

Congress of the United States
Washington, DC 20515

December 4, 2013

Nancy Stoner, Acting Assistant Administrator
Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460

Dear Ms. Stoner:

We are writing to request additional information regarding guidance published by the Environmental Protection Agency (EPA 815-5-13-001) to amend the Safe Drinking Water Act, which will become effective on January 4, 2014. The guidance document included a summary of the requirements and answers to frequently asked questions from industry. Specifically, we take concern with the apparent removal of the exemption for fire hydrants.

As amended, the SDWA prohibits the sale of brass products containing more than 8% lead that will have contact with potable/drinking water. The Act allows exemptions for certain products. Fire hydrants were originally exempt from the new Act as they almost exclusively serve a non-potable function. However, in the FAQ section of the guidance document, EPA appears to have revised its original opinion and now considers hydrants as a potable water service, per the response to a question on page 5 of the document enclosed (water.epa.gov).

Q. Are fire hydrants subject to the lead free requirements in section 1417(a)?

A. Information available to EPA indicates that fire hydrants can be, and are, used in emergency situations to provide drinking water when there are disruptions to the normal operations of the drinking water distribution system. Therefore, as a class, hydrants would not qualify for the exclusion for pipes, fittings and fixtures used exclusively for nonpotable services.

This recent revision is also counter to standards established by the NSF's International Standard/American National Standard, which was developed in conjunction with the EPA. The NSF specifically outlines drinking water system components to ensure that they meet the "requirements for the chemical contaminants and impurities that are indirectly imparted to drinking water..." which would include lead contaminants. The International NSF guidelines explicitly state that "[f]ire hydrants are not covered by the scope of this Standard."

This new interpretation by the EPA to include fire hydrants as a potable water source will give the industry virtually no time to adapt to the new requirement, leaving them with millions of dollars of inventory they can no longer sell.

Based on these concerns, we request the following:

1. Clarification on the intent of the EPA to remove the exemption for fire hydrants from the lead free requirements.
2. The justification for such a change, as well as evidence that such a change was necessary.
3. Information regarding how the EPA plans to inform impacted distributors of the change in interpretation.
4. Whether the EPA has any plans to delay the application of the lead free regulations to fire hydrants to appropriately provide the industry with time to comply.

Additionally, due to what appears to be a sudden change in applicability of the lead free regulations to fire hydrants, as well as the economic loss that the industry will face under such a short timeframe to adapt, we request that EPA permanently exempt fire hydrants from the requirements.

Thank you for your attention, and we look forward to your timely response. Should you have any questions regarding this letter, please contact Congressman Bill Shuster's Legislative Director Jamie Boone at Jamie.boone@mail.house.gov or 202-225-2431.

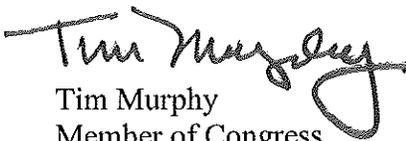
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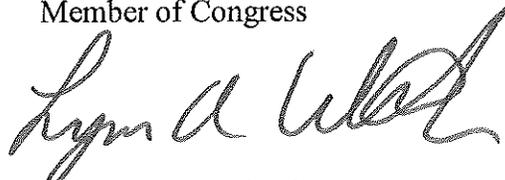
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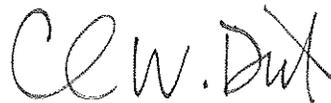
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