

Dec.4, 2013

The Honorable XXXXX XXXXXXXXXXXX
United States Senate

Dear Senator XXXXXXXXXXXXX,

I write to urge you to support quick passage of H.R. 3588, the Community Fire Safety Act, a bipartisan bill approved by the House by a vote of 384-0 on December 2. Rep. Bill Johnson, R-Ohio, and Rep. Paul Tonko, D-NY, introduced the bill and guided it through the House.

Our utility and city leaders remain committed to protecting public health and maintaining America's water supply as the safest in the world. However, a recent interpretation of the Reduction of Lead in Drinking Water Act by the U.S. Environmental Protection Agency appears to be inconsistent with Congress' intent in passing the Lead Act.

Just a few weeks ago, EPA issued a "Frequently Asked Questions" document on implementation of the act. In this document, EPA suggests – for the first time – that fire hydrants are subject to, and not otherwise exempt from, the lead-free requirements of the act. We do not believe that this is what Congress intended, particularly because the federal law is modeled after the bellwether state laws for California and Vermont that were drafted and interpreted to exclude fire hydrants. Of particular concern is the compliance deadline of this coming Jan. 4 for this new interpretation of the law. Therefore, quick action will be needed on this legislation.

Health concerns associated with lead are a matter of long-term exposure, and hydrants used during emergencies or at special events as potable water sources typically serve this purpose for only a few hours or days. In addition, if a hydrant is supplying a neighborhood or apartment building, the flow rates will keep water from sitting idle inside the hydrant for very long. Lead concentrates in water when the water is stationary inside a fixture. Applying this act to fire hydrants – particularly with such short notice - represents a massive investment of time and resources for little if any discernible public health benefit. We do not believe that this interpretation of the law is what Congress intended.

In addition, existing inventories of hydrants across the country will be rendered obsolete if not installed before Jan. 4. Again, the timing alone should give Congress grave concerns. The act was written to provide a three-year transition period for compliance. However, EPA's new interpretation gives manufacturers, distributors and public and private utilities only two months to use or lose their hydrant inventories. There are more than 12 million fire hydrants in the ground in the United States. Without enactment of HR3588, we run the risk of hydrants being taken out of service when they need maintenance or replacement and there is insufficient stock of compliant hydrants available.

For these reasons, we ask that you support H.R. 3588 and its quick passage through the Senate.

Sincerely,