

Earth Day 2021: Biden's American Jobs Plan Aims to End the Flow of Lead in Drinking Water

Publications

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As the Corporate Environmental Lawyer Blog celebrates Earth Day, we turn to the important topic of drinking water. Drinking water, like the air we breathe, is an environmental issue that everyone interacts with on a daily basis. But, much like air pollution, contamination of drinking water often has the largest impact on poor communities and communities of color.

In a [2019 report](#) co-authored by environmental organizations Natural Resources Defense Council (“NRDC”), Coming Clean, and Environmental Justice Health Alliance (“EJHA”), the groups analyzed EPA data on community drinking water systems, concluding that there “is unequal access to safe drinking water, based most strongly on race.” The report made several important findings that lead to this conclusion, including:

- Drinking water systems that constantly violated the law for years were 40 percent more likely to occur in places with higher percentages of residents who were people of color.
- Nearly 130 million people in the U.S. got their drinking water from systems that violated federal law during the time period reviewed in the report.
- Small systems – those that serve less than 3,300 people – were responsible for more than 80% of all violations. The EPA has noted many small systems are “likely to serve low-income, vulnerable populations.”

While there are many contaminants that communities monitor for in drinking water, lead is one of the most public and concerning drinking water contaminants of concern. Lead in drinking water is caused by the very pipes and service lines bringing us our water, entering the water when a chemical reaction occurs in plumbing materials that contain lead. As we saw in the Flint, Michigan lead water crisis in 2016, this corrosion of metal from the pipes and fixtures is more severe when water has high acidity or low mineral content.

Lead in drinking water has been a target of environmental activists and agencies for years. Recently, EPA amended its [Lead and Copper Drinking Water Rule](#), under the authority of the Safe Drinking

Water Act, to add a new lead trigger level for drinking water monitoring and add more proactive measures to identify upgrades needed to reduce the effects of deteriorating infrastructure. However, this rule was finalized at the end of the Trump Administration and the Biden Administration extended the effective date through June 2021, likely to be pushed back further as Biden's EPA evaluates whether it wants to make additional changes.

Taking a bolder step, President Biden's latest proposed legislation under his "Build Back Better" agenda—the American Jobs Plan—includes significant funding and plans to address lead in drinking water. According to the [American Jobs Plan Fact Sheet](#):

“President Biden's plan will eliminate all lead pipes and service lines in our drinking water systems, improving the health of our country's children and communities of color.”

The current proposal includes \$45 billion to replace every lead water line across the nation. In addition to the lead-specific funding, the American Jobs Plan proposes funding for broader drinking water improvements, including \$56 billion to upgrade and modernize drinking water supplies through grants and low-cost flexible loans to states, Tribes, territories, and disadvantaged communities; and \$10 billion to provide funding to monitor PFAS substances in drinking water and invest in rural small water systems & household well & wastewater systems.

This drinking water funding is just one small part of the \$2.65 trillion plan, but it will likely continue to play an important part of the President's agenda. The [Corporate Environmental Lawyer Blog](#) will stay on top of all relevant developments as negotiations on the American Jobs Plan and other drinking water proposals advance.

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