

NDWAC LEAD AND COPPER WORKING GROUP ON PUBLIC EDUCATION

Meeting Three: February 1-2, 2006

Welcome and Agenda Review

Abby Arnold, RESOLVE Senior Mediator, welcomed the members of the National Drinking Water Advisory Committee (NDWAC) Lead and Copper Working Group on Public Education (WGPE) to its third meeting. Ron Bergman, Chief, Drinking Water Protection Branch, EPA OGWDW, also welcomed and thanked the working group members.

Ms. Arnold reviewed the meeting agenda and objectives of the meeting, which were to:

- Get as far as we can on reaching agreement on recommendations to the NDWAC.
- Review and comment on draft documents produced by Required Language/Required Topics, Row 1, and Delivery subgroups.
- Review draft Table of Contents and draft sections of the report, and reach agreement.
- Discuss potential recommendations on “public education during continued exceedance”; “additional outreach for unusual circumstances”; lead service line replacement information”; and “LSL replacement specific to location being replaced, at time of replacement” (Rule Matrix Rows 4-7).
- Consider how each draft recommendation may impact or need tailoring for small systems.
- Decide on next steps and schedule for the WGPE’s work.

Mr. Bergman then gave an update on LCR short-term revision timing and coordination with WGPE activities. He explained that, after completing an internal review, EPA will send their proposed revisions to OMB for review, which could take 90 days or more. It would be easiest to get any WGPE/NDWAC recommendations into the draft proposed revisions before OMB begins their review. He added that it would be particularly important to include any new mandatory language or other requirements in the draft sent to OMB for review. Thus, the WGPE will need to come to consensus on mandatory language and activities in the Utility Instructions/Consumer Template, Delivery proposal, and Row 1 recommendations pertaining to the CCR. Consensus documents would then be sent to the NDWAC for review and approval, who would in turn pass on the recommendations to EPA for inclusion in the draft proposed short-term revisions.

In response to this discussion, several members pointed out that the guidance sections of the WGPE documents are also very important, especially as many systems follow those documents very closely. Mr. Bergman explained that the final guidance will be issued approximately 90 days after the final rule, so the WGPE will have additional time to make guidance recommendations.

Row 1 Subgroup Working Drafts – Routine Communication When System Has Not Had An Exceedance (Sections 4.3 and 6)

The WGPE reviewed draft documents from the subgroup, which outlined a proposal for routine communication for systems that have not had a lead action level exceedance. One aspect of the Row 1 draft recommendations was to include an educational statement on lead in the Consumer

Confidence Report (CCR) for all systems that monitor for lead. A member presented an addition to this recommendation, outlining several conditions, or testing results, which would trigger different messages in CCR. This member wanted greater distinction in the message between systems that have one sample with a small detected level of lead and systems with several samples at or close to the action level (AL). Along with a tailored message, this proposal followed current CCR reporting requirements, which include listing the 90th percentile value of samples, the maximum contaminant level goal (MCLG), AL, definition of AL, and statement of the sources of lead.

A WGPE member that participated in the Row 1 subgroup explained that they wanted to inform consumers of systems where lead has been detected, even if samples are below the AL or there are not enough high samples to trigger action. In this way, consumers will be notified of the issue and where to go for more information. He agreed with another WGPE member that adding a lead statement to the CCR will make the document longer, but he thought it was still useful to provide the information.

Another member noted that, in the original CCR requirements, health-based language was included if there was an exceedance of an action level or maximum contaminant level, with the exception of three contaminants. Thus, this recommendation would be a change in the CCR. A member pointed out that it is important to carefully frame the rationale for treating lead differently than most contaminants in the CCR (by requiring an educational statement even when there is no exceedance).

A subgroup worked on language to accompany each of these conditions in a break-out session, as well as a revised rationale to explain why the WGPE believes it is important to notify consumers (through the CCR) if any lead is detected, even if below the AL.

After lunch, the group returned to present the revised rationale and CCR recommendations, with 3 conditions. Given that the AL of 15 ppb is a system-wide level rather than an individual health measure, members did not want to create an artificial distinction between 14 and 16 ppb in their recommended conditions. Thus, they agreed on including three conditions:

1. Systems with 10% or more of compliance monitoring samples above 15 ppb (systems above the AL)
2. Systems with any observed compliance monitoring samples above method reporting level (MRL) for lead but below the action level
3. Systems with no lead observed in compliance monitoring

Members in the subgroup explained that the language included in this recommendation was taken from the language in the introductory language in the draft utility instructions. The purpose of the statement is threefold: to get the attention of consumers, to offer something practical to do, and to offer further information. The draft CCR statement does not, however, list specific health risks.

One WGPE member questioned whether, by having the same language in the CCR as the WGPE recommends for the exceedance materials, the exceedance is muted. Another member replied that the statement as drafted is useful from a public health communication standpoint, because it points those concerned to additional information and does not unnecessarily alarm readers about risks that are often rare. Further, most consumers would not distinguish between different levels of lead detection so having a consistent message is useful.

This version also clarified that testing should refer to samples taken for the purpose of compliance monitoring. In addition, “detection” of lead will be defined by the method reporting level (MRL), which is the lowest possible detection level than can be reported. (In CCR, there is a MRL for every contaminant that must be reported.) This recommendation does not change what is currently required to be reported in the CCR’s table of contaminants.

A member pointed out that, while the utility community believes this addition to the CCR is the right thing to do, it does create a new requirement. Another member suggested that this recommendation should be clearly explained in the report to show readers why it is supported by WGPE members.

Members also began discussing the definition for action level, which is another requirement in the CCR. A small group met to craft a new draft definition, which will be circulated to the full WGPE for review on a conference call.

Utility Instructions Proposal

A member explained that the purpose of the draft utility instructions is to accompany the template for the consumer notice of the lead action level exceedance and give clear direction to the person writing a local notice about what that notice must include. (The language in the utility instructions and the consumer template is meant for required PE brochure mailings only, rather than other PE materials such as television ads or press releases. The WGPE has not determined whether they will recommend any mandatory or suggested language for other forms of public education.)

One member commented that he felt strongly that the suggested language on where to go for further information include groups other than NSF. The remaining group members were concerned that other organizations did not have information or webpages that were as accessible or useful to the public, and thus preferred to keep only NSF listed.

Members also agreed to add a suggestion to contact a health care provider for more information, in addition to the National Lead Information Center.

Delivery Proposal

A WGPE member that worked on the Delivery Subgroup reviewed the Delivery proposal. This document is meant to accompany the draft Utility Instructions as a way to introduce the materials to utilities, rather than just sending them a brochure template and required language. The proposal outlines required and recommended methods of delivery and populations or organizations to be targeted. A subgroup member emphasized that the proposal attempts to reach out to some non-bill-paying customers, especially the most vulnerable populations.

Members discussed the proposal that systems must print a message on water bills for the entire time they are in exceedance. One member pointed out that not all systems can print it on the bill, whether because of printing issues, inflexible formats, lack of space, or other logistics. He asked the group to consider alternative actions if printing on the bill is not possible. Another member pointed out that

the point of this recommendation was to maintain contact with consumers throughout the exceedance. The WGPE decided to leave in the water bill requirement, and allow for alternative delivery methods (e.g., including a bill insert) and message with the approval of the primacy agency.

Members agreed that utilities should be required to contact a list of conduits, and that they should make direct contact (i.e., phone calls, or face-to-face meetings) with local public health officials. One member suggested additional recommended conduits to whom utilities could send PE materials, including institutions such as universities and their associated dormitories, hospitals, and other facilities.

WGPE members did not decide whether they would have recommended or required language for non-brochure materials such as PSAs, posters, or other PE formats.

Consumer Template (Section 4.2.2)

A WGPE member that served on the Required Language/Topics Subgroup introduced the draft Consumer Template, explaining that the idea came from the Public Notification Handbook. His first draft was revised with a small group and then discussed in the subgroup. This template could become the brochure included by EPA in guidance for utilities to send out in the event of an exceedance.

A member raised a concern about communicating appropriate urgency to consumers. There was a suggestion to include the water system's name in the introductory language. Another member concurred, saying that it would help consumers quickly associate the issue with their community. The group also agreed that they want the date of the print material to be included, so those that read it know whether or not it is current.

The group discussed whether it would be useful to include the actual number or percentage of homes with lead levels above the AL in the required printed materials. One member shared that most people do not pay attention to statistics and that "some homes" language is preferable from a risk communication perspective. Members pointed out that the "some homes" required language must be changed for nontransient systems.

Also in the introductory required language, WGPE members agreed to mention pregnant women and children 6 and under because this is a vulnerable population that needs the information in the brochure about steps to reduce exposure. At the same time, some members were somewhat concerned about targeting only one group, though agreed to include it in this section.

The WGPE then discussed the "Health Risks of Lead" section, changing it to "Health Effects of Lead." Mr. Bergman suggested the group not spend too much time crafting this language as experts at EPA will want to approve anything on health effects of lead. The WGPE can make any recommendations it wants on health effects language, but it could take a long time to go through the review process. He emphasized that EPA does not want to limit the group's input, but that the expertise of the group is needed more in areas such as delivery recommendations. While members noted that the health effects language is an important subject for them to review, many shared that they do not feel it is their area of expertise.

Section 6 Recommendations

For draft recommendations that relate to the LCR but may not fit within the rule or guidance, WGPE members drafted a few documents for Section 6 of their report. These were shared at the meeting but not discussed.

“Low Lead” Fixtures. A member drafted a recommendation on the “low lead” fixture standard, which is currently at 8%. As it would take an act of Congress to do this, by revising the Lead Contamination Control Act, the WGPE will include a Section 6 recommendation that EPA review the standard and seek opportunities to change it. Another member pointed out that changing this standard could be a long-term public health solution, as reducing lead in fixtures would reduce exposure. Member will review the draft recommendation and send comments by email.

“Unusual Circumstances.” Two WGPE members submitted draft language on how water systems should deal with particularly high exceedances, unique public education challenges or other unusual circumstances. This was an issue highlighted in Row 5 of the draft matrix.

Lead Service Lines. WGPE members pointed out that they had not yet dealt with PE on lead service lines, an issue highlighted in Rows 6 and 7 of the draft matrix. One member referenced a GAO report with a recommendation on this topic and volunteered to draft a Section 6 recommendation for review by the group.

Risk Communication. One WGPE member developed a two-page document on risk communication ideas that could be turned into Section 6 recommendations, which will be picked up by a subgroup after the meeting.

Public Comment

No members of the public asked to make comments to the WGPE.

Next Steps and Agenda for Next Meeting

The WGPE concluded its meeting by discussing next steps, including:

- *EPA’s LCR Short-term Revisions.* EPA will highlight the portions of the Delivery, Utility Instructions, and Row 1 proposals that will be part of the short-term revisions package. Members should send comments to Liz McDermott by February 13th, and the WGPE will have a conference call to seek consensus on these documents on February 16th.
- *Section 6: NDWAC WGPE Recommendations on Related Issues.* The following drafts are needed by Friday, February 10th:
 - Risk Communication: Lisa Ragain will draft language based on her handout at the February 1-2 meeting.
 - Public education during continued exceedance (Row 4 of the matrix): Steve Estes-Smargiassi will draft.

- Evaluation of Public Education Materials and Delivery: WGPE members voiced an interest in recommendations on evaluation. Brenda gave RESOLVE notes on ideas for a pre- and post-distribution assessment of PE programs in December, which Jennifer will send out in a future email. Volunteers will be needed to draft recommendations in early March.

Members will also need to review new drafts for consideration in Section 6, which RESOLVE will email to the WGPE:

- Row 1 (3 recommendations)
- Low-lead recommendation (introduced and revised at this meeting but not yet discussed)
- PE on Lead Service Lines (introduced at this meeting but not yet discussed)

RESOLVE will circulate the revised/expanded set of Section 6 documents by February 15th, and needs WGPE comments by Friday, February 24th. There will be a conference call to discuss the set of Section 6 documents on Friday, March 3rd.

- *Subgroup – Sources of Lead and Other Guidance Language.* A subgroup (Linda, Brenda, Lisa, Jeanne, Steve D., Kathy, Yone, Shelley, Steve E-S.) will meet by conference call on Thursday, March 9, 2-4 EST, to discuss the guidance language in the Utility Instructions.
- *Other Documents for the WGPE to Review.* RESOLVE will send out the following documents for the WGPE to review over the next month:
 - Table of Contents
 - Section 2: Introduction
 - Section 3: Background on LCR PE Requirements
 - Section 4: NDWAC WGPE Recommendations
 - 4.1.1 Principles Rationale
 - 4.1.2 List of Principles
 - 4.2.1 Delivery
 - 4.2.2 Template and Instructions
 - 4.3.3 Guidance
 - Row 1 Subgroup Proposal (per Feb 1-2 revision)
 - Action Level definition: Be sure to review the proposed definition in Footnote 2, page 2
 - Row 5 “Unusual Circumstances” (proposals drafted by Ed Hallock and Steve Estes-Smargiassi at the Feb 1-2 meeting, but not yet discussed by the WGPE)
- *Documents for RESOLVE/EPA to Revise*
 - Executive Summary
 - Section 5: Overview of Recommendations and How They Differ from Current Requirements
 - Section 7: Conclusion

EPA and RESOLVE thanked the WGPE members for their successful work and adjourned the meeting.