

**CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA**

CHUCK CHAITOVITZ
VICE PRESIDENT
ENVIRONMENTAL AFFAIRS &
SUSTAINABILITY

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WASHINGTON, DC 20062

February 10, 2020

David Ross
Assistant Administrator, Office of Water
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Attn: **Docket ID No. EPA-HQ-OW-2017-0300**

Dear Assistant Administrator Ross:

The U.S. Chamber of Commerce is pleased to provide the following comments on the Lead and Copper Proposed Rule. We recognize that any level of exposure to lead can be detrimental, especially to the development of young children. Inventorying and addressing lead lines are complex tasks for communities, companies, and families as they grapple with public health, environmental, and funding challenges. We present the following key issues for consideration:

- **Provide a role for the private sector.** The business community has significant technical and practical expertise in identifying and mitigating risks to develop and implement real solutions. This effort includes the potential for public-private partnerships to help mobilize private capital, the availability of point-of-use water filters, and the replacement of indoor privately owned plumbing as lead issues are assessed and funding secured.
- **Ensure adequate, dedicated funding for the inventory and replacement plan.** The Chamber supports the inventory of lead lines as a first step in understanding and creating a comprehensive plan for lead line replacement. Many small water systems do not have the capacity or the know-how for implementation. Further, the question of public or private ownership limits the effectiveness to do so, even as such systems work to meet the current requirements to list all construction materials. While making SRF funds eligible for replacement is important, the Chamber recommends that EPA establish a dedicated fund and approach to help communities, businesses, and homeowners through this process, including inventorying and planning. In addition, as cities explore how and whether to allocate other municipal resources, any federal response should consider staging or sequencing municipal actions to recognize the ownership question and that some cities may have to consider more economic and environmental consequences than others.
- **Ensure the use of quality filters that are tested and certified.** The Chamber supports small water systems in electing to use the point-of-use device compliance flexibility option under Section 141.93. However, we note that water quality is only improved in these situations when quality components are utilized and properly installed and maintained. The Chamber

recommends that the rule make technical corrections related to this section to specify that point-of-use water filters meet specific voluntary consensus standards accredited by the American National Standards Institute (ANSI). The Chamber also recommends that EPA clarify that these filters be tested and certified to meet these voluntary consensus standards by an independent, third-party product certification body accredited by ANSI to ensure the necessary contaminant reduction, material safety, structural integrity, product labeling, and literature.

- **Reduce paperwork.** We agree with suggestions that sound public policy does not require burdensome paperwork for utilities, particularly for small communities, and urge EPA to consider substantially modifying such issues.
- **Provide more flexibility in the corrosion control language.** The proposed corrosion control language does not provide adequate flexibility to water systems seeking to balance multiple water quality, operational constraints, and other environmental factors. The one-size-fits-all approach on corrosion control should be significantly revised.
- **Support proposed in-home business tap sampling protocols.** There are approximately 15 million home-based businesses nationwide. Such business owners will need clear explanations about 90th percentile lead and copper concentrations required. This approach should include sequential sampling options.

The Chamber stands ready to assist as you work to finalize the rule. Please do not hesitate to contact me if you require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Chuck Chaitovitz". The signature is written in a cursive style with a large, sweeping flourish at the end.

Chuck Chaitovitz