is a terrible contradiction that today in America we quench thirst and baptize children with water poisoned with lead and copper. Communities of faith throughout America have an additional, faith filled reason to support efforts to replace lead pipes and clean our nations drinking water. Based on principles of life and health, the USCCB supports the ambitious requirements in the LCRI to replace LSLs, update testing protocols, increase testing in schools and reduce levels of water contamination.

Water and Justice

While water poisoned with lead and copper constitutes an injustice to all Americans, this injustice is unevenly distributed among the population. The CDC asserts that “American drinking water supplies are among the safest in the world,”¹⁰ and points to the early history of water infrastructure and treatment that delivered clean water to millions in the decades that followed the dawn of the nation. Installation of water infrastructure, built with cast iron and lead pipes, began on a major scale in the United States in the late 1800s, particularly in the larger cities, and continued until the 1920s and 1930s.¹¹ In the 1920s, on a trip to New York, the English Catholic author G.K. Chesterton was struck by the American ideal of equality expressed in daily experiences, including widespread and efficient access to water.¹² As such, clean water access was not only an expression of health and salvation, but of equality of all people.

Can we say the same today? In the last twenty years, there have been numerous municipal water crises stemming from deteriorated infrastructure and exacerbated by the continued use of LSLs, such as in Washington D.C. in 2004 and Flint, Michigan a decade later. An American Water Works Association report pointed out that virtually all cast-iron pipes either already have expired or will expire this decade, and although lead pipes may have a slightly longer average lifespan, much of lead infrastructure replacement must occur within the next two decades as well.¹³ America’s ailing and unrepaired infrastructure is responsible for much of the disproportionate

⁹ Catechism of the Catholic Church, Libreria Editrice Vaticana, nos. 1239. 1236,

https://www.vatican.va/archive/ENG0015/_INDEX.HTM

¹⁰ CDC, *History of Drinking Water Treatment*, <https://www.cdc.gov/healthywater/drinking/history.html>

¹¹ Rabin, Richard, *The Lead Industry and Lead Water Pipes “A MODEST CAMPAIGN”*, Sep. 2008, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2509614/#:~:text=National%20model%20plumbing%20codes%20approved,at%20least%20into%20the%201940s>.

¹² Chesterton, G. K., *What I Saw in America*, loc. 340, T. and A. Constable Ltd. at the Edinburgh University Press. Kindle Edition.

¹³ “cast-iron pipes that were laid in the late 1800s have an average lifespan of 120 years; pipes laid in the 1920s, constructed using different manufacturing techniques, have a lifespan of a 100 years, and pipes laid during the post-World War II economic boom are expected to have a useful lifespan of about 75 years.” See American Water Works Association, *Dawn of the Replacement Era*, May 2001, <https://www.awwa.org/Portals/0/AWWA/ETS/Resources/DawnReplacementEra.pdf?ver=2019-04-02-112931-320>; Deloitte, *The aging water infrastructure: Out of sight, out of mind?*, Mar. 2016, <https://www2.deloitte.com/us/en/insights/economy/issues-by-the-numbers/us-aging-water-infrastructure-investment-opportunities.html>

effect of lead exposure from drinking water on communities of color and low-income communities.¹⁴

The EPA has already established that communities of color and low-income communities are disproportionately exposed to the risks of lead in drinking water delivered by community water systems. 86 Fed. Reg. 71574 (Dec. 17, 2021). In addition to higher lead exposure from water, communities of color and low-income communities also tend to have higher exposure to lead from other sources, such as paint from older housing or contaminated soil, increasing the risk of these populations suffering elevated blood-lead levels. Due to other disparities such as lower economic status and limited access to medical care, these communities face additional harms from lead and associated health risks, of which lead-contaminated drinking water is a significant contributor. 86 Fed. Reg. at 71575.

Other challenges posed by replacement of privately owned LSLs are well addressed in the LCRI. The USCCB supports the restrictions on partial LSL replacement due to its adverse health effects, which are especially likely in low-income communities and communities of color that cannot pay for the private portion of the LSL replacement. 88 Fed. Reg. at 84928. We also recognize the need for flexibility in implementation of LSL replacement given different laws in each state and water district and support limited flexibility in meeting timelines for LSL when water utilities/systems demonstrate plans to replace LSL and that do not incur extra costs on ratepayers. 88 Fed. Reg. at 84926.

We thank you for your consideration of this comment, and your work on this issue of tremendous importance to the health and wellbeing of all Americans, especially the most marginalized in our society.

Respectfully submitted,

William J. Quinn
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United States Conference of Catholic Bishops

¹⁴ Rabin, Richard, *The Lead Industry and Lead Water Pipes "A MODEST CAMPAIGN"*, Sep. 2008, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2509614/#:~:text=National%20model%20plumbing%20codes%20approved,at%20least%20into%20the%201940s.>