



June 2023

A Resolution Submitted by the City of Rochester, NY



City of Rochester, NY
Malik D. Evans, Mayor

Ensuring Critical Federal Funding for Lead Service Line Replacement Goes to States and Cities Most in Need

WHEREAS lead-based plumbing, especially lead service lines, can pose a threat to safe drinking water and public health in an estimated nine to ten million households across the United States.

AND WHEREAS there is no safe level of exposure to lead, as determined by the U.S. Environmental Protection Agency (EPA) and the Centers for Disease Control and Prevention.

AND WHEREAS children under the age of six are especially susceptible to the health effects of lead exposure which, as a heavy metal and a neurotoxin, can lead to lifelong intellectual, emotional and behavioral consequences.

AND WHEREAS adults are also vulnerable to lead exposure, leading to an increased risk of cardiovascular disease, hypertension, and organ failure and the exposure of pregnant women to lead can cause a fetus's prenatal exposure, resulting in stillbirth, miscarriage and developmental delays.

AND WHEREAS municipalities in the Great Lakes and St. Lawrence River Basin have some of the highest numbers of lead service lines in the United States and therefore face a disproportionate risk to drinking water and public health.

AND WHEREAS many basin municipalities are striving to replace 100 percent of their lead service lines as efficiently and equitably as possible over the coming decade, but rely heavily on federal funding for lead service line replacement to ensure the financial burden does not fall on individual households and water systems.

AND WHEREAS several members of the Great Lakes and St. Lawrence Cities Initiative came together in 2020 to form a Mayors Commission on Water Equity in order to get the lead out and promote access to clean, safe and affordable water for all residents.

AND WHEREAS the Mayors Commission strongly supported passage of the \$1.2 trillion Infrastructure Investment and Jobs Act (IIJA), including an historic commitment of \$15 billion for lead service line replacement over the next five years through the Drinking Water State Revolving Funds (DWSRFs), an important investment towards the estimated \$60 billion or more needed to replace all lead service lines nationwide.

AND WHEREAS the Mayors Commission recognizes that the effective and equitable implementation of the IIJA is critical to ensuring municipalities with the highest number of lead service lines receive the necessary funding to replace them.

AND WHEREAS the Safe Drinking Water Act requires U.S. EPA to undertake a needs survey every four years called the Drinking Water Infrastructure Needs Survey and Assessment (DWINSA) and to base the allotment formula for DWSRFs on information gathered through this needs survey.

AND WHEREAS the most recent DWINSA – which was conducted in 2021 and announced by U.S. EPA on in April 2023 – was used to determine the allotment to states of IIJA federal funding for lead service line replacement for Fiscal Year (FY) 2023, according to survey questions about the material composition of drinking water service lines sent to a sample of water systems in each state.

AND WHEREAS U.S. EPA announced in April 2023 the estimated number of lead lines per state based on a sample of survey responses, though not all water systems throughout the country have completed inventories.

AND WHEREAS the most recent DWINSA resulted in the majority of Great Lakes states receiving increased allotments of federal funding under IIJA for lead service line replacement, consistent with the policy recommendations of the Mayors Commission.

AND WHEREAS two Great Lakes states – including New York and Minnesota – with significant numbers of lead service lines received a reduced allotment of IIJA federal funding for lead service line replacement compared to the previous year, suggesting a need to frequently incorporate new inventory data in the appropriate allocation formula.

AND WHEREAS the federal Lead and Copper Rule Revisions promulgated in 2021 include a mandate that all water systems are required to produce an inventory of lead service lines by October 2024, with guidance on developing inventories issued by U.S. EPA in August 2022.

AND WHEREAS the Mayors Commission is deeply committed to maintaining open, solutions-oriented dialogue with federal and state stakeholders with the goal of demonstrating the value of robust federal investments in water infrastructure and delivering transformative results for all residents.

NOW THEREFORE BE IT RESOLVED THAT:

- U.S. EPA and the U.S. Congress should explore ways to ensure that updated inventory data compiled by water systems and states prior to 2025 can be used to update the allotment formula for federal funding for lead service line replacement to more closely align with the number of lead service lines remaining in each state, as estimated based on the best available data.
- U.S. EPA could request that water systems and states report updated inventory data following the federal October 2024 mandate as an off-cycle supplement to the most recent needs survey, as well as expedite the collection and compilation of this data to inform a revised allotment formula for the last two years of lead funding from IIJA (FY25 and FY26).

- The U.S. Congress could, for the allotment of the remaining three years of federal funding for lead service line replacement appropriated through IIJA (FY24 - FY26), waive the requirement in the Safe Drinking Water Act that each state receive a minimum one percent of DWSRF appropriations. This would ensure that lead funding allotted to states with relatively few lead service lines under the one percent minimum allotment rule could instead be allotted to states with a higher number of lead services lines, including Great Lakes states, where the nation's remaining lead service lines are most heavily concentrated.

AND FURTHER BE IT RESOLVED THAT copies of this resolution will be distributed to: Michael Regan, Administrator, U.S. EPA; Radhika Fox, Assistant Administrator, Office of Water, U.S. EPA; Regional Administrators of U.S. EPA Regions 2, 3, and 5; Governors and SRF Administrators of the eight Great Lakes states; the Great Lakes Task Forces in the U.S. House and U.S. Senate; the Get the Lead Out Caucus; and appropriate U.S. congressional committees.