

114TH CONGRESS
2D SESSION

S. 2587

To amend the Safe Drinking Water Act to require the Administrator of the Environmental Protection Agency to promulgate regulations to improve reporting, testing, and monitoring related to lead and copper levels in drinking water.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 25, 2016

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

A BILL

To amend the Safe Drinking Water Act to require the Administrator of the Environmental Protection Agency to promulgate regulations to improve reporting, testing, and monitoring related to lead and copper levels in 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 “Copper and Lead Eval-
5 uation and Reporting Act of 2016” or the “CLEAR Act”.

1 **SEC. 2. LEAD AND COPPER IN DRINKING WATER.**

2 (a) REGULATIONS REQUIRED.—Section 1412(b) of
3 the Safe Drinking Water Act (42 U.S.C. 300g–1(b)) is
4 amended—

5 (1) by redesignating paragraphs (14) and (15)
6 as paragraphs (15) and (16), respectively;

7 (2) by inserting after paragraph (13) the fol-
8 lowing:

9 “(14) LEAD AND COPPER IN DRINKING
10 WATER.—Not later than 180 days after the date of
11 enactment of the CLEAR Act, the Administrator
12 shall promulgate lead and copper regulations that—

13 “(A) based on the amount of lead that
14 would result in a blood lead level greater than
15 5 micrograms per deciliter in an average,
16 healthy infant who consumes infant formula
17 made with water, establish a health-based
18 household action level for lead and copper that
19 triggers—

20 “(i) not later than 28 days after the
21 date on which the household action level is
22 reached, plain-language consumer notifica-
23 tion that is culturally and linguistically ap-
24 propriate;

25 “(ii) a report to the appropriate public
26 health agency; and

1 “(iii) an examination by the public
2 water system of service line material and,
3 if applicable, the initiation of the removal
4 by the public water system of any lead por-
5 tion of the service line;

6 “(B) provide for frequent and culturally
7 and linguistically appropriate multi-media out-
8 reach in plain language about the health risk
9 and protection available to—

10 “(i) consumers with known or sus-
11 pected full or partial lead service lines;

12 “(ii) public and private institutions
13 and facilities that serve individuals of any
14 other vulnerable population, including—

15 “(I) children;

16 “(II) pregnant women; and

17 “(III) an immunocompromised
18 population, such as—

19 “(aa) individuals living with
20 auto immune deficiency syndrome
21 or human immunodeficiency
22 virus; and

23 “(bb) the elderly; and

1 “(iii) caregivers and healthcare pro-
2 viders for any individual described in
3 clause (i) or (ii);

4 “(C) require, for each monitoring period,
5 each public water system to publish on a pub-
6 licly accessible website of the public water sys-
7 tem, or distribute by carrier route presort if the
8 public water system does not maintain a pub-
9 licly accessible website, or distribute door-to-
10 door if a substantial portion of the population
11 served by the public water system does not have
12 access to the Internet or is elderly—

13 “(i) the number of households served
14 by the public water system that have a
15 household action level that is greater than
16 the household action level established by
17 the Administrator under subparagraph
18 (A);

19 “(ii) all levels of lead and copper
20 found in each monitoring period; and

21 “(iii) the most recent 90th percentile
22 levels for lead and copper, as compared to
23 the system action levels for lead and cop-
24 per;

1 “(D) in the case of a community that has
2 a lead service line, require the public water sys-
3 tem to provide a public statement of lead serv-
4 ice line ownership that includes the legal basis
5 of that determination of ownership; and

6 “(E) modify lead monitoring requirements
7 to provide for—

8 “(i) voluntary consumer-requested tap
9 sampling for lead; and

10 “(ii) the use of any result of a tap
11 sample described in clause (i)—

12 “(I) to inform—

13 “(aa) consumer action to re-
14 duce the risk of lead in the home
15 of the consumer; and

16 “(bb) in the case of a tap
17 sample that is higher than the
18 household action level established
19 in subparagraph (A), the con-
20 sumer and the appropriate public
21 health agency; and

22 “(II) to assess—

23 “(aa) if the tap sample
24 meets the site selection criteria
25 described in the regulations

1 issued by the Administrator for
 2 the control of lead and copper,
 3 the effectiveness of corrosion con-
 4 trol treatment; or
 5 “(bb) any other potential
 6 cause of an elevated lead level.”.

7 (b) CONFORMING AMENDMENTS.—Section 1415(e)
 8 of the Safe Drinking Water Act (42 U.S.C. 300g–4(e))
 9 is amended—

10 (1) in paragraph (2)(A), by striking
 11 “1412(b)(15)” and inserting “1412(b)(16)”; and

12 (2) in paragraph (7)(A)—

13 (A) in clause (ii), by striking
 14 “1412(b)(15)” and inserting “1412(b)(16)”;
 15 and

16 (B) in clause (iii), by striking
 17 “1412(b)(15)(A)” and inserting
 18 “1412(b)(16)(A)”.

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