

109TH CONGRESS  
1ST SESSION

# S. 1328

To amend the Safe Drinking Water Act to ensure that the District of Columbia and States are provided a safe, lead-free supply of drinking water.

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## IN THE SENATE OF THE UNITED STATES

JUNE 29, 2005

Mr. JEFFORDS (for himself and Mr. SARBANES) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Safe Drinking Water Act to ensure that the District of Columbia and States are provided a safe, lead-free supply of drinking water.

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 “Lead-Free Drinking  
5 Water Act of 2005”.

1 **SEC. 2. REVISION OF NATIONAL PRIMARY DRINKING**  
2 **WATER REGULATION FOR LEAD.**

3 Section 1412(b) of the Safe Drinking Water Act (42  
4 U.S.C. 300g-1(b)) is amended by adding at the end the  
5 following:

6 “(16) REVISION OF NATIONAL PRIMARY DRINK-  
7 ING WATER REGULATION FOR LEAD.—

8 “(A) IN GENERAL.—Not later than 18  
9 months after the date of enactment of this  
10 paragraph, the Administrator shall finalize a  
11 rulemaking to review and revise the national  
12 primary drinking water regulation for lead that  
13 maintains or provides for greater protection of  
14 health as required under paragraph (9).

15 “(B) PROTECTION FOR INDIVIDUALS.—  
16 The revised regulation shall provide the max-  
17 imum feasible protection for individuals that  
18 may be affected by lead contamination of drink-  
19 ing water, particularly vulnerable populations  
20 such as infants, children, and pregnant and lac-  
21 tating women.

22 “(C) MAXIMUM CONTAMINANT LEVEL.—

23 “(i) IN GENERAL.—The revised regu-  
24 lation shall—

1                   “(I) establish a maximum con-  
2                   taminant level for lead in drinking  
3                   water as measured at the tap; or

4                   “(II) if the Administrator deter-  
5                   mines that it is not practicable to es-  
6                   tablish such a level with adequate pro-  
7                   vision for variability and factors out-  
8                   side of the control of a public water  
9                   system, establish a treatment tech-  
10                  nique in accordance with subpara-  
11                  graph (D).

12                  “(ii) BASIS OF LEVEL.—In estab-  
13                  lishing the maximum contaminant level  
14                  under clause (i) or an action level for lead,  
15                  the Administrator shall use as a basis the  
16                  most protective of first draw samples,  
17                  flushed samples, or both first draw and  
18                  flushed samples.

19                  “(D) TREATMENT TECHNIQUE.—If the  
20                  Administrator establishes a treatment technique  
21                  for drinking water under subparagraph  
22                  (C)(i)(II), the treatment technique shall—

23                  “(i) prevent, to the extent achievable,  
24                  known or anticipated adverse effects on the  
25                  health of individuals;

1           “(ii) include an action level for lead  
2           that is at least as stringent as the action  
3           level established by the national primary  
4           drinking water regulation for lead under  
5           subpart I of part 141 of title 40, Code of  
6           Federal Regulations (as in effect on the  
7           date of enactment of this paragraph); and  
8           “(iii)(I) provide for the protection of  
9           individuals from very high lead levels in  
10          drinking water in isolated instances;  
11          “(II) provide for the protection of all  
12          individuals, as opposed to a statistical ma-  
13          jority, from exposure to elevated lead levels  
14          in drinking water;  
15          “(III) promote continuing advances in  
16          corrosion control technologies and address  
17          the need to respond to changes in corro-  
18          sion control and water treatment tech-  
19          nologies; and  
20          “(IV) take into account the dem-  
21          onstrated insufficiency of public notifica-  
22          tion and education as a primary means of  
23          protecting public health from lead in  
24          water.”.

1 **SEC. 3. SERVICE LINE REPLACEMENT.**

2 Section 1417(a)(1) of the Safe Drinking Water Act  
3 (42 U.S.C. 300g-6(a)(1)) is amended by adding at the  
4 end the following:

5 “(C) SERVICE LINE REPLACEMENT.—

6 “(i) IN GENERAL.—Upon exceeding  
7 the maximum contaminant level or action  
8 level for lead, a community water system  
9 or nontransient noncommunity water sys-  
10 tem shall annually replace at least 10 per-  
11 cent of the non-lead-free service lines of  
12 the community water system or nontran-  
13 sient noncommunity water system until all  
14 of the non-lead-free service lines have been  
15 replaced.

16 “(ii) PRIORITY.—Priority shall be  
17 given to non-lead-free service lines that  
18 convey drinking water to—

19 “(I) residences that receive  
20 drinking water with high lead levels;  
21 and

22 “(II) residences and other build-  
23 ings, such as day care facilities and  
24 schools, used by vulnerable popu-  
25 lations, including infants, children,  
26 and pregnant and lactating women.

1           “(iii) REPLACEMENT RESPONSIBI-  
2           BILITY.—Under no circumstance may a  
3           community water system or nontransient  
4           noncommunity water system avoid the re-  
5           sponsibility to replace any non-lead-free  
6           service line by completing lead testing such  
7           as that referred to in section 141.84 of  
8           title 40, Code of Federal Regulations (as  
9           in effect on the date of enactment of this  
10          subparagraph).

11          “(iv) REPLACEMENT OF NON-LEAD-  
12          FREE SERVICE LINES.—

13                 “(I) IN GENERAL.—In carrying  
14                 out this subparagraph and subject to  
15                 subclause (II), a community water  
16                 system or nontransient noncommunity  
17                 water system shall replace the non-  
18                 lead-free service lines, including pub-  
19                 licly owned and, with the permission  
20                 of applicable homeowners, privately  
21                 owned portions of the service lines.

22                 “(II) REQUIREMENTS FOR PER-  
23                 MISSION.—In seeking permission from  
24                 a homeowner to replace the private  
25                 portion of non-lead-free service lines

1 under subclause (I), a community  
2 water system or nontransient non-  
3 community water system shall provide  
4 to the homeowner in English, and, in  
5 areas with a large proportion of non-  
6 English speaking residents, in each  
7 other appropriate language—

8 “(aa) notification of the re-  
9 placement that is separate from  
10 the notification required under  
11 paragraph (2);

12 “(bb) a detailed description  
13 of the process by which non-lead-  
14 free service lines will be replaced,  
15 including the date and approxi-  
16 mate time of the replacement and  
17 a description of the ways in  
18 which property use will be dis-  
19 rupted by the replacement proc-  
20 ess; and

21 “(cc) a description of actions  
22 that should be taken to avoid any  
23 lead contamination that may  
24 occur after replacement of the  
25 non-lead-free service lines.

1                   “(III) STATE OF PROPERTY.—  
2                   After completion of replacement of  
3                   non-lead-free service lines, a commu-  
4                   nity water system or nontransient  
5                   noncommunity water system shall  
6                   make every reasonable effort to return  
7                   property affected by the replacement  
8                   to the state in which the property ex-  
9                   isted before the replacement.

10                   “(IV) ABSENCE OF PERMIS-  
11                   SION.—If, after 3 attempts to obtain  
12                   permission from a homeowner under  
13                   subclause (II), a community water  
14                   system or nontransient noncommunity  
15                   water system has not received permis-  
16                   sion, the water system shall provide  
17                   final notice in English, and, in areas  
18                   with a large proportion of non-English  
19                   speaking residents, in each other ap-  
20                   propriate language, to the homeowner  
21                   of—

22                   “(aa) the date and approxi-  
23                   mate time of replacement of the  
24                   publicly owned portion of the  
25                   non-lead-free service lines; and



1           “(bb) a detailed description  
2 of actions that the homeowner  
3 should take to avoid any lead  
4 contamination that may occur  
5 after non-lead-free service line re-  
6 placement.

7           “(V) EXCEPTION.—

8           “(aa) IN GENERAL.—If the  
9 Administrator determines, after  
10 providing an opportunity for pub-  
11 lic notice and comment, that the  
12 practice of replacing only a por-  
13 tion of a non-lead-free service  
14 line will generally result in higher  
15 lead levels in drinking water dur-  
16 ing an extended period of time  
17 (as compared with leaving the en-  
18 tire non-lead-free service line in  
19 place), the Administrator may  
20 provide for an exemption for the  
21 replacement in any case in which  
22 the applicable homeowner refuses  
23 to grant permission to replace  
24 portions of a non-lead-free service  
25 line under subclause (IV).

1           “(bb) REQUIREMENT OF EX-  
2           EMPTION.—An exemption under  
3           item (aa) shall provide that, upon  
4           a change in ownership of a prop-  
5           erty served by a non-lead-free  
6           service line, a new property  
7           owner may request that the com-  
8           munity water system or nontran-  
9           sient noncommunity water sys-  
10          tem replace the non-lead-free  
11          service line for the property with-  
12          in a reasonable period of time.

13          “(VI) GRANTS.—Using amounts  
14          available under subsection (l)(1), the  
15          Administrator may provide grants to  
16          community water systems and non-  
17          transient noncommunity water sys-  
18          tems for use in replacing non-lead-free  
19          service lines.”.

20 **SEC. 4. PUBLIC NOTICE AND EDUCATION.**

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

23                 (1) by redesignating paragraph (3) as para-  
24          graph (4); and

1           (2) by striking paragraph (2) and inserting the  
2 following:

3           “(2) PUBLIC NOTICE REQUIREMENTS.—

4                   “(A) IN GENERAL.—The owner or operator  
5 of a community water system or nontransient  
6 noncommunity water system shall identify and  
7 provide notice in English, and, in areas with a  
8 large proportion of non-English speaking resi-  
9 dents, in each other appropriate language, to  
10 individuals and entities (and, under subpara-  
11 graph (D), to specific residences) that may be  
12 exposed to lead contamination in the drinking  
13 water supply, as indicated by an exceedance of  
14 the maximum contaminant level or action level  
15 for lead, in a case in which the contamination  
16 results from—

17                           “(i) the lead content in the construc-  
18 tion materials of the public water distribu-  
19 tion system; or

20                           “(ii) corrosivity of the water supplied  
21 that is sufficient to cause leaching of lead.

22           “(B) CONTENTS.—Public notice materials  
23 prepared under this paragraph shall provide a  
24 clear and readily understandable explanation  
25 of—

1           “(i) detailed information on the num-  
2 ber of residences the drinking water of  
3 which was tested and the areas of the city  
4 or community in which those residences  
5 are located, including a description of lead  
6 levels found in the drinking water;

7           “(ii) the presence or absence of non-  
8 lead-free service lines for each household  
9 receiving drinking water from the commu-  
10 nity water system or nontransient non-  
11 community water system;

12           “(iii) the potential adverse health ef-  
13 fects of lead contamination of drinking  
14 water, including a detailed description of  
15 the disproportionate adverse effects of lead  
16 contamination of drinking water on in-  
17 fants, children, and pregnant and lactating  
18 women;

19           “(iv) the potential sources of lead in  
20 drinking water (including, at a minimum,  
21 non-lead-free service lines, water meters,  
22 lead solder, and leaded plumbing fixtures);

23           “(v) information sources regarding  
24 the cost and availability of lead-free plumb-  
25 ing fixtures for use in residences;

1 “(vi) reasonably available methods of  
2 mitigating known or potential lead con-  
3 tamination of drinking water, including—

4 “(I) a detailed, step-by-step de-  
5 scription of immediate actions that  
6 should be taken, such as the use of a  
7 certified water filter or other acquisi-  
8 tion of an alternative water supply;  
9 and

10 “(II) a summary of more exten-  
11 sive actions that could be taken;

12 “(vii) any steps the community water  
13 system or nontransient noncommunity  
14 water system is taking to mitigate lead  
15 content in drinking water, including—

16 “(I) a timeline for decision-  
17 making;

18 “(II) a description of the means  
19 by which the public will provide input  
20 in the decisionmaking process; and

21 “(III) a description of the poten-  
22 tial health effects of any corrosion  
23 control modifications;

24 “(viii) the necessity, if any, of seeking  
25 alternative water supplies; and

1 “(ix) contact information for—

2 “(I) medical assistance, including  
3 State and local agencies responsible  
4 for lead programs;

5 “(II) the community water sys-  
6 tem or nontransient noncommunity  
7 water system; and

8 “(III) the task force established  
9 under paragraph (3)(A)(ii).

10 “(C) EMPHASIS.—A notice under this  
11 paragraph shall place special emphasis on—

12 “(i) alerting parents, caregivers, and  
13 other individuals and entities of the signifi-  
14 cantly greater risks to infants, children,  
15 and pregnant and lactating women posed  
16 by lead contamination of drinking water;  
17 and

18 “(ii) encouraging individuals and enti-  
19 ties threatened by lead contamination in  
20 the drinking water supply to immediately  
21 modify behavior and follow other rec-  
22 ommendations in the notice so as to mini-  
23 mize exposure to lead in drinking water.

24 “(D) DELIVERY OF NOTICE.—

1                   “(i) NOTICE TO ALL RESIDENCES AND  
2 ENTITIES.—

3                   “(I) IN GENERAL.—The notice  
4 under subparagraph (A) shall be pro-  
5 vided to each residence or entity that  
6 receives water from the community  
7 water system or nontransient non-  
8 community water system.

9                   “(II) WARNING.—Each commu-  
10 nity water system and nontransient  
11 noncommunity water system shall  
12 print on the water bill provided to  
13 each residence and entity described in  
14 subclause (I) a warning that there is  
15 a public health risk from high lead  
16 levels in the drinking water.

17                   “(ii) TIMING.—The notice required  
18 under subparagraph (A) shall be deliv-  
19 ered—

20                   “(I) not later than 30 days after  
21 the date on which the maximum con-  
22 taminant level or action level for lead  
23 is exceeded; and

24                   “(II) every 90 days thereafter for  
25 as long as the exceedance continues.

1           “(E) NOTICE OF TEST RESULTS.—Regard-  
2 less of whether the maximum contaminant level  
3 or action level for lead is exceeded, not later  
4 than 14 days after the date of receipt of any  
5 water lead test results conducted by the com-  
6 munity water system or nontransient non-  
7 community water system, the water system  
8 shall provide to the owners and occupants of  
9 each residence tested a notice of the test results  
10 that includes—

11                   “(i) the results of the water testing  
12 for that residence;

13                   “(ii) contact information (including a  
14 telephone number, address, and, if avail-  
15 able, the Internet site address) for the ap-  
16 plicable State or local health department or  
17 other agency for immediate assistance with  
18 blood lead level testing and lead remedi-  
19 ation; and

20                   “(iii) the information and emphasis  
21 described in subparagraphs (B) and (C).

22           “(F) VERIFICATION OF EFFECTIVENESS.—

23                   “(i) IN GENERAL.—Not later than  
24 180 days after the date of enactment of  
25 this subparagraph, the Administrator shall



1 establish verification procedures that en-  
2 sure that notices provided under this para-  
3 graph are effective and appropriate, taking  
4 into consideration risks posed to individ-  
5 uals and entities that may be exposed to  
6 lead contamination in drinking water.

7 “(ii) CONTENTS.—The procedures  
8 shall provide means of verifying, at a min-  
9 imum, whether a notice—

10 “(I) reaches the intended individ-  
11 uals and entities;

12 “(II) is received and understood  
13 by those individuals and entities; and

14 “(III) includes an appropriate de-  
15 scription of the level of risk posed to  
16 those individuals and entities by lead  
17 contamination of drinking water.

18 “(3) PUBLIC EDUCATION PROGRAM.—

19 “(A) IN GENERAL.—Each owner or oper-  
20 ator of a community water system or nontran-  
21 sient noncommunity water system shall estab-  
22 lish and carry out a permanent, public edu-  
23 cation program on lead in drinking water that  
24 includes—

1           “(i) development and implementation  
2 of an action plan;

3           “(ii) establishment and maintenance  
4 of a standing, community-based task force;

5           “(iii) development and implementation  
6 of a voluntary household water testing pro-  
7 gram; and

8           “(iv) preparation and delivery of pub-  
9 lic education materials in each relevant  
10 language.

11           “(B) ACTION PLAN.—The action plan de-  
12 veloped under subparagraph (A)(i) shall achieve  
13 the objectives of—

14           “(i) defining the target audience for  
15 the public education program;

16           “(ii) outlining a voluntary customer  
17 water testing program for lead;

18           “(iii) identifying types of educational  
19 materials to be used at each stage of public  
20 education; and

21           “(iv) determining the appropriate tim-  
22 ing and method of delivery of information  
23 on lead in drinking water.

24           “(C) TASK FORCE.—

1           “(i) MEMBERSHIP.—In establishing  
2           the task force under subparagraph (A)(ii),  
3           the community water system or nontran-  
4           sient noncommunity water system shall so-  
5           licit the participation of—

6                   “(I) State, city, and county offi-  
7                   cials and agencies, including officials  
8                   and agencies responsible for water  
9                   quality, environmental protection, and  
10                  testing for elevated lead levels in  
11                  drinking water and in individuals;

12                   “(II) local public school systems;

13                   “(III) public hospitals and clin-  
14                  ics;

15                   “(IV) child care facilities; and

16                   “(V) interested private entities.

17           “(ii) RESPONSIBILITIES.—The task  
18           force shall—

19                   “(I) assist community water sys-  
20                   tems and nontransient noncommunity  
21                   water systems in developing and revis-  
22                   ing action plans developed under sub-  
23                   paragraph (A)(i);

1                   “(II) review the effectiveness of  
2                   public notice provided under para-  
3                   graph (2);

4                   “(III) make recommendations to  
5                   community water systems and non-  
6                   transient noncommunity water sys-  
7                   tems;

8                   “(IV) provide a means by which  
9                   community water systems and non-  
10                  transient noncommunity water sys-  
11                  tems may share information with the  
12                  public; and

13                  “(V) facilitate the response of a  
14                  community water system or nontran-  
15                  sient noncommunity water system in  
16                  the event of an exceedance of the  
17                  maximum contaminant level or action  
18                  level for lead.

19                  “(D) WATER TESTING PROGRAM.—In de-  
20                  veloping a voluntary water testing program  
21                  under subparagraph (A)(iii), a community  
22                  water system or nontransient noncommunity  
23                  water system shall—

24                         “(i) provide a means by which individ-  
25                         uals and entities may request water testing

1 with a single phone call, letter, or elec-  
2 tronically mailed letter;

3 “(ii) conduct applicable tests in a  
4 timely manner, including ensuring that  
5 water samples are retrieved from house-  
6 holds in a timely manner;

7 “(iii) ensure that tests are conducted  
8 properly by certified laboratories; and

9 “(iv) provide to individuals and enti-  
10 ties that requested water testing the re-  
11 sults of the tests, and any additional appli-  
12 cable information (such as information  
13 contained in educational materials de-  
14 scribed in subparagraph (E)) in a timely  
15 manner.

16 “(E) CONTENTS.—

17 “(i) IN GENERAL.—Public education  
18 and consumer awareness materials pro-  
19 vided under this paragraph shall include—

20 “(I) the potential adverse health  
21 effects of lead contamination of drink-  
22 ing water, including a detailed de-  
23 scription of the disproportionate ad-  
24 verse effects of lead contamination of

1 drinking water on infants, children,  
2 and pregnant and lactating women;

3 “(II) the potential sources of lead  
4 in drinking water (including, at a  
5 minimum, non-lead-free service lines,  
6 lead solder, and leaded plumbing fix-  
7 tures);

8 “(III) a summary of the histor-  
9 ical compliance of the community  
10 water system or nontransient non-  
11 community water system as evidenced  
12 by testing conducted under the na-  
13 tional primary drinking water regula-  
14 tion for lead, including any corrective  
15 actions taken and the schedule for the  
16 next testing cycle;

17 “(IV) the cost and availability of  
18 lead-free plumbing fixtures for use in  
19 residences; and

20 “(V) contact information for—

21 “(aa) medical assistance, in-  
22 cluding State and local agencies  
23 responsible for lead programs;

1                   “(bb) the community water  
2                   system or nontransient non-  
3                   community water system; and

4                   “(cc) the task force estab-  
5                   lished under subparagraph  
6                   (A)(ii).

7                   “(ii) EMPHASIS.—A notice under this  
8                   paragraph shall place special emphasis  
9                   on—

10                   “(I) alerting parents, caregivers,  
11                   and other individuals and entities of  
12                   the significantly greater risks to in-  
13                   fants, children, and pregnant and lac-  
14                   tating women posed by lead contami-  
15                   nation of drinking water; and

16                   “(II) encouraging individuals and  
17                   entities threatened by lead contamina-  
18                   tion in the drinking water supply to  
19                   immediately modify behavior and fol-  
20                   low other recommendations in the no-  
21                   tice so as to minimize exposure to lead  
22                   in drinking water.

23                   “(F) DELIVERY OF PUBLIC EDUCATION.—  
24                   Notwithstanding any absence of an exceedance  
25                   of the maximum contaminant level or action

1 level for lead, a community water system or  
2 nontransient noncommunity water system shall  
3 provide biannually to customers of the commu-  
4 nity water system or nontransient noncommu-  
5 nity water system—

6 “(i) public education materials and  
7 notice in accordance with this paragraph,  
8 including a general description of other  
9 sources of lead contamination (such as lead  
10 paint); and

11 “(ii) the results of the most recent  
12 water testing conducted by the community  
13 water system or nontransient noncommu-  
14 nity water system.

15 “(G) APPLICABILITY.—Except as provided  
16 in subparagraph (F)(ii), this paragraph applies  
17 only to community water systems and nontran-  
18 sient noncommunity water systems that, at any  
19 time after June 7, 1991, exceed or have exceed-  
20 ed the maximum contaminant level or action  
21 level for lead.”.

22 **SEC. 5. ADDITIONAL PROVISIONS.**

23 Section 1417 of the Safe Drinking Water Act (42  
24 U.S.C. 300g–6) is amended by adding at the end the fol-  
25 lowing:



1 “(f) FILTERS.—

2 “(1) IN-HOME FILTERS.—

3 “(A) FILTERS.—

4 “(i) IN GENERAL.—After an exceed-  
5 ance of a maximum contaminant level or  
6 action level for lead by a community water  
7 system or nontransient noncommunity  
8 water system, the community water system  
9 or nontransient noncommunity water sys-  
10 tem shall provide on-location filters and re-  
11 placement filters described in subpara-  
12 graph (C) to each residence, school, and  
13 day care facility in the service area of the  
14 community water system or nontransient  
15 noncommunity water system that could  
16 reasonably be expected to experience lead  
17 contamination of drinking water in excess  
18 of the maximum contaminant level or ac-  
19 tion level for lead.

20 “(ii) TIMING.—Filters and replace-  
21 ment filters shall be provided to a commu-  
22 nity water system or nontransient non-  
23 community water system under clause (i)  
24 until such time as the system no longer ex-

1 ceeds the maximum contaminant level or  
2 action level.

3 “(B) PRIORITY.—Priority shall be given—

4 “(i) first, to vulnerable populations  
5 such as infants, children, and pregnant  
6 and lactating women; and

7 “(ii) second, to those residences,  
8 schools, and day care facilities that have or  
9 could be expected to have higher lead lev-  
10 els, based on testing results under the na-  
11 tional primary drinking water regulation  
12 for lead.

13 “(C) STANDARDS AND CERTIFICATIONS  
14 FOR FILTERS.—Each type of on-location filter  
15 provided under subparagraph (A) shall be cer-  
16 tified by a third-party certifier accredited by the  
17 American National Standards Institute (re-  
18 ferred to in this section as ‘ANSI’) to the ap-  
19 propriate NSF International (referred to in this  
20 section as ‘NSF’)/ANSI standard for lead re-  
21 duction.

22 “(2) NO LIMITATION.—The provision of filters  
23 under paragraph (1) shall not be limited to resi-  
24 dences known to have non-lead-free service lines.

1           “(3) WAIVER OF CERTAIN REQUIREMENTS.—  
2           The Administrator may waive 1 or more require-  
3           ments under this subsection if the Administrator de-  
4           termines that the requirements are not feasible or  
5           necessary to carry out section 1412(b)(16)(B).

6           “(g) FEDERAL AGENCIES.—

7           “(1) IN GENERAL.—Each Federal agency shall  
8           conduct water supply testing in each federally-owned  
9           or federally-occupied building under the jurisdiction  
10          of the Federal agency to determine whether lead lev-  
11          els in drinking water in the building require action  
12          to provide a level of protection consistent with sec-  
13          tion 1412(b)(16)(B).

14          “(2) METHODOLOGY AND GUIDANCE.—The Ad-  
15          ministrator shall establish a methodology and pro-  
16          vide guidance for testing and remediation in Federal  
17          buildings that will provide a level of protection con-  
18          sistent with section 1412(b)(16)(B).

19          “(3) APPLICABILITY.—

20                 “(A) IN GENERAL.—This subsection shall  
21                 not apply to a Federal building that is served  
22                 by a federally-owned or federally-operated pub-  
23                 lic water system that is subject to the national  
24                 primary drinking water regulation for lead.

1           “(B) OTHER REQUIREMENTS.—Nothing in  
2           this subsection affects any requirement applica-  
3           ble to a public water system.

4           “(h) TESTING.—

5           “(1) IN GENERAL.—Not later than 1 year after  
6           the date of enactment of this subsection, in accord-  
7           ance with testing requirements under the national  
8           primary drinking water regulation for lead, each  
9           community water system and nontransient non-  
10          community water system described in paragraph (2)  
11          shall initiate, and complete not later than 180 days  
12          after the date of initiation, a testing program for  
13          lead in drinking water that is consistent with the  
14          monitoring requirements under section 141.86 of  
15          title 40, Code of Federal Regulations (or a successor  
16          regulation) that are associated with the final rule  
17          entitled ‘Maximum Contaminant Level Goals and  
18          National Primary Drinking Water Regulations for  
19          Lead and Copper’ (56 Fed. Reg. 26548 (June 7,  
20          1991)).

21          “(2) APPLICABILITY.—This section applies to  
22          each community water system and nontransient non-  
23          community water system that—

24                  “(A) is monitoring lead in drinking water  
25                  on a reduced monitoring plan in accordance

1 with section 141.86(c) of title 40, Code of Fed-  
2 eral Regulations;

3 “(B) is subject to the requirements of the  
4 final rule entitled ‘National Primary Drinking  
5 Water Regulations: Disinfectants and Disinfect-  
6 tion Byproducts, Part IV’ (63 Fed. Reg. 69390  
7 (December 16, 1998)) (referred to in this sec-  
8 tion as the ‘Stage 1 Rule’); and

9 “(C) has not conducted monitoring under  
10 the reduced monitoring plan of the system since  
11 making significant changes as a means of com-  
12 plying with the Stage 1 Rule (as in effect on  
13 the date of enactment of this subsection).

14 “(i) MONITORING.—The Administrator shall revise  
15 the monitoring requirements under the national primary  
16 drinking water regulation for lead to—

17 “(1) require monitoring at least biannually;

18 “(2) ensure that monitoring is statistically rel-  
19 evant and fully representative of all types of residen-  
20 tial dwellings and commercial establishments;

21 “(3) ensure that monitoring frequency and  
22 scope are enhanced for—

23 “(A) at least the 1-year period following  
24 any substantial modification of the treatment of  
25 drinking water provided; and

1           “(B) any period during which the drinking  
2           water of a water system exceeds the maximum  
3           contaminant level or action level for lead;

4           “(4) require that, in order to be certified to  
5           conduct drinking water analyses under this Act, a  
6           laboratory shall electronically report lead test results  
7           for public water systems (and such other results or  
8           data as are determined to be appropriate by the Ad-  
9           ministrators), in accordance with protocols estab-  
10          lished by the Administrator, directly to the Adminis-  
11          trator and the applicable State or local agency; and

12          “(5) otherwise ensure that the Safe Drinking  
13          Water Information System and the National Con-  
14          taminant Occurrence Database of the Administrator  
15          reliably and timely reflect information regarding  
16          drinking water quality and compliance with respect  
17          to lead.

18          “(j) CORROSION CONTROL.—In revising the national  
19          primary drinking water regulation for lead, the Adminis-  
20          trator shall ensure that any requirement for corrosion con-  
21          trol includes a requirement that, not later than 1 year  
22          after the date of any change in water treatment, or of  
23          an exceedance of the maximum contaminant level or action  
24          level for lead, each community water system and nontran-  
25          sient noncommunity water system shall—

1           “(1) reevaluate any corrosion control plan in  
2 place for the water system; and

3           “(2) implement any changes necessary to re-  
4 optimize the plan.”.

5 **SEC. 6. NON-LEAD FREE SERVICE LINE REPLACEMENT**  
6 **FUND.**

7 Section 1417 of the Safe Drinking Water Act (42  
8 U.S.C. 300g-6) (as amended by section 5) is amended by  
9 adding at the end the following:

10       “(1) AUTHORIZATION OF APPROPRIATIONS.—

11           “(1) IN GENERAL.—There is authorized to be  
12 appropriated to carry out replacement of non-lead-  
13 free service lines under subsection (a)(1)(C)(iv)(VI)  
14 \$200,000,000 for each of fiscal years 2006 through  
15 2010.

16           “(2) DISTRICT OF COLUMBIA.—Of amounts  
17 provided under paragraph (1), \$40,000,000 for each  
18 of fiscal years 2006 through 2010 is authorized for  
19 use in replacing non-lead free service lines in the  
20 District of Columbia.”.

21 **SEC. 7. PROHIBITION ON USE OF LEAD PIPES, SOLDER,**  
22 **AND FLUX.**

23       (a) DEFINITIONS.—Section 1417 of the Safe Drink-  
24 ing Water Act (42 U.S.C. 300g-6) is amended by striking  
25 subsection (d) and inserting the following:

1 “(d) DEFINITIONS.—In this section:

2 “(1) HIGH LEAD.—The term ‘high lead’ means  
3 any pipe, or pipe or plumbing fitting or fixture, that  
4 contains more than 2 percent lead.

5 “(2) LEAD FREE.—The term ‘lead free’ means  
6 solder, flux, a pipe, or a pipe or plumbing fitting or  
7 fixture that contains not more than 0.2 percent lead.

8 “(3) PLUMBING FITTING; PLUMBING FIX-  
9 TURE.—The terms ‘plumbing fitting’ and ‘plumbing  
10 fixture’ do not include—

11 “(A) any porcelain item; or

12 “(B) any plumbing component that does  
13 not come into contact with drinking water.”.

14 (b) PROHIBITIONS.—Section 1417(a) of the Safe  
15 Drinking Water Act (42 U.S.C. 300g–6(a)) is amended—

16 (1) by striking “(a) IN GENERAL.—” and all  
17 that follows through paragraph (1)(A)(ii) and insert-  
18 ing the following: “(a) USE OF LEAD PIPES, SOL-  
19 DER, AND FLUX.—

20 “(1) PROHIBITIONS.—

21 “(A) IN GENERAL.—

22 “(i) SOLDER AND FLUX.—No person  
23 may use, after June 19, 1986, any solder  
24 or flux that is not lead free in the installa-  
25 tion or repair of any public water system



1 or any plumbing in a residential or non-  
2 residential facility providing water for  
3 human ingestion (including water for bath-  
4 ing).

5 “(ii) PIPES; PIPE AND PLUMBING FIT-  
6 TINGS AND FIXTURES.—

7 “(I) IN GENERAL.—Not later  
8 than 1 year after the date of enact-  
9 ment of the Lead-Free Drinking  
10 Water Act of 2005, no person may  
11 use any high lead pipe, or pipe or  
12 plumbing fitting or fixture, in the in-  
13 stallation or repair of—

14 “(aa) any public water sys-  
15 tem; or

16 “(bb) any plumbing in a res-  
17 idential or nonresidential facility  
18 providing water for human inges-  
19 tion (including water for bath-  
20 ing).

21 “(II) PROHIBITION.—On and  
22 after the date that is 5 years after the  
23 date of enactment of the Lead-Free  
24 Drinking Water Act of 2005, no per-  
25 son may use any pipe, or pipe or

1 plumbing fitting or fixture, that is not  
 2 lead free in the installation or repair  
 3 of—

4 “(aa) any public water sys-  
 5 tem; or

6 “(bb) any plumbing in a res-  
 7 idential or nonresidential facility  
 8 providing water for human inges-  
 9 tion (including water for bath-  
 10 ing).”; and

11 (2) in paragraph (3), by striking “(3) UNLAW-  
 12 FUL ACTS.—” and all that follows through subpara-  
 13 graph (A) and inserting the following:

14 “(3) UNLAWFUL ACTS.—On and after the date  
 15 that is 1 year after the date of enactment of the  
 16 Lead-Free Drinking Water Act of 2005, it shall be  
 17 unlawful—

18 “(A) for any person to introduce into com-  
 19 merce any pipe, or pipe or plumbing fitting or  
 20 fixture, that is a high lead pipe or high lead  
 21 pipe or plumbing fitting or fixture (except for  
 22 a pipe that is used in manufacturing or indus-  
 23 trial processing);”.

24 (c) CERTIFICATION; TECHNICAL INFORMATION AND  
 25 ASSISTANCE; FAILURE TO COMPLETE REVISION.—Sec-

1 tion 1417(e)(2) of the Safe Drinking Water Act (42  
2 U.S.C. 300g–6(e)(2)) is amended by adding at the end  
3 the following:

4           “(C) CERTIFICATION.—The Administrator  
5 shall require that any plumbing fitting or fix-  
6 ture intended by the manufacturer (or agent of  
7 the manufacturer) to convey or dispense water  
8 for human ingestion (including water for bath-  
9 ing) be certified by an independent, third-party  
10 certifier accredited by ANSI as meeting the re-  
11 quirements of NSF/ANSI standard number 61  
12 as described in subparagraph (A).

13           “(D) TECHNICAL INFORMATION AND AS-  
14 SISTANCE.—The Administrator shall provide ac-  
15 curate and timely technical information and as-  
16 sistance to qualified third-party certifiers de-  
17 scribed in subparagraph (C), and to the NSF,  
18 for use in conducting a review of, and, not later  
19 than 1 year after the date of enactment of this  
20 subparagraph, revising NSF/ANSI standard  
21 number 61 such that the NSF Test Statistic Q  
22 applicable to plumbing fittings and fixtures  
23 shall be less than or equal to 5 micrograms.

24           “(E) FAILURE TO COMPLETE REVISION.—  
25 If the Administrator determines that the revi-

1           sion required by subparagraph (D) has not been  
 2           completed by the date that is 2 years after the  
 3           date of enactment of this subparagraph, no per-  
 4           son may import, manufacture, process, or dis-  
 5           tribute in commerce after that date any new  
 6           pipe, or pipe or plumbing fitting or fixture, in-  
 7           tended by the manufacturer (or agent of the  
 8           manufacturer) to convey or dispense water for  
 9           human ingestion (including water for bathing)  
 10          that is not lead free.”.

11 **SEC. 8. REMOVAL OF LEAD IN SCHOOLS.**

12          (a) **REMOVAL OF LEAD IN SCHOOLS AND EDU-**  
 13 **CATIONAL FACILITIES.**—Section 1464 of the Safe Drink-  
 14 ing Water Act (42 U.S.C. 300j-24) is amended by striking  
 15 subsection (d) and inserting the following:

16          “(d) **REMOVAL OF LEAD IN SCHOOLS AND EDU-**  
 17 **CATIONAL FACILITIES.**—

18                 “(1) **TESTING AND REMEDIATION OF LEAD**  
 19 **CONTAMINATION.**—Not later than 270 days after the  
 20 date of enactment of the Lead-Free Drinking Water  
 21 Act of 2005, the Administrator—

22                         “(A) shall promulgate regulations requir-  
 23 ing each State to establish a program under  
 24 which schools and other educational facilities li-  
 25 censed by the State are required to test for an-

1 nually, and remediate, lead contamination in  
2 water for human ingestion from coolers, taps,  
3 and other sources; and

4 “(B) may provide to each State, in accord-  
5 ance with the regulations, a grant to assist, or  
6 provide reimbursement for costs incurred by,  
7 schools and educational facilities licensed by the  
8 State in carrying out testing and remediation  
9 described in subparagraph (A).

10 “(2) PUBLIC AVAILABILITY.—

11 “(A) IN GENERAL.—The regulations shall  
12 provide that a copy of the results of any testing  
13 at a school or educational facility under para-  
14 graph (1) shall be available in the reception  
15 area and administrative offices of the school or  
16 facility for inspection by the public, including—

17 “(i) teachers and other school or facil-  
18 ity personnel; and

19 “(ii) parents and legal guardians of  
20 students attending the school or facility.

21 “(B) NOTIFICATION.—The regulations  
22 shall provide that each school and educational  
23 facility licensed by a State shall notify parent,  
24 teacher, and employee organizations of the

1           availability of testing results described in sub-  
2           paragraph (A).

3           “(3) DRINKING WATER COOLERS.—In the case  
4           of drinking water coolers, the regulations promul-  
5           gated under paragraph (1)(A) shall provide that,  
6           under the program established by a State under the  
7           regulations, each school and educational facility li-  
8           censed by the State shall carry out appropriate  
9           measures for the reduction or elimination of lead  
10          contamination from drinking water coolers that are  
11          located in the school or facility and are not lead free  
12          necessary to ensure that, not later than the date  
13          that is 15 months after the date of enactment of the  
14          Lead-Free Drinking Water Act of 2005, all such  
15          drinking water coolers in the school or facility are  
16          repaired, replaced, permanently removed, or ren-  
17          dered inoperable (unless the drinking water cooler is  
18          tested and determined, within the limits of testing  
19          accuracy, not to contribute lead to drinking water).

20          “(4) FEDERAL AUTHORITY.—In a case in which  
21          a State does not carry out the responsibilities of the  
22          State under this subsection, the Administrator shall  
23          carry out such a program or such responsibilities on  
24          behalf of the State.

25          “(5) FUNDING.—

1           “(A) AUTHORIZATION OF APPROPRIA-  
 2           TIONS.—There is authorized to be appropriated  
 3           to carry out this subsection \$30,000,000 for  
 4           each of fiscal years 2007 through 2011.

5           “(B) ADMINISTRATIVE EXPENSES.—A  
 6           State (or, in a case in which the Administrator  
 7           implements this subsection under paragraph  
 8           (4), the Administrator) may use not more than  
 9           5 percent of amounts authorized to be appro-  
 10          priated under subparagraph (A) for a fiscal  
 11          year to pay administrative expenses incurred in  
 12          carrying out this subsection for the fiscal  
 13          year.”.

14          (b) ENFORCEMENT.—Section 1414(i)(1) of the Safe  
 15          Drinking Water Act (42 U.S.C. 300g–3(i)(1)) is amend-  
 16          ed—

17                 (1) by striking “1417” and inserting “1417,”;

18          and

19                 (2) by striking “or 1445” and inserting “1445,  
 20          or 1464(d)”.

21          (c) CONFORMING AMENDMENT.—Section 1465 of the  
 22          Safe Drinking Water Act (42 U.S.C. 300j–25) is repealed.

23          **SEC. 9. REVISION OF REGULATIONS.**

24          In revising the national primary drinking water regu-  
 25          lation for lead under section 1412(b)(16) of the Safe

1 Drinking Water Act (as added by section 2), the Adminis-  
2 trator shall ensure that the revised regulation incorporates  
3 all applicable requirements of this Act and the amend-  
4 ments made by this Act.

○