

ABSTRACT:

Changes in Lead-free Legislation: Implications and Industry Response

When Congress enacted the Safe Water Drinking Act (SWDA), the intent was to ensure the quality of Americans' drinking water and protect public health by regulating the national drinking water supply. Although there are many threats to the quality of potable water in the U.S., including animal waste, the improper disposal of chemicals, pesticide use and other naturally-occurring chemicals, the threat of contamination from poorly-maintained distribution systems is both concerning and preventable.

Addressing contamination risks from source to tap, the original SWDA and subsequent amendments recognized opportunities for improvement in the areas of source water protection, operator training, funding for water system improvements and the dissemination of public information. However, as the industry has evolved and the public has become increasingly aware of safety and traceability in the water supply, the SWDA has likewise advanced with the Reduction of Lead in Drinking Water Act, enacted on January 4, 2011 and enforceable since January 4, 2014.

The new amendment, relating to Section 1417 of the original Safe Water Drinking Act, redefines the term "lead free" as explained in the initial document and establishes limitations for the use and introduction into commerce of lead pipes, plumbing fittings or fixtures, solder and flux.

While the new regulations are clearly defined by the Environmental Protection Agency and espoused in the supporting literature, what remains in doubt is how manufacturers, retailers, plumbers and other key industry players will react to the news. Likewise unclear is how governmental agencies will enforce the new federal directive, as states will be responsible for enforcement on an individual basis. Furthermore, states like California, Louisiana, Maryland and Vermont have already implemented their own lead-free legislation, and may set the precedent for enforcement.

This paper will examine the previous and current definitions and regulations regarding the Safe Water Drinking Act and Reduction of Lead in Drinking Water Act, explore the enforcement of the new regulations and explain the industry's reaction to the new legislation.