

United States Senate

WASHINGTON, DC 20510

July 13, 2017

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Pruitt:

We write to request information about how the Environmental Protection Agency (EPA) intends to identify and respond to instances of drinking water contamination, similar to the recent lead contamination crisis that occurred in Flint, Michigan. We are particularly concerned that the risks of drinking water contamination continue to grow. These risks are exacerbated by the proposed cuts to EPA's budget, EPA's long-standing failure to issue new drinking water standards and EPA's recent actions to rescind the Clean Water Rule.

The crisis in Flint, Michigan, a city where 40 percent of residents live in poverty¹, began in 2014 when a State-government official decided to switch the city's drinking water supply. This decision, made due to cost, resulted in the failure of the city's drinking water to be treated with an anti-corrosive agent before it entered the city's iron water mains and lead pipe delivery system. This led to instances of dangerously elevated lead levels in the city's drinking water, which were ignored by city and state officials, who maintained that the water was safe even in the face of EPA warnings^{2 3}. Moreover, a report that investigated the State's response to complaints about the water found that it "was often one of aggressive dismissal, belittlement and attempts to discredit these efforts and the individuals involved." Criminal charges related to concealing and falsifying drinking water safety information and to an outbreak of Legionnaire's disease which may also be linked to the drinking water crisis have been filed⁴.

The city of Flint is not the only economically stressed community in the U.S. that may be at risk of similarly dangerous cost-cutting measures. An investigation⁵ by *Reuters* found 449 areas in the U.S. with lead exposure levels that were higher than those found in Flint. Other reports have described:

- The manner in which communities could be in compliance with EPA's Lead and Copper Rule while still providing unsafe drinking water to the households the drinking water systems serve;⁶

¹ <http://www.nytimes.com/2016/01/10/us/flint-wants-safe-water-and-someone-to-answer-for-its-crisis.html>

² <http://www.nytimes.com/2016/01/24/us/when-the-water-turned-brown.html>

³ <http://www.cnn.com/2016/03/04/us/flint-water-crisis-fast-facts/index.html>

⁴ <http://www.cnn.com/2016/03/04/us/flint-water-crisis-fast-facts/index.html>

⁵ <http://www.reuters.com/investigates/special-report/usa-lead-states/>

⁶ http://www.huffingtonpost.com/entry/flint-lead-poisoning-philadelphia-newark-chicago_us_57030bcce4b0a06d5806b787

- The contamination of drinking water with other chemicals that are known to be dangerous but remain unregulated under the Safe Drinking Water Act;⁷
- Problems with the manner in which EPA monitors drinking water contaminants in order to decide which ones require regulation;⁸ and
- The potential that the safety of the drinking water of 117 million Americans will be at risk if EPA rescinds but does not adequately replace the Clean Water Rule⁹.

At the same time that drinking water infrastructure ages and state budgets are challenged, the FY 2018 budget proposal¹⁰ for EPA contains some alarming cuts, which include:

- A \$38 million (36%) cut to EPA's research budget for Safe and Sustainable Water Resources;
- A \$16 million (17%) cut to the EPA Human Health Protection program which assists with the monitoring and remediation of contaminants that present public health risk in drinking water;
- A \$30 million (46%) cut to EPA's Office of Ground Water and Drinking Water; and
- A \$126 million (24%) cut to EPA's Office of Enforcement and Compliance Assurance.

We are concerned that the combination of this Administration's inclination to repeal environmental regulations rather than promulgate new ones, and to constrain state and federal drinking water spending, will result in serious harm to public health. So that we understand EPA's plans for the protection of drinking water systems in the U.S., we ask that you provide us with complete responses to the following questions no later than close of business on Friday August 18, 2017:

1. Please provide a detailed timeline for EPA to propose and finalize its planned revisions to the Lead and Copper Rule, including each expected stage in this process.
2. Please provide a detailed timeline for EPA to propose and finalize regulations for perchlorate, which it is under a consent decree to undertake, including each expected stage in this process.
3. Please provide a detailed timeline for EPA to propose and finalize regulations for any other drinking water contaminant it is currently in the process of evaluating for regulation, including each expected stage in this process.
4. Please provide a detailed timeline for actions EPA plans to take regarding each national primary drinking water regulation that it announced in January 2017 that it would review and, as necessary revise, as part of its Six Year review¹¹, including each expected stage in this process.

⁷ <http://www.ewg.org/research/mapping-contamination-crisis>

⁸ <https://www.gao.gov/assets/670/660067.pdf>

⁹ <http://www.ewg.org/research/trump-plan-gut-stream-protections-imperils-tap-water-117-million-americans>

¹⁰ <https://www.epa.gov/sites/production/files/2017-05/documents/fy-2018-congressional-justification.pdf>

¹¹ <https://www.federalregister.gov/documents/2017/01/11/2016-31262/national-primary-drinking-water-regulations-announcement-of-the-results-of-epas-review-of-existing>

5. Please provide a list of all drinking water systems that had lead action level exceedances in the past three years, and provide a specific description of EPA's efforts to address such exceedances.
6. Please provide copies of all correspondence (including emails, meeting records, briefing materials, memos and presentations) between political appointees at EPA (including transition or landing team personnel) and the EPA Office of Drinking Water related to lead, the Lead and Copper Rule, perchlorate, perfluorooctanoic acid or perfluorooctanesulfonic acid.

Thank you very much for your consideration of this important matter. If you have any questions or concerns, please have your staff contact Michal Freedhoff of the Committee on Environment and Public Works Democratic staff at 202-224-8832.

Sincerely,



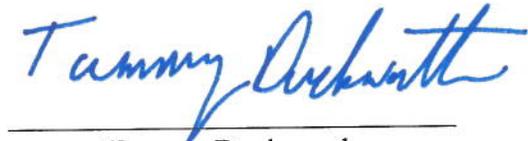
Thomas R. Carper
U.S. Senator



Debbie Stabenow
U.S. Senator



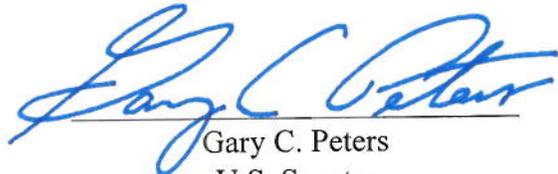
Benjamin L. Cardin
U.S. Senator



Tammy Duckworth
U.S. Senator



Cory A. Booker
U.S. Senator



Gary C. Peters
U.S. Senator