

# Congress of the United States

Washington, DC 20515

December 9, 2022

The Honorable Administrator Michael S. Regan and  
Assistant Administrator Radhika Fox  
U.S. Environmental Protection Agency  
Washington, DC 20460

Dear Administrator Regan and Assistant Administrator Fox,

Thank you for your October 4, 2022, letter responding to our requests regarding the upcoming seventh Drinking Water Infrastructure Needs Survey and Assessment (DWINSA) and the allotment of lead service line replacement (LSLR) funds, appropriated under the Infrastructure Investment and Jobs Act (IIJA), based specifically on each state's lead service line (LSL) burden. We write today to encourage the U.S. Environmental Protection Agency (EPA) to use high-quality supplementary data to assess each state's LSLR needs in the upcoming DWINSA, as appropriate. Doing so would enable EPA to better ensure that the allocation of the remaining appropriated funds for LSLR projects under IIJA for fiscal years 2023-2026 is informed by the most comprehensive, reliable LSL data available.

As part of America's Water Infrastructure Act (AWIA) of 2018, Congress directed EPA to include an assessment of costs to replace all lead service lines of eligible public water systems in future needs surveys. The seventh DWINSA will be the first needs survey that is statutorily required to include this information. Some water systems are still working to complete LSL inventories, which may leave gaps in the data collected through the needs survey.

Section 1452(h) of the Safe Drinking Water Act states that EPA, "shall conduct an assessment of water system capital improvement needs of all eligible public water systems." This flexibility empowers EPA to supplement potentially incomplete or inadequate data reported to EPA through the needs survey provided to states. Robust data regarding each state's LSL burden is necessary to ensure the subsequent state allotment formula accurately targets funds to the states with the greatest proportional share of LSLR need, which in turn will yield the greatest benefit.

We appreciate EPA's shared interest in delivering safe, lead-free water for all Americans. We also value EPA's attention to ensuring disadvantaged communities with a greater likelihood of having LSLs get equitable access to the funds.

Since the upcoming DWINSA will inform the allotments of the remaining appropriated funds for LSLR provided by IIJA over the next four years, it is essential that it include as comprehensive and reliable LSLR cost data as possible. States bearing disproportionately great LSL burdens—such as Illinois, Ohio, Michigan, New York, New Jersey, Missouri, Indiana, Minnesota, Wisconsin, Massachusetts, Iowa, Kansas, and Nebraska—stand to lose out on billions in LSLR funding that they need to protect their communities from dangerous lead exposure. We encourage EPA to base FY23-FY26 state allotments for LSLR funds specifically on the LSLR cost data in the DWINSA, and to use any scientifically valid data sources to ensure that LSLR cost data is as robust as possible.

We believe that it is imperative that EPA update the DWINSA to incorporate the most comprehensive and reliable data available before announcing FY23 state allotments. This would ensure the DWSRF LSLR funding

is suitably targeted to make the best use of appropriated LSLR funds and move toward our shared goal of delivering lead-free water to all Americans.

Thank you for your consideration of our request and for the agency's continued work on this important issue. Please do not hesitate to reach out if you have any questions about our request.

Sincerely,



Bradley Scott Schneider  
Member of Congress



Don Bacon  
Member of Congress



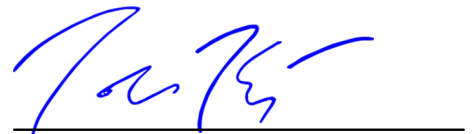
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Member of Congress



Fred Upton  
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Sean Casten  
Member of Congress



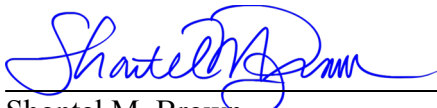
John Katko  
Member of Congress



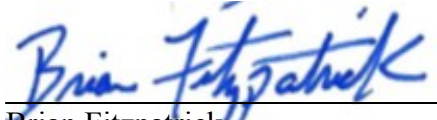
Debbie Dingell  
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Danny K. Davis  
Member of Congress



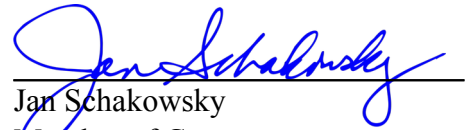
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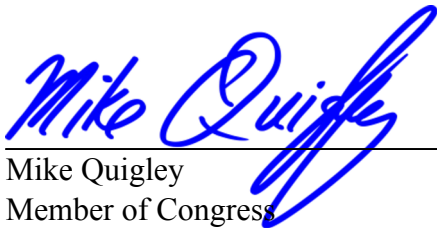
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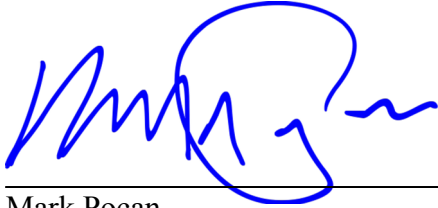
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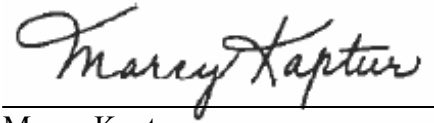
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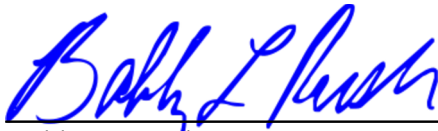
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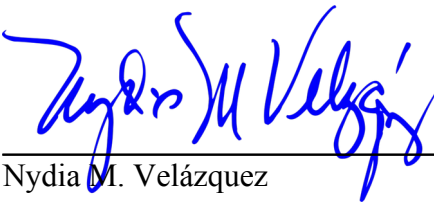
Elissa Slotkin  
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Gwen S. Moore  
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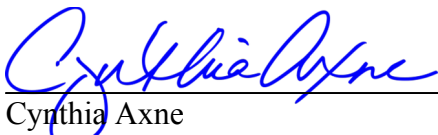
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