



At a Glance

The EPA Should Better Prepare to Implement Public Notification Requirements When Lead in Drinking Water Poses Serious Risks to Human Health

Why We Did This Audit

To accomplish this objective:

The U.S. Environmental Protection Agency Office of Inspector General initiated this audit based on a request from the U.S. Senate Committee on Homeland Security and Governmental Affairs. The objective of the audit is to assess the EPA's preparation to implement the public notification requirements under section 2106 of the Water Infrastructure Improvements for the Nation Act.

The Act requires the EPA to implement notification requirements for a lead-action-level exceedance if the exceedance "has the potential to have serious adverse effects on human health as a result of short-term exposure." This requires public water systems to notify the persons served, the state primacy agency, and the EPA as soon as practicable, but not later than 24 hours after systems learn of the exceedance. The EPA is also required to provide the notices within 24 hours after it is notified if the public water system or state has not done so.

To support these EPA mission-related efforts:

- *Operating efficiently and effectively.*
- *Ensuring clean and safe water.*

To address this top EPA management challenge:

- *Maximizing compliance with environmental laws and regulations.*

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What We Found

At the time of our audit, the EPA was not ready to comply with the public notification requirements under section 2106 of the Water Infrastructure Improvements for the Nation Act. On January 15, 2021, the EPA published a final rule to implement these requirements for public water systems. The final rule included the EPA's determination that a lead-action-level exceedance, or lead ALE, is a Tier 1 public notification because it can have serious adverse effects on human health as a result of short-term exposure. The notification must provide information about the impacts of lead and what people can do to protect themselves. Although the Office of Water reported that it was in the process of developing a strategy, it had not developed a plan or milestones or provided guidance to help EPA regions, states, and water systems to be ready to comply with the notification requirements by the compliance date of October 16, 2024. The Office of Water also does not receive data in a timely manner to monitor lead ALE, oversee water systems' compliance with the notification requirements, and provide the notices if water systems and states have not done so. Based on tap water samples reported in the EPA's tracking system from January 2021 through March 2023, we identified 498 water systems with lead ALE, serving about 2.3 million people. With millions of people potentially affected by lead ALE, water systems, states, and the EPA must be ready to comply by October 2024.

The public could face continued exposure to lead without immediate information for mitigating the health risks if the EPA, states, and water systems are not ready to comply with the public notification requirements by the October 2024 compliance date.

Recommendations and Planned Agency Corrective Actions

We recommend that the assistant administrator for Water establish a plan for implementing the Tier 1 lead ALE public notification requirements so that water systems, the states, and the EPA are ready to comply by October 16, 2024. We also recommend that the assistant administrator develop procedures to receive and track lead ALE information as soon as it is available to the states to ensure compliance with the public notification requirements. The Agency concurred with our two recommendations and provided acceptable planned corrective actions and estimated milestone dates. These recommendations are resolved with corrective actions pending.