

**Suspend the Rules and Pass the Bill, H.R. 4470, with An Amendment**

**(The amendment strikes all after the enacting clause and inserts a new text)**

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4470

To amend the Safe Drinking Water Act with respect to the requirements related to lead in drinking water, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. KILDEE (for himself, Mr. UPTON, Mr. CONYERS, Mr. LEVIN, Mrs. MILLER of Michigan, Mr. WALBERG, Mr. AMASH, Mr. BENISHEK, Mr. HUIZENGA of Michigan, Mr. BISHOP of Michigan, Mrs. DINGELL, Mrs. LAWRENCE, Mr. MOOLENAAR, Mr. TROTT, Ms. EDWARDS, Mr. PAYNE, and Mr. RYAN of Ohio) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend the Safe Drinking Water Act with respect to the requirements related to lead in drinking water, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safe Drinking Water  
5 Act Improved Compliance Awareness Act”.

1 **SEC. 2. ENFORCEMENT OF DRINKING WATER REGULA-**  
2 **TIONS.**

3 Section 1414(c) of the Safe Drinking Water Act (42  
4 U.S.C. 300g-3(c)) is amended—

5 (1) in the header, by inserting “STATES, THE  
6 ADMINISTRATOR, AND” before “PERSONS SERVED”;

7 (2) in paragraph (1)—

8 (A) in subparagraph (C), by striking  
9 “paragraph (2)(E)” and inserting “paragraph  
10 (2)(F)”; and

11 (B) by adding at the end the following:

12 “(D) Notice of any exceedance at the 90th  
13 percentile of a lead action level in a regulation  
14 promulgated under section 1412.”;

15 (3) in paragraph (2)—

16 (A) in subparagraph (B), by striking “sub-  
17 paragraph (D)” and inserting “subparagraph  
18 (E)”;

19 (B) in subparagraph (C)—

20 (i) in the header, by striking “VIOLA-  
21 TIONS” and inserting “NOTICE OF VIOLA-  
22 TIONS”;

23 (ii) in the matter preceding clause

24 (i)—

25 (I) by inserting “, and each ex-  
26 ceedance described in paragraph

1 (1)(D),” after “for each violation”;

2 and

3 (II) by inserting “or exceedance”

4 after “Each notice of violation”;

5 (iii) by inserting “or exceedance”

6 after “the violation” each place it appears;

7 and

8 (iv) in clause (iv)—

9 (I) in subclause (I), by striking

10 “broadcast media” and inserting

11 “media, including broadcast media,”;

12 (II) in subclause (II)—

13 (aa) by striking “in a news-

14 paper of general circulation serv-

15 ing the area” and inserting “for

16 circulation in the affected area,

17 including in a newspaper of gen-

18 eral circulation serving the

19 area,”; and

20 (bb) by striking “or the date

21 of publication of the next issue of

22 the newspaper”; and

23 (III) in subclause (III), by strik-

24 ing “in lieu of notification by means

25 of broadcast media or newspaper”;

1 (C) by redesignating subparagraphs (D)  
2 and (E) as subparagraphs (E) and (F), respec-  
3 tively; and

4 (D) by inserting after subparagraph (C)  
5 the following:

6 “(D) NOTICE BY ADMINISTRATOR.—If,  
7 after 24 hours after the Administrator’s notifi-  
8 cation under subsection (a)(1)(A), the State  
9 with primary enforcement responsibility or the  
10 owner or operator of the public water system  
11 has not issued a notice that is required under  
12 subparagraph (C) for an exceedance described  
13 in paragraph (1)(D), the Administrator shall  
14 issue such required notice pursuant to this  
15 paragraph.”;

16 (4) in paragraph (3)(B)—

17 (A) by striking “subparagraph (A) and”  
18 and inserting “subparagraph (A),”; and

19 (B) by striking “subparagraph (C) or (D)  
20 of paragraph (2)” and inserting “subparagraph  
21 (C) or (E) of paragraph (2), and notices issued  
22 by the Administrator with respect to public  
23 water systems serving Indian Tribes under sub-  
24 paragraph (D) of such paragraph”;

25 (5) in paragraph (4)(B)—

1 (A) in clause (ii), by striking “the terms”  
2 and inserting “the terms ‘action level’”; and

3 (B) in clause (iii), by striking “and (IV)”  
4 and inserting “(IV) the action level for the con-  
5 taminant, and (V)”; and

6 (6) by adding at the end the following:

7 “(5) EXCEEDANCE OF SAFE LEAD LEVEL.—

8 “(A) STRATEGIC PLAN.—Not later than  
9 120 days after the date of enactment of this  
10 paragraph, the Administrator shall, in collabo-  
11 ration with owners and operators of public  
12 water systems and States, establish a strategic  
13 plan for how the Administrator, a State with  
14 primary enforcement responsibility, and owners  
15 and operators of public water systems shall con-  
16 duct targeted outreach, education, technical as-  
17 sistance, and risk communication to populations  
18 affected by lead in a public water system, in-  
19 cluding dissemination of information described  
20 in subparagraph (C).

21 “(B) EPA INITIATION OF NOTICE.—

22 “(i) FORWARDING OF DATA BY EM-  
23 PLOYEE OF EPA.—If an employee of the  
24 Environmental Protection Agency develops  
25 or receives, from a source other than the

1 State or the public water system, data,  
2 which meets the requirements of section  
3 1412(b)(3)(A)(ii), indicating that the  
4 drinking water of a person served by a  
5 public water system contains a level of lead  
6 that exceeds a lead action level promul-  
7 gated under section 1412, the employee  
8 shall forward such data to the owner or  
9 operator of the public water system and to  
10 the State in which the exceedance occurred  
11 within a time period established by the Ad-  
12 ministrator.

13 “(ii) DISSEMINATION OF INFORMA-  
14 TION BY OWNER OR OPERATOR.—If an  
15 owner or operator of a public water system  
16 receives a notice under clause (i), the  
17 owner or operator, within a time period es-  
18 tablished by the Administrator, shall dis-  
19 seminate to affected persons the informa-  
20 tion described in subparagraph (C).

21 “(iii) CONSULTATION.—

22 “(I) DEADLINE.—With respect to  
23 an exceedance at the 90th percentile  
24 of a lead action level in a regulation  
25 promulgated under section 1412, if

1 the owner or operator of the public  
2 water system does not disseminate, in  
3 the time period established by the Ad-  
4 ministrator, the information described  
5 in subparagraph (C), as required  
6 under clause (ii), not later than 24  
7 hours after becoming aware of such  
8 failure to disseminate, the Adminis-  
9 trator shall consult, within a period  
10 not to exceed 24 hours, with the ap-  
11 plicable Governor to develop a plan, in  
12 accordance with the strategic plan, to  
13 disseminate such information to af-  
14 fected persons within 24 hours of the  
15 end of such consultation period.

16 “(II) DELEGATION.—The Ad-  
17 ministrator may only delegate the  
18 duty to consult under this clause to  
19 an employee of the Environmental  
20 Protection Agency who is working in  
21 the Office of Water, at the head-  
22 quarters of the Agency, at the time of  
23 such delegation.

24 “(iv) DISSEMINATION BY ADMINIS-  
25 TRATOR.—The Administrator shall, as

1                   soon as reasonably possible, disseminate to  
2                   affected persons the information described  
3                   subparagraph (C) if—

4                   “**(I)** the Administrator and the  
5                   applicable Governor do not agree on a  
6                   plan described in clause (iii)(I) during  
7                   the consultation period under such  
8                   clause; or

9                   “**(II)** the applicable Governor  
10                  does not disseminate the information  
11                  within 24 hours of the end of such  
12                  consultation period.

13                  “**(C) INFORMATION REQUIRED.**—Informa-  
14                  tion required to be disseminated under this  
15                  paragraph shall include a clear explanation of  
16                  the exceedance of a lead action level, its poten-  
17                  tial adverse effects on human health, the steps  
18                  that the owner or operator of the public water  
19                  system is taking to correct the exceedance, and  
20                  the necessity of seeking alternative water sup-  
21                  plies until the exceedance is corrected.

22                  “**(6) PRIVACY.**—Any notice under this sub-  
23                  section to the public or an affected person shall pro-  
24                  tect the privacy of individual customer informa-  
25                  tion.”.



1 **SEC. 3. PROHIBITION ON USE OF LEAD PIPES, SOLDER,**  
2 **AND FLUX.**

3 Section 1417 of the Safe Drinking Water Act (42  
4 U.S.C. 300g-6) is amended—

5 (1) by amending subsection (a)(2)(A) to read as  
6 follows:

7 “(A) IN GENERAL.—

8 “(i) IDENTIFICATION AND NOTICE.—

9 Each owner or operator of a public water  
10 system shall identify and provide notice to  
11 persons who may be affected by—

12 “(I) lead contamination of their  
13 drinking water where such contamina-  
14 tion results from—

15 “(aa) the lead content in the  
16 construction materials of the  
17 public water distribution system;  
18 or

19 “(bb) corrosivity of the  
20 water supply sufficient to cause  
21 leaching of lead; or

22 “(II) an exceedance at the 90th  
23 percentile of a lead action level in a  
24 regulation promulgated under section  
25 1412.

1           “(ii) MANNER AND FORM.—Notice  
2           under this paragraph shall be provided in  
3           such manner and form as may be reason-  
4           ably required by the Administrator. Not-  
5           withstanding clause (i)(II), notice under  
6           this paragraph shall be provided notwith-  
7           standing the absence of a violation of any  
8           national drinking water standard.”;

9           (2) in subsection (b)(2)—

10           (A) by striking “The requirements” and  
11           inserting the following:

12           “(A) IN GENERAL.—The requirements”;  
13           and

14           (B) by adding at the end the following:  
15           “Enforcement of such requirements shall be  
16           carried out by a State with primary enforce-  
17           ment responsibility or the Administrator, as ap-  
18           propriate.

19           “(B) NOTIFICATION BY ADMINISTRATOR.—  
20           In the case of an exceedance described in sub-  
21           section (a)(2)(A)(i)(II), if the public water sys-  
22           tem or the State in which the public water sys-  
23           tem is located does not notify the persons who  
24           may be affected by such exceedance in accord-  
25           ance with subsection (a)(2), the Administrator

1 shall notify such persons of such exceedance in  
2 accordance with subsection (a)(2), including no-  
3 tification of the relevant concentrations of lead.  
4 Such notice shall protect the privacy of indi-  
5 vidual customer information.”; and

6 (3) by adding at the end the following:

7 “(f) PUBLIC EDUCATION.—

8 “(1) IN GENERAL.—The Administrator shall  
9 make information available to the public regarding  
10 lead in drinking water, including information regard-  
11 ing—

12 “(A) risks associated with lead in drinking  
13 water;

14 “(B) the likelihood that drinking water in  
15 a residence may contain lead;

16 “(C) steps States, public water systems,  
17 and consumers can take to reduce the risks of  
18 lead; and

19 “(D) the availability of additional re-  
20 sources that consumers can use to minimize  
21 lead exposure, including information on how to  
22 sample for lead in drinking water.

23 “(2) VULNERABLE POPULATIONS.—In making  
24 information available to the public under this sub-  
25 section, the Administrator shall carry out targeted

1 outreach strategies that focus on educating groups  
2 within the general population that may be at greater  
3 risk than the general population of adverse health  
4 effects from exposure to lead in drinking water.”.