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August 12, 2016

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Administrator McCarthy:

The Local Government Advisory Committee (LGAC) is writing to you to express our concerns and recommendations regarding clean and safe drinking water. As you are aware, drinking water contamination is a problem affecting many of our communities. It is of the utmost importance that all of our citizens, across the country, have access to clean drinking water, free from harmful contaminants. We, as local leaders, are deeply concerned with the health of our citizens and this issue has become a priority for us all. We would like to extend our gratitude to you and the Agency for your dedication to addressing drinking water contamination and to protecting the health of all Americans.

Background:

In the months since the disheartening news about Flint, Michigan's safe drinking water crisis, there has been a spike in national concern for drinking water contamination, particularly lead contamination. The Lead and Copper Rule (LCR) specifically addresses these concerns and aims to protect public health. It states that *"If lead concentrations exceed an action level of 15 parts per billion (ppb) or copper concentrations exceed an action level of 1.3 parts per million in more than 10% of customer taps sampled, the system must undertake a number of additional actions to control corrosion."* We want to ensure that the concentrations of lead and copper in our drinking water are within safe levels and do not surpass these limits. The LGAC is also concerned about emerging contaminants (EC) in our drinking water. EPA has established health advisories for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS), which states that safe levels are below .07 ppb.

Findings:

The LGAC is aware that states are the first line of information to local governments regarding safe drinking water and that local governments are the direct connection with citizens. However, the LGAC believes the EPA Regional offices are a critical resource for state, tribal and local governments. For example, a February 29, 2016 memorandum entitled *"Clarification of Recommended Tap Sampling Procedures for Purposes of the Lead and Copper Rule"* was disseminated by EPA headquarters to the ten regional offices. Under the Safe Drinking Water Act (SDWA), states are able to set and enforce drinking water standards. LGAC recognizes the important role states play in ensuring our citizens have safe drinking water and the importance of the federal-state relationship as well as the state-local government relationship.

Recommendation: Important information is often shared with higher levels of governments, under the presumption that it will eventually reach local government officials. This creates an unreliable and inefficient system of communication, one in

which local and tribal officials are the last to know of pressing issues. Therefore, the LGAC recommends that EPA finds the most effective way to get important information regarding safe drinking water, such as health advisories and new safety standards, directly to local governments and tribes. Just as you advised in your early July letter to governors concerning the LCR, we fully agree that finding best practices of communication amongst local and state governments is crucial for the health of our communities.

Recommendation: Communicating with communities can be challenging, and ensuring their engagement raises even further obstacles in more isolated, rural communities, low-income and environmental justice communities. These communities will need further investigative work, to assist in identifying their needs, and building a comprehensive strategy to address their specific concerns.

Recommendation: Because many local governments have part-time administrative and professional staff, they may not often review EPA websites. EPA Regional staff are encouraged to include in their information distribution process organizations within each state whose primary constituency consists of local and tribal governments. Examples include league of municipalities, associations of counties and rural water associations. Such organizations are more accustomed to communicating with local and tribal governments than are state agencies. Local and tribal governments may be more accustomed to reading and acting upon communications from such third party agencies.

Local governments, whether or not they are a municipal water authority, often play an active role in addressing drinking water issues as local governments connect directly with citizens. Therefore, it is important that local governments and tribes receive any notifications, advisories and resources concerning drinking water. We believe that documents such as the aforementioned memorandum and the *"Suggested Directions for Homeowner Tap Sample Collection Procedures"* should be disseminated to local governments, so that local officials can use it as a resource for citizens and their public water systems (PWS).¹ We recommend that you, Administrator, direct EPA regional offices to send out these above-mentioned documents directly to local governments as soon as possible. EPA Regions may also work with state municipal leagues and other intergovernmental organizations to help get this word out immediately.

Recommendation: Similarly, the LGAC recommends that health advisories about emerging contaminants, such as the one concerning PFOA and PFOS, be sent to local governments and tribes. Again, this gives local governments the chance to act in a timely manner. Local governments can inform citizens directly and can work collaboratively with the local PWS to address any issues.

These recommendations fit precisely *FY 2014-2018 EPA Strategic Plan Goal 2 of "Protecting America's Waters"* and Cross-Agency strategies of *"Launching a new era of state, tribal, and local partnerships"*. For our local governments, collaboration, communication and providing safe drinking water are some of the most important things that we do.

In April of 2014, the LGAC sent a recommendation letter about the LCR.² We want to take the opportunity to thank you for considering the suggestions we put forward in that letter as well as our recommendation transmitted December 2015 regarding better ways to protect source water. We hope that those suggestions and those presented in this letter serve you well and are considered helpful to you and the Agency. We hope to be a continuing partner with EPA as we address drinking water contamination across the United States. We offer our continued support and hope to serve the Agency however possible.

Thank you again for your support and consideration of the LGAC's recommendations. We also commend you and the EPA for your commitment to helping communities such as Flint, Michigan maintain and restore safe drinking water. Our

¹ https://www.epa.gov/sites/production/files/documents/LCR_Sample_Form.pdf

² https://www.epa.gov/sites/production/files/2015-10/documents/lgac_copper_and_lead_letter_of_recommendation.pdf

citizens depend on local, tribal, state and federal officials to work together and the LGAC appreciates your leadership in collaboration at all levels of governance.

Sincerely,



Mayor Bob Dixon
Chair



Ms. Susan Hann
Chairwoman
Protecting America's Waters Workgroup