



Comprehensive Proposal to Repair America's Crumbling Water Infrastructure and Remove Toxic Lead from Our Communities

TITLE I - INVESTING IN WATER INFRASTRUCTURE

- ***Reducing Lead in Drinking Water Grant Program:*** Senator Cardin and Boxer's provision would establish a new grant program to help communities and states fund projects that reduce lead in tap water by: (1) replacing publicly owned lead service lines; (2) identifying and addressing conditions that contribute to increased lead levels in water for human consumption (including corrosion control); (3) providing assistance to low-income homeowners to replace privately owned service lines, pipes or fixtures containing lead; and (4) educating consumers on ways to reduce exposure to lead from drinking water or other sources.

Communities and States receiving assistance would have to: (1) notify customers of the replacement of any publicly owned portion of the lead service line; (2) offer to replace the privately owned portion of the lead service line at cost; (3) recommend measures to consumers to avoid exposure to short-term increases in lead levels following a lead service line replacement;; and (4) consider multiple options for reducing lead in drinking water, including corrosion control; among many other things.

- ***Increases Funding for the Drinking Water State Revolving Fund (DWSRF) and Clean Water State Revolving Fund (CWSRF):*** Senator Cardin's provision would authorize increased appropriations for both of the EPA's state revolving fund programs. Beginning in FY 2016, the bill would authorize funding at the same levels provided in the American Recovery and Reinvestment Act and then increase annual funding by 15% over the next five years.
 - DWSRF: FY2017 \$3.13 billion, FY2018 \$3.6 billion, FY2019 \$4.14 billion, FY2020 \$4.8 billion, FY2021 \$5.5 billion
 - CWSRF: FY2017 \$5.18 billion, FY2018 \$5.96 billion, FY2019 \$6.85 billion, FY2020 \$7.88 billion, FY2021 \$9.06 billion
- ***Permanent reauthorization of the Water Infrastructure Finance and Innovation Act (WIFIA) at increased levels:*** Senator Merkley's provision would permanently reauthorize the WIFIA program and provide \$1.36 billion per year (or \$17.68 billion over 13 years) in mandatory funding in order to provide the needed water infrastructure investments through 2030. The U.S. Environmental Protection Agency's 2013 assessment of public water systems infrastructure shows a need of over \$384 billion by 2030 and the American Water Works Association estimates for the aggregate investment needs for drinking water infrastructure would total more than \$1.7 trillion by 2050. However, current water infrastructure funding only provides a fraction of the need. For example, the total budget for the State Revolving Loan Fund (SRF) in Fiscal Year 2016 was \$2.3 billion, which, if continued at this level, would only provide \$29.9 billion over 13 years to 2030. The Water Infrastructure Finance and Innovation Act (WIFIA) would lower the cost of infrastructure investments and increase the availability of lower-cost capital for larger infrastructure projects. WIFIA authorizes the Environmental Protection Agency to make low interest loans directly from the U.S. Treasury for drinking water and wastewater projects, fulfilling a critical need in water infrastructure financing.





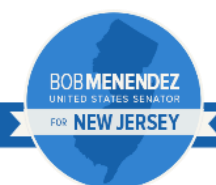
- ***Requires American made, taxpayer produced iron and steel in public water systems:*** Senator Baldwin's provision would ensure the use of American iron, steel and manufactured goods in the construction of, alteration, maintenance or repair of public works and water infrastructure projects. As drafted, the legislation would apply exceptions where it is found doing so is inconsistent with the public interest, would increase the cost of the project by more than 25% or would violate any obligations under international agreements.
- ***Removes the cap on private activity bonds for water and wastewater infrastructure projects:*** This provision from Senator Menendez would stimulate private-sector investment in water infrastructure to fund critical repairs by modifying the federal tax code to remove caps on the issuances of government private activity bonds (PAB) for water and wastewater projects. Current law imposes an annual cap on the amount of private activity bonds that municipalities can issue per state. As a result of this cap, privately operated water systems are limited in the amount of low-cost capital they can secure to make investments to their water infrastructure. This is exacerbated by the fact that water projects are often multi-year, expensive endeavors that are hard to scale down. Removing the cap for these projects would allow municipalities with privately run water systems to access more private activity bonds, which provides low-cost capital to make investments or improvements to infrastructure.

TITLE II - REFORMING LEAD NOTIFICATION, TESTING, AND TRANSPARENCY

Despite lead poisoning being a major national public health crisis, there is no mandatory national reporting requirement for states to report elevated blood lead levels. 21 states do not regularly submit data to the CDC on lead surveillance programs in their states. Only 27 states reported childhood blood lead surveillance results to the CDC's national database for 2014, the most recent statistical set available. Of the 3,143 counties in the United States, only 1573 reported lead poisoning data in 2014. In other words, that means that there are 1,570 counties in the U.S. that provide no lead poisoning statistics because states are not required to submit their data to the CDC. [Washington Post, [2/4/16](#); Vox, [1/21/16](#)]

This legislation would require states to report elevated levels of lead in blood and improve the process by which states test for lead, notify public health officials and keep track of data on incidences of lead poisoning. It is imperative that we do away with the critical gap in data federal public health officials face regarding cases of lead poisoning in children.

- ***Establishes a mandatory reporting requirement for states to report elevated levels of lead in blood:*** Senators Cardin's provision would require mandatory testing, monitoring, and reporting of lead in children's blood. This will ensure that any safety precautions intended to reduce the amount of lead in tap water are working and if they are not something can be done immediately.
- ***Updates the EPA's lead and copper regulations to establish mandatory lead testing of pipes and water:*** Senators Cardin and Durbin's provision calls on the EPA to issue a new lead and copper rule for drinking water that would set an action level for lead and copper. In line with recommendations found in a report from the National Drinking Water Advisory Committee (NDWAC), the new rule would be based on the amount of lead that would result in a blood lead level greater than 5 micrograms per deciliter in an average, healthy infant. Though there is no safe level of lead in children, 5 micrograms per deciliter has





been the CDC's reference level to identify children with blood lead levels that are higher than most children's levels. The new rule would use the 5 mg/dl action blood lead level to trigger a consumer notification of drinking water contamination; (2) a report to the appropriate public health agency; and (3) an examination by the public water system of service line material and, if applicable, the removal of lead portions of the service line. The new lead and copper rule would also require reporting by public water systems for each monitoring period to the populations they serve on information concerning lead and copper levels and require public water systems to provide a public statement of lead service line ownership where a community has such lines.

- ***Improves notification of any exceedance of lead action levels:*** Senators Peters and Stabenow's provision would update federal law to require communities to notify the public whenever lead monitoring activities detect "any exceedance of a lead action level or any other prescribed level of lead" regulated by the Safe Drinking Water Act (SDWA). Additionally, the bill would direct EPA to notify the public about concentrations of lead in the water system discovered through monitoring if the state does not do so in a timely manner. EPA would also be allowed to notify any water utility customer of "any result of lead monitoring conducted by a public water system."
- ***Electronic accounting and reporting requirements for lead and other contaminants:*** Senator Markey's provision would require the EPA to establish requirements for electronic reporting of water quality testing results, and to maintain a database of cross-agency results (such as the CDC blood-lead level tests). In addition, the bill focuses on disadvantaged communities by updating the requirements for repeat- or serious-offender water systems and creating a system so that residents can request in-home water quality tests from the EPA and receive the test results in an expedited manner. Disadvantaged communities with public water systems that report exemptions or have persistent violations will receive priority State Revolving Funds, and no less than 6% of Funds must be used for those communities.
- ***Helps schools across the country test for lead in drinking water:*** Senator Schumer's provision will create a new \$100 million federal grant program through the U.S. Environmental Protection Agency (EPA) that would help school districts across the country test their drinking water for potential lead contamination. This grant program was originally part of a 1988 bill called the *Lead Contamination Control Act*, but the legislative text outlining the program was struck down by the courts due to a drafting error.

TITLE III - BUILDING HEALTHIER HOMES AND COMMUNITIES

- ***Home Lead Removal Tax Credit:*** This provision from Senators Whitehouse, Schumer and Murphy, the Home Lead Safety Tax Credit Act of 2016, would provide refundable tax credits of up to \$3,000 to cover 50% of the costs of lead hazard abatement activities and offer a smaller \$1,000 credit to cover 50% of the costs of interim control measures that reduce, but do not eliminate hazards. This tax credit would cover lead hazard reduction activities in residences with under \$110,000 in annual income and allow taxpayers the option of receiving the credit as an immediate refund by amending their prior year's tax returns. These generous tax credits offer the potential to encourage millions of Americans to invest in eliminating lead hazards. Only a program of this scope can significantly reduce the number of homes that pose dangers nationwide





- **Title X Amendments Act:** Senator Reed's provisions would overhaul how the Department of Housing and Urban Development (HUD) deals with lead in homes.
 - *Align HUD's Healthy Homes and Lead Hazard Control Activity with Statutory Authority.* Currently, HUD operates its healthy housing activities under research demonstration authority. While this authority was sufficient when only \$10 million of funding was spent testing healthy housing programs and strategies, it is no longer adequate for the healthy housing rehabilitation and new construction that HUD funds. The bill would expand the existing Title X statute, which is currently specific to lead hazards, to include healthy housing activities.
 - *Supplement Lead Hazard Control Grants with Healthy Homes Funding.* Many homes that contain lead-based paint hazards pose other serious health and safety hazards, such as mold, pests, safety hazards, radon, and carbon monoxide. While the bill would authorize both lead remediation and healthy housing activities under the same statute, it would not allow grantees to supplant existing lead work with healthy housing efforts. The bill would only enable HUD's Office of Healthy Homes and Lead Hazard Control to engage in healthy homes activities if existing lead remediation efforts remain constant.
 - *Streamline Eligibility Requirements.* Many homes with housing-related health hazards are also energy inefficient. Unfortunately, different eligibility requirements often prevent contractors from performing both activities at once. The bill would streamline eligibility requirements for other federal programs to healthy homes and lead hazard control programs in order to expedite assistance.
 - *Help Families Who Reside in Zero-Bedroom Dwellings.* Across the country, 123,000 families with one or more children under the age of six live in efficiency apartments, hotel rooms, and rooming houses. Current statute prohibits HUD from engaging in healthy housing activities or repairing lead hazards in these types of zero-bedroom units. The bill would update the statutory definition of target housing to include zero-bedroom units.
 - *Update List of Eligible Grant Recipients.* Current statute only allows state and local governments to apply for lead hazard control grants. The bill would allow non-profit organizations to apply for funding with the support of state or local governments, as well as make tribes and tribal organizations eligible to apply for funding (consistent with EPA standards).
- **Healthy Housing Council Act:** Senator Reed's Healthy Housing Council Act would provision an independent interagency Council on Healthy Housing in the executive branch in order to improve coordination, bring existing efforts out of their respective silos, and reduce duplication. The bill calls for the council to convene periodic meetings with experts in the public and private sectors to discuss ways to educate individuals and families on how to recognize housing-related health hazards and access the necessary services and preventive measures to combat these hazards. The council would also be required to hold biannual stakeholder meetings, maintain an updated website, and work to unify healthy housing data collection and maintenance.



- ***Reduces Lead Exposure in Federally Assisted Housing:*** Senators Durbin and Menendez's provision would put in place a number of provisions to improve protections for children in federally assisted and low income housing. The bill would ensure federal lead standards are in compliance with the best available science by requiring HUD to align the definition of lead poisoning with the Center for Disease Control's (CDC) blood level reference value or the most current CDC lead poisoning prevention definitions and guidance. EPA and HUD would be required to update the outdated lead-contaminated dust and lead-contaminated soil standards, used to identify lead hazards to conform with the prevailing science. The bill would also require HUD to issue rules requiring an initial risk assessment for low-income housing constructed prior to 1978 for lead-based hazards prior to a family with a child under 6 years of age and removes the lead inspection exemption for a zero-bedroom dwelling unit (studio apartment) that will be occupied by a child under the age of 6. Finally, the bill would require GAO to submit a report to Congress on identifying and remediating lead hazards in federally assisted housing and evaluating ways to improve the coordination and leveraging of public and private partnerships to reduce lead exposure among children.

TITLE IV - ACCELERATING WATER TECHNOLOGIES

- ***Accelerates water technologies:*** Senator Baldwin's provision would accelerate the deployment of water technologies that could address all types of water problems. While there are many companies that are developing these technologies, there is no functioning market for their deployment. The bill would create a federal role for accelerating the testing, deployment and encouraging the commercialization of technologies, including livestock waste treatment systems, green infrastructure, and updated stream gauges, etc. which can help reduce the costs of variety of water problems, such as upgrading water infrastructure and treating manure that runs into surface waters.

TITLE V - CITIZEN EMPOWERMENT DURING WATER EMERGENCIES

- ***Gives citizens new tools to address drinking water emergencies:*** Senator Boxer's provision would amend the Safe Drinking Water Act to allow concerned citizens to act in emergency situations to address drinking water contamination and stop an immediate threat to public health. This legislation empowers citizens who are receiving contaminated water to obtain injunctive relief from a court or to petition the Environmental Protection Agency to act to address an imminent and substantial endangerment to their health. This reform would place the Safe Drinking Water Act on par with other environmental statutes that allow citizens to address such threats. This legislation empowers citizens, like those in Flint, who raise concerns about the safety of their drinking water.

TITLE VI – AUTHORIZING FEMA TO RESPOND TO LEAD CONTAMINATION

- ***Provide FEMA the authority to grant federal disaster funding for lead contamination of drinking water:*** Senator Boxer's provision, authorizes FEMA to declare a major disaster relating to lead contamination of drinking water from a public water system. This will allow Governors of states to request FEMA funding from the disaster relief fund in response to a major incident of lead contamination of drinking water, as was the case in Flint. Under current law, lead contamination in drinking water is not an eligible use of FEMA disaster relief funding.





TITLE VII – MITIGATING THE EFFECTS OF LEAD POISONING ON CHILDREN

- ***Grants for school systems and educational agencies to aid children affected by lead poisoning:*** This provision from Senator Peters would create a new grant program for local educational agencies with children that have been affected by lead poisoning. The \$60 million a year program would help mitigate the detrimental health and educational effects of lead poisoning on at-risk children; provide support to teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, and other school leaders in order to implement evidence-based programs to improve student classroom behavior and success; and improve access to community-based health and wellness services in areas affected by lead poisoning, including school-based health centers. The program would be local educational agencies or consortia of such agencies in which a high percentage of students has been found to have a high level of lead exposure, as defined by the Centers for Disease Control and Prevention.

TITLE VIII – PREVAILING WAGE REQUIREMENTS

This legislation includes language requiring that contractors conducting any work authorized by programs in this bill pay wages at the rates prevailing in the communities where they work, consistent with the Davis – Bacon Act of 1931.

###

