

From: [REDACTED]
Sent: Wednesday, June 08, 2016 9:53 AM
To: James Fay
Subject: FW: Article in the Guardian about LCR Sampling

For your info and use. I have elevated this to the Commissioner for what the State of VT might specifically do, and have not heard back.

Good afternoon State Drinking Water Administrators in 17 States --

I'm writing to those of you whose states or water systems were mentioned in an online article in The Guardian (a British periodical that publishes an American version). A link to the article is as follows:

<http://www.theguardian.com/environment/2016/jun/02/lead-water-testing-cheats-chicago-boston-philadelphia>

The article contains a number of factual errors and attempts to make the case that many states and water systems have been "cheating" in connection with compliance with the Lead and Copper Rule and knowingly endangering public health -- regrettable and unfounded charges, in our view. The central charge is that the practice of sample collection using pre-stagnation flushing was never allowed under the rule. (Improper sampling relative to aerators and velocity of tap flow are also mentioned.) EPA has recently released a statement (copy attached) that lays out the various steps they're taking, in concert with states and water systems, to improve implementation of the LCR. The statement contains the following language in the first paragraph, which we believe is critical in terms of responding to some of the claims of the article: [emphasis added]

*"A 2008 letter on pre-stagnation flushing was directed to an individual water utility and was **not** framed as national guidance. The Lead and Copper Rule **does not prohibit** practices of pre-stagnation flushing and removal of aerators, but EPA's February 2016 memorandum reflects the agency's recommendations on these practices."*

The 2008 letter to which the excerpt refers was sent by EPA's then OGWDW Director to the head of DC Water (then known as the DW Water and Sewer Authority) and was not the national guidance that the Guardian article implies. Moreover, since the LCR did not prohibit pre-stagnation flushing, many states historically allowed this practice as a means to help ensure that a sample was being collected from a representative tap, in common use. That practice was not specifically prohibited by the Agency until the February 2016 guidance was issued.

The Agency may issue some additional clarifications relative to the Guardian article, and if so, we will pass those along. In the meantime, we hope that this information is useful to you in dealing with any fallout from the Guardian article in your state.

Jim Taft
Executive Director
Association of State Drinking Water Administrators