

109TH CONGRESS
1ST SESSION

H. R. 3178

To amend the Safe Drinking Water Act to ensure that the District of Columbia and States are provided a safe, lead-free supply of drinking water.

IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2005

Ms. NORTON (for herself and Mr. WAXMAN) introduced the following bill;
which was referred to the Committee on Energy and Commerce

A BILL

To amend the Safe Drinking Water Act to ensure that the District of Columbia and States are provided a safe, lead-free supply of drinking water.

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 “Lead-Free Drinking
5 Water Act of 2005”.

6 **SEC. 2. REVISION OF NATIONAL PRIMARY DRINKING**
7 **WATER REGULATION FOR LEAD.**

8 Section 1412(b) of the Safe Drinking Water Act (42
9 U.S.C. 300g–1(b)) is amended by adding at the end the
10 following:

1 “(16) REVISION OF NATIONAL PRIMARY DRINK-
2 ING WATER REGULATION FOR LEAD.—

3 “(A) IN GENERAL.—Not later than 18
4 months after the date of enactment of this
5 paragraph, the Administrator shall finalize a
6 rulemaking to review and revise the national
7 primary drinking water regulation for lead that
8 maintains or provides for greater protection of
9 health as required under paragraph (9).

10 “(B) PROTECTION FOR INDIVIDUALS.—
11 The revised regulation shall provide the max-
12 imum feasible protection for individuals that
13 may be affected by lead contamination of drink-
14 ing water, particularly vulnerable populations
15 such as infants, children, and pregnant and lac-
16 tating women.

17 “(C) MAXIMUM CONTAMINANT LEVEL.—

18 “(i) IN GENERAL.—The revised regu-
19 lation shall—

20 “(I) establish a maximum con-
21 taminant level for lead in drinking
22 water as measured at the tap; or

23 “(II) if the Administrator deter-
24 mines that it is not practicable to es-
25 tablish such a level with adequate pro-

1 vision for variability and factors out-
2 side of the control of a public water
3 system, establish a treatment tech-
4 nique in accordance with subpara-
5 graph (D).

6 “(ii) BASIS OF LEVEL.—In estab-
7 lishing the maximum contaminant level
8 under clause (i) or an action level for lead,
9 the Administrator shall use as a basis the
10 most protective of first draw samples,
11 flushed samples, or both first draw and
12 flushed samples.

13 “(D) TREATMENT TECHNIQUE.—If the
14 Administrator establishes a treatment technique
15 for drinking water under subparagraph
16 (C)(i)(II), the treatment technique shall—

17 “(i) prevent, to the extent achievable,
18 known or anticipated adverse effects on the
19 health of individuals;

20 “(ii) include an action level for lead
21 that is at least as stringent as the action
22 level established by the national primary
23 drinking water regulation for lead under
24 subpart I of part 141 of title 40, Code of

1 Federal Regulations (as in effect on the
2 date of enactment of this paragraph); and

3 “(iii)(I) provide for the protection of
4 individuals from very high lead levels in
5 drinking water in isolated instances;

6 “(II) provide for the protection of all
7 individuals, as opposed to a statistical ma-
8 jority, from exposure to elevated lead levels
9 in drinking water;

10 “(III) promote continuing advances in
11 corrosion control technologies and address
12 the need to respond to changes in corro-
13 sion control and water treatment tech-
14 nologies; and

15 “(IV) take into account the dem-
16 onstrated insufficiency of public notifica-
17 tion and education as a primary means of
18 protecting public health from lead in
19 water.”.

20 **SEC. 3. SERVICE LINE REPLACEMENT.**

21 Section 1417(a)(1) of the Safe Drinking Water Act
22 (42 U.S.C. 300g–6(a)(1)) is amended by adding at the
23 end the following:

24 “(C) SERVICE LINE REPLACEMENT.—

1 “(i) IN GENERAL.—Upon exceeding
2 the maximum contaminant level or action
3 level for lead, a community water system
4 or nontransient noncommunity water sys-
5 tem shall annually replace at least 10 per-
6 cent of the non-lead-free service lines of
7 the community water system or nontran-
8 sient noncommunity water system until all
9 of the non-lead-free service lines have been
10 replaced.

11 “(ii) PRIORITY.—Priority shall be
12 given to non-lead-free service lines that
13 convey drinking water to—

14 “(I) residences that receive
15 drinking water with high lead levels;
16 and

17 “(II) residences and other build-
18 ings, such as day care facilities and
19 schools, used by vulnerable popu-
20 lations, including infants, children,
21 and pregnant and lactating women.

22 “(iii) REPLACEMENT RESPONSIBI-
23 LITY.—Under no circumstance may a
24 community water system or nontransient
25 noncommunity water system avoid the re-

1 sponsibility to replace any non-lead-free
2 service line by completing lead testing such
3 as that referred to in section 141.84 of
4 title 40, Code of Federal Regulations (as
5 in effect on the date of enactment of this
6 subparagraph).

7 “(iv) REPLACEMENT OF NON-LEAD-
8 FREE SERVICE LINES.—

9 “(I) IN GENERAL.—In carrying
10 out this subparagraph and subject to
11 subclause (II), a community water
12 system or nontransient noncommunity
13 water system shall replace the non-
14 lead-free service lines, including pub-
15 licly owned and, with the permission
16 of applicable homeowners, privately
17 owned portions of the service lines.

18 “(II) REQUIREMENTS FOR PER-
19 MISSION.—In seeking permission from
20 a homeowner to replace the private
21 portion of non-lead-free service lines
22 under subclause (I), a community
23 water system or nontransient non-
24 community water system shall provide
25 to the homeowner in English, and, in

1 areas with a large proportion of non-
2 English speaking residents, in each
3 other appropriate language—

4 “(aa) notification of the re-
5 placement that is separate from
6 the notification required under
7 paragraph (2);

8 “(bb) a detailed description
9 of the process by which non-lead-
10 free service lines will be replaced,
11 including the date and approxi-
12 mate time of the replacement and
13 a description of the ways in
14 which property use will be dis-
15 rupted by the replacement proc-
16 ess; and

17 “(cc) a description of actions
18 that should be taken to avoid any
19 lead contamination that may
20 occur after replacement of the
21 non-lead-free service lines.

22 “(III) STATE OF PROPERTY.—
23 After completion of replacement of
24 non-lead-free service lines, a commu-
25 nity water system or nontransient

1 noncommunity water system shall
2 make every reasonable effort to return
3 property affected by the replacement
4 to the state in which the property ex-
5 isted before the replacement.

6 “(IV) ABSENCE OF PERMIS-
7 SION.—If, after 3 attempts to obtain
8 permission from a homeowner under
9 subclause (II), a community water
10 system or nontransient noncommunity
11 water system has not received permis-
12 sion, the water system shall provide
13 final notice in English, and, in areas
14 with a large proportion of non-English
15 speaking residents, in each other ap-
16 propriate language, to the homeowner
17 of—

18 “(aa) the date and approxi-
19 mate time of replacement of the
20 publicly owned portion of the
21 non-lead-free service lines; and

22 “(bb) a detailed description
23 of actions that the homeowner
24 should take to avoid any lead
25 contamination that may occur

1 after non-lead-free service line re-
2 placement.

3 “(V) EXCEPTION.—

4 “(aa) IN GENERAL.—If the
5 Administrator determines, after
6 providing an opportunity for pub-
7 lic notice and comment, that the
8 practice of replacing only a por-
9 tion of a non-lead-free service
10 line will generally result in higher
11 lead levels in drinking water dur-
12 ing an extended period of time
13 (as compared with leaving the en-
14 tire non-lead-free service line in
15 place), the Administrator may
16 provide for an exemption for the
17 replacement in any case in which
18 the applicable homeowner refuses
19 to grant permission to replace
20 portions of a non-lead-free service
21 line under subclause (IV).

22 “(bb) REQUIREMENT OF EX-
23 EMPTION.—An exemption under
24 item (aa) shall provide that, upon
25 a change in ownership of a prop-

1 erty served by a non-lead-free
2 service line, a new property
3 owner may request that the com-
4 munity water system or nontran-
5 sient noncommunity water sys-
6 tem replace the non-lead-free
7 service line for the property with-
8 in a reasonable period of time.

9 “(VI) GRANTS.—Using amounts
10 available under subsection (l)(1), the
11 Administrator may provide grants to
12 community water systems and non-
13 transient noncommunity water sys-
14 tems for use in replacing non-lead-free
15 service lines.”.

16 **SEC. 4. PUBLIC NOTICE AND EDUCATION.**

17 Section 1417(a) of the Safe Drinking Water Act (42
18 U.S.C. 300g–6(a)) is amended—

19 (1) by redesignating paragraph (3) as para-
20 graph (4); and

21 (2) by striking paragraph (2) and inserting the
22 following:

23 “(2) PUBLIC NOTICE REQUIREMENTS.—

24 “(A) IN GENERAL.—The owner or operator
25 of a community water system or nontransient

1 noncommunity water system shall identify and
2 provide notice in English, and, in areas with a
3 large proportion of non-English speaking resi-
4 dents, in each other appropriate language, to
5 individuals and entities (and, under subpara-
6 graph (D), to specific residences) that may be
7 exposed to lead contamination in the drinking
8 water supply, as indicated by an exceedance of
9 the maximum contaminant level or action level
10 for lead, in a case in which the contamination
11 results from—

12 “(i) the lead content in the construc-
13 tion materials of the public water distribu-
14 tion system; or

15 “(ii) corrosivity of the water supplied
16 that is sufficient to cause leaching of lead.

17 “(B) CONTENTS.—Public notice materials
18 prepared under this paragraph shall provide a
19 clear and readily understandable explanation
20 of—

21 “(i) detailed information on the num-
22 ber of residences the drinking water of
23 which was tested and the areas of the city
24 or community in which those residences

1 are located, including a description of lead
2 levels found in the drinking water;

3 “(ii) the presence or absence of non-
4 lead-free service lines for each household
5 receiving drinking water from the commu-
6 nity water system or nontransient non-
7 community water system;

8 “(iii) the potential adverse health ef-
9 fects of lead contamination of drinking
10 water, including a detailed description of
11 the disproportionate adverse effects of lead
12 contamination of drinking water on in-
13 fants, children, and pregnant and lactating
14 women;

15 “(iv) the potential sources of lead in
16 drinking water (including, at a minimum,
17 non-lead-free service lines, water meters,
18 lead solder, and leaded plumbing fixtures);

19 “(v) information sources regarding
20 the cost and availability of lead-free plumb-
21 ing fixtures for use in residences;

22 “(vi) reasonably available methods of
23 mitigating known or potential lead con-
24 tamination of drinking water, including—

1 “(I) a detailed, step-by-step de-
2 scription of immediate actions that
3 should be taken, such as the use of a
4 certified water filter or other acqui-
5 sition of an alternative water supply;
6 and

7 “(II) a summary of more exten-
8 sive actions that could be taken;

9 “(vii) any steps the community water
10 system or nontransient noncommunity
11 water system is taking to mitigate lead
12 content in drinking water, including—

13 “(I) a timeline for decision-
14 making;

15 “(II) a description of the means
16 by which the public will provide input
17 in the decisionmaking process; and

18 “(III) a description of the poten-
19 tial health effects of any corrosion
20 control modifications;

21 “(viii) the necessity, if any, of seeking
22 alternative water supplies; and

23 “(ix) contact information for—

1 “(I) medical assistance, including
2 State and local agencies responsible
3 for lead programs;

4 “(II) the community water sys-
5 tem or nontransient noncommunity
6 water system; and

7 “(III) the task force established
8 under paragraph (3)(A)(ii).

9 “(C) EMPHASIS.—A notice under this
10 paragraph shall place special emphasis on—

11 “(i) alerting parents, caregivers, and
12 other individuals and entities of the signifi-
13 cantly greater risks to infants, children,
14 and pregnant and lactating women posed
15 by lead contamination of drinking water;
16 and

17 “(ii) encouraging individuals and enti-
18 ties threatened by lead contamination in
19 the drinking water supply to immediately
20 modify behavior and follow other rec-
21 ommendations in the notice so as to mini-
22 mize exposure to lead in drinking water.

23 “(D) DELIVERY OF NOTICE.—

24 “(i) NOTICE TO ALL RESIDENCES AND
25 ENTITIES.—

1 “(I) IN GENERAL.—The notice
2 under subparagraph (A) shall be pro-
3 vided to each residence or entity that
4 receives water from the community
5 water system or nontransient non-
6 community water system.

7 “(II) WARNING.—Each commu-
8 nity water system and nontransient
9 noncommunity water system shall
10 print on the water bill provided to
11 each residence and entity described in
12 subclause (I) a warning that there is
13 a public health risk from high lead
14 levels in the drinking water.

15 “(ii) TIMING.—The notice required
16 under subparagraph (A) shall be deliv-
17 ered—

18 “(I) not later than 30 days after
19 the date on which the maximum con-
20 taminant level or action level for lead
21 is exceeded; and

22 “(II) every 90 days thereafter for
23 as long as the exceedance continues.

24 “(E) NOTICE OF TEST RESULTS.—Regard-
25 less of whether the maximum contaminant level

1 or action level for lead is exceeded, not later
2 than 14 days after the date of receipt of any
3 water lead test results conducted by the com-
4 munity water system or nontransient non-
5 community water system, the water system
6 shall provide to the owners and occupants of
7 each residence tested a notice of the test results
8 that includes—

9 “(i) the results of the water testing
10 for that residence;

11 “(ii) contact information (including a
12 telephone number, address, and, if avail-
13 able, the Internet site address) for the ap-
14 plicable State or local health department or
15 other agency for immediate assistance with
16 blood lead level testing and lead remedi-
17 ation; and

18 “(iii) the information and emphasis
19 described in subparagraphs (B) and (C).

20 “(F) VERIFICATION OF EFFECTIVENESS.—

21 “(i) IN GENERAL.—Not later than
22 180 days after the date of enactment of
23 this subparagraph, the Administrator shall
24 establish verification procedures that en-
25 sure that notices provided under this para-

1 graph are effective and appropriate, taking
2 into consideration risks posed to individ-
3 uals and entities that may be exposed to
4 lead contamination in drinking water.

5 “(ii) CONTENTS.—The procedures
6 shall provide means of verifying, at a min-
7 imum, whether a notice—

8 “(I) reaches the intended individ-
9 uals and entities;

10 “(II) is received and understood
11 by those individuals and entities; and

12 “(III) includes an appropriate de-
13 scription of the level of risk posed to
14 those individuals and entities by lead
15 contamination of drinking water.

16 “(3) PUBLIC EDUCATION PROGRAM.—

17 “(A) IN GENERAL.—Each owner or oper-
18 ator of a community water system or nontran-
19 sient noncommunity water system shall estab-
20 lish and carry out a permanent, public edu-
21 cation program on lead in drinking water that
22 includes—

23 “(i) development and implementation
24 of an action plan;

1 “(ii) establishment and maintenance
2 of a standing, community-based task force;

3 “(iii) development and implementation
4 of a voluntary household water testing pro-
5 gram; and

6 “(iv) preparation and delivery of pub-
7 lic education materials in each relevant
8 language.

9 “(B) ACTION PLAN.—The action plan de-
10 veloped under subparagraph (A)(i) shall achieve
11 the objectives of—

12 “(i) defining the target audience for
13 the public education program;

14 “(ii) outlining a voluntary customer
15 water testing program for lead;

16 “(iii) identifying types of educational
17 materials to be used at each stage of public
18 education; and

19 “(iv) determining the appropriate tim-
20 ing and method of delivery of information
21 on lead in drinking water.

22 “(C) TASK FORCE.—

23 “(i) MEMBERSHIP.—In establishing
24 the task force under subparagraph (A)(ii),
25 the community water system or nontran-

1 sient noncommunity water system shall so-
2 licit the participation of—

3 “(I) State, city, and county offi-
4 cials and agencies, including officials
5 and agencies responsible for water
6 quality, environmental protection, and
7 testing for elevated lead levels in
8 drinking water and in individuals;

9 “(II) local public school systems;

10 “(III) public hospitals and clin-
11 ics;

12 “(IV) child care facilities; and

13 “(V) interested private entities.

14 “(ii) RESPONSIBILITIES.—The task
15 force shall—

16 “(I) assist community water sys-
17 tems and nontransient noncommunity
18 water systems in developing and revis-
19 ing action plans developed under sub-
20 paragraph (A)(i);

21 “(II) review the effectiveness of
22 public notice provided under para-
23 graph (2);

24 “(III) make recommendations to
25 community water systems and non-

1 transient noncommunity water sys-
2 tems;

3 “(IV) provide a means by which
4 community water systems and non-
5 transient noncommunity water sys-
6 tems may share information with the
7 public; and

8 “(V) facilitate the response of a
9 community water system or nontran-
10 sient noncommunity water system in
11 the event of an exceedance of the
12 maximum contaminant level or action
13 level for lead.

14 “(D) WATER TESTING PROGRAM.—In de-
15 veloping a voluntary water testing program
16 under subparagraph (A)(iii), a community
17 water system or nontransient noncommunity
18 water system shall—

19 “(i) provide a means by which individ-
20 uals and entities may request water testing
21 with a single phone call, letter, or elec-
22 tronically mailed letter;

23 “(ii) conduct applicable tests in a
24 timely manner, including ensuring that

1 water samples are retrieved from house-
2 holds in a timely manner;

3 “(iii) ensure that tests are conducted
4 properly by certified laboratories; and

5 “(iv) provide to individuals and enti-
6 ties that requested water testing the re-
7 sults of the tests, and any additional appli-
8 cable information (such as information
9 contained in educational materials de-
10 scribed in subparagraph (E)) in a timely
11 manner.

12 “(E) CONTENTS.—

13 “(i) IN GENERAL.—Public education
14 and consumer awareness materials pro-
15 vided under this paragraph shall include—

16 “(I) the potential adverse health
17 effects of lead contamination of drink-
18 ing water, including a detailed de-
19 scription of the disproportionate ad-
20 verse effects of lead contamination of
21 drinking water on infants, children,
22 and pregnant and lactating women;

23 “(II) the potential sources of lead
24 in drinking water (including, at a
25 minimum, non-lead-free service lines,

1 lead solder, and leaded plumbing fix-
2 tures);

3 “(III) a summary of the histor-
4 ical compliance of the community
5 water system or nontransient non-
6 community water system as evidenced
7 by testing conducted under the na-
8 tional primary drinking water regula-
9 tion for lead, including any corrective
10 actions taken and the schedule for the
11 next testing cycle;

12 “(IV) the cost and availability of
13 lead-free plumbing fixtures for use in
14 residences; and

15 “(V) contact information for—

16 “(aa) medical assistance, in-
17 cluding State and local agencies
18 responsible for lead programs;

19 “(bb) the community water
20 system or nontransient non-
21 community water system; and

22 “(cc) the task force estab-
23 lished under subparagraph
24 (A)(ii).

1 “(ii) EMPHASIS.—A notice under this
2 paragraph shall place special emphasis
3 on—

4 “(I) alerting parents, caregivers,
5 and other individuals and entities of
6 the significantly greater risks to in-
7 fants, children, and pregnant and lac-
8 tating women posed by lead contami-
9 nation of drinking water; and

10 “(II) encouraging individuals and
11 entities threatened by lead contamina-
12 tion in the drinking water supply to
13 immediately modify behavior and fol-
14 low other recommendations in the no-
15 tice so as to minimize exposure to lead
16 in drinking water.

17 “(F) DELIVERY OF PUBLIC EDUCATION.—
18 Notwithstanding any absence of an exceedance
19 of the maximum contaminant level or action
20 level for lead, a community water system or
21 nontransient noncommunity water system shall
22 provide biannually to customers of the commu-
23 nity water system or nontransient noncommu-
24 nity water system—

1 “(i) public education materials and
2 notice in accordance with this paragraph,
3 including a general description of other
4 sources of lead contamination (such as lead
5 paint); and

6 “(ii) the results of the most recent
7 water testing conducted by the community
8 water system or nontransient noncommu-
9 nity water system.

10 “(G) APPLICABILITY.—Except as provided
11 in subparagraph (F)(ii), this paragraph applies
12 only to community water systems and nontran-
13 sient noncommunity water systems that, at any
14 time after June 7, 1991, exceed or have exceed-
15 ed the maximum contaminant level or action
16 level for lead.”.

17 **SEC. 5. ADDITIONAL PROVISIONS.**

18 Section 1417 of the Safe Drinking Water Act (42
19 U.S.C. 300g–6) is amended by adding at the end the fol-
20 lowing:

21 “(f) FILTERS.—

22 “(1) IN-HOME FILTERS.—

23 “(A) FILTERS.—

24 “(i) IN GENERAL.—After an exceed-
25 ance of a maximum contaminant level or

1 action level for lead by a community water
2 system or nontransient noncommunity
3 water system, the community water system
4 or nontransient noncommunity water sys-
5 tem shall provide on-location filters and re-
6 placement filters described in subpara-
7 graph (C) to each residence, school, and
8 day care facility in the service area of the
9 community water system or nontransient
10 noncommunity water system that could
11 reasonably be expected to experience lead
12 contamination of drinking water in excess
13 of the maximum contaminant level or ac-
14 tion level for lead.

15 “(ii) TIMING.—Filters and replace-
16 ment filters shall be provided to a commu-
17 nity water system or nontransient non-
18 community water system under clause (i)
19 until such time as the system no longer ex-
20 ceeds the maximum contaminant level or
21 action level.

22 “(B) PRIORITY.—Priority shall be given—

23 “(i) first, to vulnerable populations
24 such as infants, children, and pregnant
25 and lactating women; and

1 “(ii) second, to those residences,
2 schools, and day care facilities that have or
3 could be expected to have higher lead lev-
4 els, based on testing results under the na-
5 tional primary drinking water regulation
6 for lead.

7 “(C) STANDARDS AND CERTIFICATIONS
8 FOR FILTERS.—Each type of on-location filter
9 provided under subparagraph (A) shall be cer-
10 tified by a third-party certifier accredited by the
11 American National Standards Institute (re-
12 ferred to in this section as ‘ANSI’) to the ap-
13 propriate NSF International (referred to in this
14 section as ‘NSF’)/ANSI standard for lead re-
15 duction.

16 “(2) NO LIMITATION.—The provision of filters
17 under paragraph (1) shall not be limited to resi-
18 dences known to have non-lead-free service lines.

19 “(3) WAIVER OF CERTAIN REQUIREMENTS.—
20 The Administrator may waive 1 or more require-
21 ments under this subsection if the Administrator de-
22 termines that the requirements are not feasible or
23 necessary to carry out section 1412(b)(16)(B).

24 “(g) FEDERAL AGENCIES.—

1 “(1) IN GENERAL.—Each Federal agency shall
2 conduct water supply testing in each federally-owned
3 or federally-occupied building under the jurisdiction
4 of the Federal agency to determine whether lead lev-
5 els in drinking water in the building require action
6 to provide a level of protection consistent with sec-
7 tion 1412(b)(16)(B).

8 “(2) METHODOLOGY AND GUIDANCE.—The Ad-
9 ministrators shall establish a methodology and pro-
10 vide guidance for testing and remediation in Federal
11 buildings that will provide a level of protection con-
12 sistent with section 1412(b)(16)(B).

13 “(3) APPLICABILITY.—

14 “(A) IN GENERAL.—This subsection shall
15 not apply to a Federal building that is served
16 by a federally-owned or federally-operated pub-
17 lic water system that is subject to the national
18 primary drinking water regulation for lead.

19 “(B) OTHER REQUIREMENTS.—Nothing in
20 this subsection affects any requirement applica-
21 ble to a public water system.

22 “(h) TESTING.—

23 “(1) IN GENERAL.—Not later than 1 year after
24 the date of enactment of this subsection, in accord-
25 ance with testing requirements under the national

1 primary drinking water regulation for lead, each
2 community water system and nontransient non-
3 community water system described in paragraph (2)
4 shall initiate, and complete not later than 180 days
5 after the date of initiation, a testing program for
6 lead in drinking water that is consistent with the
7 monitoring requirements under section 141.86 of
8 title 40, Code of Federal Regulations (or a successor
9 regulation) that are associated with the final rule
10 entitled ‘Maximum Contaminant Level Goals and
11 National Primary Drinking Water Regulations for
12 Lead and Copper’ (56 Fed. Reg. 26548 (June 7,
13 1991)).

14 “(2) APPLICABILITY.—This section applies to
15 each community water system and nontransient non-
16 community water system that—

17 “(A) is monitoring lead in drinking water
18 on a reduced monitoring plan in accordance
19 with section 141.86(c) of title 40, Code of Fed-
20 eral Regulations;

21 “(B) is subject to the requirements of the
22 final rule entitled ‘National Primary Drinking
23 Water Regulations: Disinfectants and Disinfect-
24 tion Byproducts, Part IV’ (63 Fed. Reg. 69390

1 (December 16, 1998)) (referred to in this sec-
2 tion as the ‘Stage 1 Rule’); and

3 “(C) has not conducted monitoring under
4 the reduced monitoring plan of the system since
5 making significant changes as a means of com-
6 plying with the Stage 1 Rule (as in effect on
7 the date of enactment of this subsection).

8 “(i) MONITORING.—The Administrator shall revise
9 the monitoring requirements under the national primary
10 drinking water regulation for lead to—

11 “(1) require monitoring at least biannually;

12 “(2) ensure that monitoring is statistically rel-
13 evant and fully representative of all types of residen-
14 tial dwellings and commercial establishments;

15 “(3) ensure that monitoring frequency and
16 scope are enhanced for—

17 “(A) at least the 1-year period following
18 any substantial modification of the treatment of
19 drinking water provided; and

20 “(B) any period during which the drinking
21 water of a water system exceeds the maximum
22 contaminant level or action level for lead;

23 “(4) require that, in order to be certified to
24 conduct drinking water analyses under this Act, a
25 laboratory shall electronically report lead test results

1 for public water systems (and such other results or
2 data as are determined to be appropriate by the Ad-
3 ministrator), in accordance with protocols estab-
4 lished by the Administrator, directly to the Adminis-
5 trator and the applicable State or local agency; and
6 “(5) otherwise ensure that the Safe Drinking
7 Water Information System and the National Con-
8 taminant Occurrence Database of the Administrator
9 reliably and timely reflect information regarding
10 drinking water quality and compliance with respect
11 to lead.

12 “(j) CORROSION CONTROL.—In revising the national
13 primary drinking water regulation for lead, the Adminis-
14 trator shall ensure that any requirement for corrosion con-
15 trol includes a requirement that, not later than 1 year
16 after the date of any change in water treatment, or of
17 an exceedance of the maximum contaminant level or action
18 level for lead, each community water system and nontran-
19 sient noncommunity water system shall—

20 “(1) reevaluate any corrosion control plan in
21 place for the water system; and

22 “(2) implement any changes necessary to re-
23 optimize the plan.”.

1 **SEC. 6. NON-LEAD FREE SERVICE LINE REPLACEMENT**
2 **FUND.**

3 Section 1417 of the Safe Drinking Water Act (42
4 U.S.C. 300g-6) (as amended by section 5) is amended by
5 adding at the end the following:

6 “(1) AUTHORIZATION OF APPROPRIATIONS.—

7 “(1) IN GENERAL.—There is authorized to be
8 appropriated to carry out replacement of non-lead-
9 free service lines under subsection (a)(1)(C)(iv)(VI)
10 \$200,000,000 for each of fiscal years 2006 through
11 2010.

12 “(2) DISTRICT OF COLUMBIA.—Of amounts
13 provided under paragraph (1), \$40,000,000 for each
14 of fiscal years 2006 through 2010 is authorized for
15 use in replacing non-lead free service lines in the
16 District of Columbia.”.

17 **SEC. 7. PROHIBITION ON USE OF LEAD PIPES, SOLDER,**
18 **AND FLUX.**

19 (a) DEFINITIONS.—Section 1417 of the Safe Drink-
20 ing Water Act (42 U.S.C. 300g-6) is amended by striking
21 subsection (d) and inserting the following:

22 “(d) DEFINITIONS.—In this section:

23 “(1) HIGH LEAD.—The term ‘high lead’ means
24 any pipe, or pipe or plumbing fitting or fixture, that
25 contains more than 2 percent lead.

1 “(2) LEAD FREE.—The term ‘lead free’ means
2 solder, flux, a pipe, or a pipe or plumbing fitting or
3 fixture that contains not more than 0.2 percent lead.

4 “(3) PLUMBING FITTING; PLUMBING FIX-
5 TURE.—The terms ‘plumbing fitting’ and ‘plumbing
6 fixture’ do not include—

7 “(A) any porcelain item; or

8 “(B) any plumbing component that does
9 not come into contact with drinking water.”.

10 (b) PROHIBITIONS.—Section 1417(a) of the Safe
11 Drinking Water Act (42 U.S.C. 300g–6(a)) is amended—

12 (1) by striking “(a) IN GENERAL.—” and all
13 that follows through paragraph (1)(A)(ii) and insert-
14 ing the following:

15 “(a) USE OF LEAD PIPES, SOLDER, AND.—

16 “(1) PROHIBITIONS.—

17 “(A) IN GENERAL.—

18 “(i) SOLDER AND FLUX.—No person
19 may use, after June 19, 1986, any solder
20 or flux that is not lead free in the installa-
21 tion or repair of any public water system
22 or any plumbing in a residential or non-
23 residential facility providing water for
24 human ingestion (including water for bath-
25 ing).

1 “(ii) PIPES; PIPE AND PLUMBING FIT-
2 TINGS AND FIXTURES.—

3 “(I) IN GENERAL.—Not later
4 than 1 year after the date of enact-
5 ment of the Lead-Free Drinking
6 Water Act of 2005, no person may
7 use any high lead pipe, or pipe or
8 plumbing fitting or fixture, in the in-
9 stallation or repair of—

10 “(aa) (aa) any public water
11 system; or

12 “(bb) (bb) any plumbing in
13 a residential or nonresidential fa-
14 cility providing water for human
15 ingestion (including water for
16 bathing).

17 “(II) PROHIBITION.—On and
18 after the date that is 5 years after the
19 date of enactment of the Lead-Free
20 Drinking Water Act of 2005, no per-
21 son may use any pipe, or pipe or
22 plumbing fitting or fixture, that is not
23 lead free in the installation or repair
24 of—

1 “(aa) any public water sys-
2 tem; or

3 “(bb) any plumbing in a res-
4 idential or nonresidential facility
5 providing water for human inges-
6 tion (including water for bath-
7 ing).”; and

8 (2) in paragraph (3), by striking “(3) UNLAW-
9 FUL ACTS.—” and all that follows through subpara-
10 graph (A) and inserting the following:

11 “(3) UNLAWFUL ACTS.—On and after the date
12 that is 1 year after the date of enactment of the
13 Lead-Free Drinking Water Act of 2005, it shall be
14 unlawful—

15 “(A) for any person to introduce into com-
16 merce any pipe, or pipe or plumbing fitting or
17 fixture, that is a high lead pipe or high lead
18 pipe or plumbing fitting or fixture (except for
19 a pipe that is used in manufacturing or indus-
20 trial processing);”.

21 (c) CERTIFICATION; TECHNICAL INFORMATION AND
22 ASSISTANCE; FAILURE TO COMPLETE REVISION.—Sec-
23 tion 1417(e)(2) of the Safe Drinking Water Act (42
24 U.S.C. 300g–6(e)(2)) is amended by adding at the end
25 the following:

1 “(C) CERTIFICATION.—The Administrator
2 shall require that any plumbing fitting or fix-
3 ture intended by the manufacturer (or agent of
4 the manufacturer) to convey or dispense water
5 for human ingestion (including water for bath-
6 ing) be certified by an independent, third-party
7 certifier accredited by ANSI as meeting the re-
8 quirements of NSF/ANSI standard number 61
9 as described in subparagraph (A).

10 “(D) TECHNICAL INFORMATION AND AS-
11 SISTANCE.—The Administrator shall provide ac-
12 curate and timely technical information and as-
13 sistance to qualified third-party certifiers de-
14 scribed in subparagraph (C), and to the NSF,
15 for use in conducting a review of, and, not later
16 than 1 year after the date of enactment of this
17 subparagraph, revising NSF/ANSI standard
18 number 61 such that the NSF Test Statistic Q
19 applicable to plumbing fittings and fixtures
20 shall be less than or equal to 5 micrograms.

21 “(E) FAILURE TO COMPLETE REVISION.—
22 If the Administrator determines that the revi-
23 sion required by subparagraph (D) has not been
24 completed by the date that is 2 years after the
25 date of enactment of this subparagraph, no per-

1 son may import, manufacture, process, or dis-
2 tribute in commerce after that date any new
3 pipe, or pipe or plumbing fitting or fixture, in-
4 tended by the manufacturer (or agent of the
5 manufacturer) to convey or dispense water for
6 human ingestion (including water for bathing)
7 that is not lead free.”.

8 **SEC. 8. REMOVAL OF LEAD IN SCHOOLS.**

9 (a) **REMOVAL OF LEAD IN SCHOOLS AND EDU-**
10 **CATIONAL FACILITIES.**—Section 1464 of the Safe Drink-
11 ing Water Act (42 U.S.C. 300j–24) is amended by striking
12 subsection (d) and inserting the following:

13 “(d) **REMOVAL OF LEAD IN SCHOOLS AND EDU-**
14 **CATIONAL FACILITIES.**—

15 “(1) **TESTING AND REMEDIATION OF LEAD**
16 **CONTAMINATION.**—Not later than 270 days after the
17 date of enactment of the Lead-Free Drinking Water
18 Act of 2005, the Administrator—

19 “(A) shall promulgate regulations requir-
20 ing each State to establish a program under
21 which schools and other educational facilities li-
22 censed by the State are required to test for an-
23 nually, and remediate, lead contamination in
24 water for human ingestion from coolers, taps,
25 and other sources; and

1 “(B) may provide to each State, in accord-
2 ance with the regulations, a grant to assist, or
3 provide reimbursement for costs incurred by,
4 schools and educational facilities licensed by the
5 State in carrying out testing and remediation
6 described in subparagraph (A).

7 “(2) PUBLIC AVAILABILITY.—

8 “(A) IN GENERAL.—The regulations shall
9 provide that a copy of the results of any testing
10 at a school or educational facility under para-
11 graph (1) shall be available in the reception
12 area and administrative offices of the school or
13 facility for inspection by the public, including—

14 “(i) teachers and other school or facil-
15 ity personnel; and

16 “(ii) parents and legal guardians of
17 students attending the school or facility.

18 “(B) NOTIFICATION.—The regulations
19 shall provide that each school and educational
20 facility licensed by a State shall notify parent,
21 teacher, and employee organizations of the
22 availability of testing results described in sub-
23 paragraph (A).

24 “(3) DRINKING WATER COOLERS.—In the case
25 of drinking water coolers, the regulations promul-

1 gated under paragraph (1)(A) shall provide that,
2 under the program established by a State under the
3 regulations, each school and educational facility li-
4 censed by the State shall carry out appropriate
5 measures for the reduction or elimination of lead
6 contamination from drinking water coolers that are
7 located in the school or facility and are not lead free
8 necessary to ensure that, not later than the date
9 that is 15 months after the date of enactment of the
10 Lead-Free Drinking Water Act of 2005, all such
11 drinking water coolers in the school or facility are
12 repaired, replaced, permanently removed, or ren-
13 dered inoperable (unless the drinking water cooler is
14 tested and determined, within the limits of testing
15 accuracy, not to contribute lead to drinking water).

16 “(4) FEDERAL AUTHORITY.—In a case in which
17 a State does not carry out the responsibilities of the
18 State under this subsection, the Administrator shall
19 carry out such a program or such responsibilities on
20 behalf of the State.

21 “(5) FUNDING.—

22 “(A) AUTHORIZATION OF APPROPRIA-
23 TIONS.—There is authorized to be appropriated
24 to carry out this subsection \$30,000,000 for
25 each of fiscal years 2007 through 2011.

1 “(B) ADMINISTRATIVE EXPENSES.—A
2 State (or, in a case in which the Administrator
3 implements this subsection under paragraph
4 (4), the Administrator) may use not more than
5 5 percent of amounts authorized to be appro-
6 priated under subparagraph (A) for a fiscal
7 year to pay administrative expenses incurred in
8 carrying out this subsection for the fiscal
9 year.”.

10 (b) ENFORCEMENT.—Section 1414(i)(1) of the Safe
11 Drinking Water Act (42 U.S.C. 300g–3(i)(1)) is amend-
12 ed—

13 (1) by striking “1417” and inserting “1417,”;
14 and

15 (2) by striking “or 1445” and inserting “1445,
16 or 1464(d)”.

17 (c) CONFORMING AMENDMENT.—Section 1465 of the
18 Safe Drinking Water Act (42 U.S.C. 300j–25) is repealed.

19 **SEC. 9. REVISION OF REGULATIONS.**

20 In revising the national primary drinking water regu-
21 lation for lead under section 1412(b)(16) of the Safe
22 Drinking Water Act (as added by section 2), the Adminis-
23 trator shall ensure that the revised regulation incorporates

1 all applicable requirements of this Act and the amend-
2 ments made by this Act.

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