

**Congress of the United States**  
**Washington, DC 20515**

December 15, 2021

Mary T. Bassett, M.D., M.P.H.  
Acting Commissioner  
New York State Department of Health  
Corning Tower Empire State Plaza  
Albany, NY 12237

Gary Ginsberg, PhD  
Director  
New York State Department of Health  
Center for Environmental Health  
Corning Tower Empire State Plaza  
Albany, NY 12237

Dear Acting Commissioner Bassett and Director Ginsberg:

We write to you concerning a major provision of the recently enacted Infrastructure Investment and Jobs Act, H.R. 3684 that provides funding for the replacement of lead service lines (LSL). We respectfully encourage the New York State Department of Health and its Center for Environmental Health to work closely with public water systems and other stakeholders to support work to expeditiously create an inventory of lead service lines within their communities to ensure this funding is used in a transparent and cost-effective manner.

As you know, the Infrastructure Investment and Jobs Act, otherwise known as the Bipartisan Infrastructure Framework (BIF), is a \$1.2 trillion bill to improve physical infrastructure like roads and bridges in New York and around the country. It also provides over \$50 billion to ensure people in the United States have access to clean water by replacing lead service lines. On December 2, the Environmental Protection Agency announced that New York will receive over \$428 million in 2022 of those funds to upgrade the state's aging water system and address key challenges like this issue and per- and poly-fluoroalkyl substances (PFAS) contamination. This historic funding will help tackle the estimated 360,000 lead pipes in New York.<sup>1</sup>

Congress banned lead service lines in 1986 because of the threat they pose to public health, particularly for young children. Unfortunately, the ban did not address existing pipes, many of which are still in use today. Water contamination from lead pipes is one of the most significant contributors to a person's total lead exposure.<sup>2</sup> Data from the Centers for Disease Control and Prevention Childhood Lead Poisoning Prevention Program, published in 2018, suggests that slightly more than 6% of children under six years of age had blood lead levels above 5 micrograms per deciliter,<sup>3</sup> which was the CDC's old standard. Under the CDC's new standard for blood lead levels of 3.5 micrograms per deciliter, we can tragically expect more children may test positive for

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<sup>1</sup> Rita Yelda, "360,000 Lead Pipes May Deliver Water to Homes in New York," NRDC (Natural Resources Defense Council, July 19, 2021), <https://www.nrdc.org/media/2021/210719>.

<sup>2</sup> "Department of Health," Lead Service Line Replacement Program (LSLRP) (New York State Government), accessed December 3, 2021, <https://www.health.ny.gov/environmental/water/drinking/lslrp/>.

<sup>3</sup> "Blood Lead Levels (Mg/DL) among U.S. Children ... - Cdc.gov," CDC National Childhood Blood Lead Surveillance Data (Centers for Disease Control and Prevention, October 27, 2021), <https://www.cdc.gov/nceh/lead/docs/cbls-national-data-table-508.pdf>.

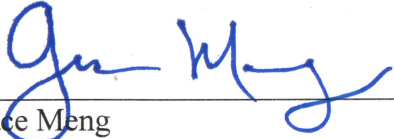
poisoning.<sup>4</sup> New York now has an invaluable opportunity to mitigate this public health threat with hundreds of millions of dollars in BIF funding for the replacement of lead pipes.

New York must lead the nation by replacing all LSLs. Our concern is that without a database<sup>5</sup> of existing LSLs, it will be nearly impossible to evaluate the effectiveness of that funding. In 2019, your department stated "...a major obstacle to replacing LSLs is knowing their location. Most municipalities do not have an inventory of water service lines, and the ones that do are generally of limited accuracy. To overcome this obstacle, the first step of a statewide LSL replacement program should be the creation of a water service line inventory."<sup>6</sup> We agree with this assessment and believe an accurate accounting of all LSLs will ensure everyone in New York State has access to clean water.

The historic infrastructure funding comes as the Environmental Protection Agency is expected to finalize implementation of the National Primary Drinking Water Regulations: Lead and Copper Rule Revisions (LCRR) on December 16, 2021. It is anticipated that the LCRR will require public water systems to inventory LSLs by the end of 2024 to ensure we know the scope of the problem and for households to know their exposure. Given the funding from H.R. 3684 to address challenges in water infrastructure like replacing LSLs is already in the pipeline, we encourage you to expedite New York's compliance timetable and to work closely with the public water systems and other stakeholders to complete your inventory as required under the LCRR, and provide assistance as lines are identified to be replaced.

We look forward to working with you to achieve transparency in this program and ensure all New Yorkers have access to clean water. Thank you for your attention to this matter.

Sincerely,

  
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Grace Meng  
Member of Congress

/s/ \_\_\_\_\_  
Jerrold Nadler  
Member of Congress

/s/ \_\_\_\_\_  
Thomas R. Suozzi  
Member of Congress

/s/ \_\_\_\_\_  
Carolyn B. Maloney  
Member of Congress

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<sup>4</sup> "Blood Lead Reference Value," CDC Childhood Lead Poisoning Prevention (Centers for Disease Control and Prevention, Oct. 27, 2021). <https://www.cdc.gov/nceh/lead/data/blood-lead-reference-value.htm>.

<sup>5</sup> "Lead Pipes Are Widespread and Used in Every State," NRDC (National Resources Defense Council, August 26, 2021), <https://www.nrdc.org/lead-pipes-widespread-used-every-state>.

<sup>6</sup> "A Statewide Plan for Lead Service Line Replacement," New York State Department of Health. (August 16, 2019). p. 15. <https://www.health.ny.gov/environmental/water/drinking/lslrp/docs/lslrpreportfinal.pdf>.

\_\_\_\_\_/s/\_\_\_\_\_  
Adriano Espaillat  
Member of Congress

\_\_\_\_\_/s/\_\_\_\_\_  
Nydia M. Velázquez  
Member of Congress

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Kathleen M. Rice  
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Yvette D. Clarke  
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