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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

ANDREW WHEELER, MAJORITY STAFF DIRECTOR
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April 27, 2004

Administrator Michael Leavitt
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

Dear Administrator Leavitt,

We are writing to you regarding the lead contamination in Washington, D.C.'s drinking water. The Environmental Protection Agency (EPA) has a unique responsibility in the District of Columbia to perform the enforcement duties that many states take on as well as the enforcement responsibilities that the Agency holds for the entire country.

During this Administration's tenure, enforcement of environmental laws has dropped significantly. EPA is now issuing 60% fewer violation notices per month when compared to the previous administration. In 2003, the criminal prosecution rate for cases referred by EPA to the Justice Department was 33% - one of the lowest rates in the federal government. The average for all federal agencies was 68%. New Source Review investigations were completely halted at one point, and the number of cases referred to the Department of Justice for prosecution has dropped significantly. Clean Water Act federal enforcement actions have dropped by 45%.

In March 2004, the EPA Inspector General issued a report which found that EPA had reported that it met its annual goal for 91% of the population to be drinking water that met health-based standards despite the fact that EPA's own analysis indicated that the correct number was "unknown, but less than what was reported."

On Friday, April 2, the EPA sent a letter to the District of Columbia Water and Sewer Authority (WASA) identifying six instances in which WASA did not comply with the requirements of the Safe Drinking Water Act lead and copper rule. In particular, EPA identifies that WASA failed to comply with the public education requirements of the rule by failing to use the required language for public service announcements submitted to television and radio stations over the 2002-2003 timeframe. Please explain how the EPA was able to identify these incidents of non-compliance two years after the fact but failed to identify them at the time when they occurred — the time when the public needed to

have accurate information about the potential risks associated with lead contaminated drinking water. The Washington, D.C. situation is a specific example of how failing to enforce our environmental laws can lead to direct impacts on human health. We look forward to your response.

Sincerely,

Jim Jeffords

Paul Sarbanes

Frank R. Lautenberg

Barbara Boxer

Harry Reid

Dick Durbin

Hillary Rodham Clinton
