

United States Senate

WASHINGTON, DC 20510

December 10, 2018

Acting Administrator Wheeler
Environmental Protection Agency
1101A, 1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Acting Administrator Wheeler,

We write to convey our concern that EPA leadership has not yet come to agreement with your Inspector General's office on all management recommendations stemming from the Flint water crisis, and to request a meeting with you to discuss EPA's ongoing efforts to protect the public – and particularly children – from lead in drinking water. We would like to better understand the agency's concerns and challenges in implementing the Inspector General's recommendations, and to work with you to ensure that what happened in Flint never happens to another community.

Last July EPA's Inspector General office issued a report identifying nine recommendations to strengthen EPA's oversight of drinking water systems and ability to effectively monitor states' compliance with the federal Lead and Copper rule. We joined with colleagues through the 2019 Labor, Health and Human Services and Education Appropriation bill to require EPA to use appropriated funding to implement the Inspector General's recommendations. We are grateful that EPA has implemented several recommendations to strengthen regional enforcement and compliance, for instance providing the public with greater visibility on the results from EPA's ongoing reviews of Michigan's Safe Drinking Water program. However, we understand that EPA has disagreed to implement the Inspector General's recommendation to establish national controls to ensure states are effectively monitoring compliance with the Lead and Copper rule. Further, it is our understanding that EPA would prefer to implement a pilot or trial approach to compliance, while the Inspector General is urging this approach be broadened.

Flint is a stark, devastating example of just why a national and comprehensive oversight approach is essential. People died after being literally poisoned by their own drinking water, and thousands of Flint children will suffer the lasting consequences of local and state management failures coupled with ineffective federal oversight. We fought for a year to secure emergency assistance for Flint families through the WIIN Act back in 2016, but the needed investment Congress made then is not enough. We must do everything we can to make sure what happened in Flint does not ever happen to another community. But we will not protect other children across Michigan and the nation if we fail to solve the management failures that led to Flint.

Unfortunately, we have a long way to go to ensure safe drinking water. A recent review of water testing results at Detroit Public schools found that one school had more than 54 times the allowable amount of lead under federal guidelines, while others exceeded copper level by nearly 30 times. Currently, more than half the 106 schools inside Michigan's largest school district have lead contaminated water. The Detroit school district is to be commended for initiating testing and identifying alternative safe water sources, as Michigan has no state-wide rules that require school districts to test for lead in their tap water. And Detroit's experience is unfortunately not unique; schools in some cities across the nation have relied on bottled water for more than a decade.

Within the WIIN Act is a provision we authored to require the Environmental Protection Agency to directly notify the public of dangerously high lead levels in drinking water if the local public water system and State fail to do so. We have also supported efforts to strengthen school and day care drinking water testing. These will be impossible unless EPA implements a national compliance approach that can quickly identify potential risks.

Acting Administrator Wheeler, it is critical that we do all we can to ensure that communities in Michigan and across the country have access to safe drinking water. We believe EPA's oversight and compliance efforts are vital to that effort. We hope we can soon find a time to meet so that we might better understand the agency's concerns and challenges in meeting the Inspector General's recommendations.

Sincerely,



Gary C. Peters
United States Senator



Debbie Stabenow
United States Senator