



## Testimony for U.S. Senate Committee on Environment & Public Works Roundtable: “Drinking Water: A Crisis in Every State”

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Dear Senators, thank you for inviting me to describe New Jersey’s situation with respect to lead in drinking water. I am the Managing Director of Policy and Water at New Jersey Future, a non-profit organization that promotes sensible growth, redevelopment and infrastructure investment to fuel healthy, prosperous communities. We facilitate the [Jersey Water Works](#) collaborative with over 300 members, including investor-owned and public utilities, state and federal agencies, municipalities, labor unions, and community and environmental groups – all committed to upgrading water infrastructure systems.

Today, I will address the following: 1) what we know about the problem, 2) priority solutions, and 3) how this issue relates to the larger picture of water infrastructure needs.

**The Problem** - Like most of the country, New Jersey’s drinking water sources do not contain lead. Rather, our older water pipes and plumbing fixtures and fittings contaminate treated drinking water with lead en route to the tap. We can understand the extent of this problem by looking at data on children, schools, homes and small businesses, and lead service lines.

Children – According to the Center for Disease Control, even low levels of lead exposure can stunt children’s healthy brain development. Children under 6 years old in New Jersey are required to be tested for lead, and therefore act as “lead detectors,” indicating the extent and location of lead exposure from all sources, including drinking water, as well as lead paint, toys, contaminated soils, and other sources. In New Jersey, over 200,000 children under age six have lead in their blood and of those, nearly 6,000 have elevated lead levels above 5 micrograms per deciliter, the blood lead level that the Center for Disease Control and Prevention identifies as a level of concern.<sup>1</sup> Lead poisoning occurs across the state – in rural, suburban and urban communities, but it is most prevalent in older cities with the fewest resources to address it. In 2016, New Jersey’s State Department of Health identified 11 cities that have a higher proportion of lead-affected children than Flint, Michigan. The communities with the high lead levels include Atlantic City, East Orange, Elizabeth, Irvington, Jersey City, Newark, New Brunswick, Passaic, Paterson, Plainfield, and Trenton, along with Salem and Cumberland counties.<sup>2</sup>

Schools: Many older schools across New Jersey have interior plumbing with lead that contaminates drinking water and can stunt development of the very brains they are charged with educating. Last year

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<sup>1</sup> Childhood Lead Exposure in New Jersey Annual Report. New Jersey Department of Health.  
<http://www.state.nj.us/health/childhoodlead/documents/reports/childhoodlead2015.pdf>.

<sup>2</sup> Horowitz, Ben. NJ Advance Media. “Why 11 N.J. cities have more lead-affected kids than Flint, Michigan.”  
[http://www.nj.com/news/index.ssf/2016/02/11\\_cities\\_in\\_jersey\\_have\\_more\\_lead-affected\\_kids\\_t.html](http://www.nj.com/news/index.ssf/2016/02/11_cities_in_jersey_have_more_lead-affected_kids_t.html)

the State Department of Education set a deadline for New Jersey public and charter schools and publicly funded child care centers to test their water for lead; that deadline was yesterday. While the Department is not compiling the results, New Jersey Future staff has tallied very preliminary data that we obtained through a public records request.

Partial results submitted by June 9<sup>th</sup> found **55 public school districts reporting at least one positive result of lead** above 15 µg/l (parts per billion) in their drinking water sources. These school districts are located across the state in rural, suburban and urban areas. Among the 55 districts, an **average 8.9 percent of water sources tested positive for lead**. The 6,822 water sources that were tested included cafeteria sources (such as ice makers, sinks, dish washing appliances), water fountains or bubblers, and sinks in bathrooms and classrooms. Among those, a total of 604 sources tested higher than the 15 parts per billion level, at which the Environmental Protection Agency recommends to take steps to reduce the level. As a result of the positive lead findings, schools took actions such as taking fixtures out of service, or signs were placed saying that the water was safe for hand washing only, not for drinking. New Jersey Future will post a more complete compilation of testing results in August.

Even more important than schools are **childcare centers**, because children are most vulnerable to lead when they are under six years of age. The state of New Jersey Department of Childcare and Families has only recently announced testing requirements for childcare centers that are served by a community water system to test their drinking water for lead and copper.

#### Homes and small buildings

Kids go from school to home where they are again exposed to lead in drinking water, along with pregnant women, nursing mothers and infants who drink formula prepared with tap water. Drinking water in homes and other small buildings like child care centers may be contaminated not only by plumbing fixtures and fittings but also “lead service lines,” the pipes that connect buildings to the water main in the street.

Lead in plumbing and service lines in New Jersey is widespread. Approximately one-third of New Jersey’s public community water systems treat their drinking water with corrosion control chemicals in an effort to prevent lead contamination. Still, drinking water test results show that as of July 10, 2017, eleven of the state’s 587 public community water systems and 29 of the 747 non-community water systems exceeded the federal action level for lead and are not yet back in full compliance (22 of the 29 noncomplying non-community systems are youth facilities such as schools and child care centers). According to New Jersey’s Department of Environmental Protection (NJDEP), many more water districts are technically in compliance (because fewer than 10 percent of their samples exceed the federal action level), but still have many residences with elevated drinking water lead levels. All of these figures will increase in the short term as the NJDEP tightens up lead sampling protocols.

The NJDEP has created a “Lead Team” that is taking new steps to implement and assess compliance with the Lead and Copper Rule<sup>3</sup> as well as posting detailed guidance for consumers, schools, and public water systems<sup>4</sup>. The NJDEP is requiring public community water systems to certify that their lead sampling and water quality parameter plans are compliant with the Lead and Copper Rule and that sampling sites are representative. These plans, which include a materials evaluation (i.e. a lead service line inventory) and sampling protocols are being given an in-depth review and all approvals will be assigned an expiration

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<sup>3</sup> <http://www.nj.gov/dep/watersupply/pdf/lead-copper-updates.pdf>

<sup>4</sup> <http://www.nj.gov/dep/watersupply/dwc-lead.html>

date. (Expiration dates and periodic review of plans is not explicitly required by federal regulation.) The NJDEP is also requiring water systems to take preventative measures regarding corrosion control, beyond what is explicitly required by federal regulation but that are necessary to demonstrate compliance.

#### Lead Service Lines

NJ has an estimated 350,000 homes and small businesses with lead service lines, ranking 5th in the country<sup>5</sup>, but little is known about the location of those lines. Few water systems have complete inventories, although many are working on them, but as of yet there are no known inventories made public online. A thorough accounting is a massive task.

Only one public community water system in New Jersey is actually required by the Lead and Copper Rule to replace lead service lines, because it has failed to return to full compliance after implementing corrosion control. Some utilities are voluntarily replacing lead service lines in a phased approach. New Jersey's Environmental Infrastructure Financing Program has made a one-time set aside of \$30 million dollar in grant funding for lead pipe replacement in lower-income communities.

**Priority Solutions** – Flint's lead crisis has been a wake-up call for the rest of the country, including New Jersey where the state government, public and private water utilities, school districts, municipalities and others are beginning to take action. Fully addressing the problem is complex; listed below are a few of the best strategies to reduce lead exposure from drinking water:

Testing and Transparency – Knowledge can keep us safe. The EPA must update the Lead and Copper Rule to address a number of shortcomings evident since it was first adopted in 1991. The EPA should require states to publish a statewide compilation of all the drinking water test results from schools and childcare centers. Similarly, utilities must complete lead service line inventories and allow people to see if their home, school, or childcare center is affected. Congress should pass legislation such as that proposed by Senators Cory Booker and Tammy Duckworth to help pay for school testing and upgrades ([Get the Lead Out of Schools Act of 2017](#)). New Jersey homeowners with private wells are required to disclose water testing results at the time of sale. The federal government should extend this disclosure requirement to homeowners connected to public community water.

Lead Service Line Replacement -- To protect public health and ensure a bright future for all of our children, a partnership of federal, state and local governments, utilities and communities must commit to full replacement of lead service lines. The cost is estimated at \$16 - \$80 billion nationwide. Replacement is complicated by the fact that service lines typically have two owners: water systems own the section under the public right of way and private property owners own the section from the curb to the building. To ensure public safety and a cost-efficient approach, experts recommend full replacement at one time, rather than a partial replacement. New federal funds are needed to jumpstart replacements and assist low-income communities through State Revolving Fund Programs like New Jersey's, which has set aside \$30 million dollars, an excellent but small start that will need more funding.

Public Education Campaign – Vulnerable populations – especially pregnant women and children younger than six – need to know how to drink water safely, at home, day care and school. We all should be

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<sup>5</sup> National Survey of Lead Service Line Occurrence, <https://www.awwa.org/publications/journal-awwa/abstract/articleid/57880483.aspx>.

clamoring for drinking water upgrades to support thriving healthy communities. Yet many homeowners don't want their drinking water tested and sometimes resist lead service line replacement. We need public information campaigns, in which elected officials including mayors, governors and even Senators, can connect with the public.

**Water Infrastructure Needs Beyond Lead** - Lead in drinking water may be the most acute water problem, but it is hardly the only one. Across New Jersey, aging drinking water, wastewater and stormwater systems cause combined sewer overflows and backups into basements and streets, water and sewer main breaks, and so on. The EPA estimates that \$655 billion is needed nationwide over the next twenty years to bring all of our water infrastructure into a state of good repair. The federal government must reestablish a full funding partnership with states and communities to ensure robust water systems similar to the partnerships that successfully transformed the nation's water quality in the 1980s.

States are ready to partner. For example, [New Jersey's Legislative Task Force on Drinking Water Infrastructure](#) will issue recommendations this fall. Many other states have adopted new initiatives to upgrade water infrastructure as described in a new report just released by New Jersey Future, [Upgrading Our Systems: A National Overview of State-Level Funding for Water Initiatives](#).

On behalf of New Jersey Future and Jersey Water Works, I applaud your commitment to this issue and pledge our assistance to ensure that every child's lifelong good health is ensured through the elimination of exposure to lead in their drinking water.

Feel free to contact me at [csturm@njfuture.org](mailto:csturm@njfuture.org) or 609-393-0008, x114.

#### **About New Jersey Future**

Founded in 1987, New Jersey Future is a nonprofit, nonpartisan organization that promotes sensible growth, redevelopment and infrastructure investments to foster vibrant cities and towns, protect natural lands and waterways, enhance transportation choices, provide access to safe, affordable and aging-friendly neighborhoods and fuel a strong economy. The organization does this through original research, innovative policy development, coalition-building, advocacy, and hands-on technical assistance.

#### **About Jersey Water Works**

Jersey Water Works is a collaborative effort of many diverse organizations and individuals who embrace the common purpose of transforming New Jersey's inadequate water infrastructure by investing in sustainable, cost-effective solutions that provide communities with clean water and waterways; healthier, safer neighborhoods; local jobs; flood and climate resilience; and economic growth. New Jersey Future facilitates the work of the collaborative.

## Resources

### **New Jersey Department of Environmental Protection, Division of Water Supply and Geoscience**

State Lead in Drinking Water website

<http://www.nj.gov/dep/watersupply/dwc-lead.html>

### **New Jersey Department of Health**

Report: Childhood Lead Exposure in New Jersey

<http://www.state.nj.us/health/childhoodlead/documents/reports/childhoodlead2015.pdf>

### **Jersey Water Works**

A cross-sector initiative focused on transforming New Jersey's inadequate urban water infrastructure by investing in sustainable, cost-effective solutions that provide communities with clean water and waterways; healthier, safer neighborhoods; local jobs; flood and climate resilience; and economic growth.

[www.jerseywaterworks.org](http://www.jerseywaterworks.org)

### **Lead Service Line Replacement Collaborative –**

A national collaborative to accelerate voluntary lead-service line replacement in communities across the United States.

[www.lslr-collaborative.org](http://www.lslr-collaborative.org)

### **American Water Works Association**

Lead Resource Community website

<https://www.awwa.org/resources-tools/water-knowledge/lead.aspx>

### **Environment NJ**

Report: Get the Lead Out -- Ensuring Safe Drinking Water for Our Children at School

<http://environmentnewjersey.org/sites/environment/files/reports/NJE%20GetTheLeadOut%20Feb17.pdf>