



**Testimony of  
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Chairman, Board of Directors  
District of Columbia Water and Sewer Authority  
Before the Committee on Government Reform  
United States House of Representatives  
Friday, March 5, 2004**

Good Morning Chairman Davis and Members of the Committee. I am Glenn Gerstell, Chairman of the Board of the Directors of the District of Columbia Water and Sewer Authority (WASA). I am pleased to be here to provide testimony about WASA's past, current and future endeavors relative to the Lead Replacement Program, and the issue of elevated lead levels in some homes of District residents.

It goes without saying that this issue is of widespread interest, and this is another excellent opportunity to set the record straight on what we are doing about it. I want to assure you that providing safe and clean drinking water to our community is our highest priority. We are vitally concerned with taking the necessary actions to assure public safety in this regard. There are four critical areas I wish to cover today and, of course, answer any questions you and Members of the Committee may have. But before I do that I want to make one key point clear that has been a little fuzzy in the news reports – WASA provides the water, we do not produce it.

WASA is responsible for distributing drinking water safely through our 1,300 miles of water mains under the streets of the District to individual houses and buildings, as well as to several federal facilities directly across the Potomac in Virginia. It is the US Army Corps of Engineers, through the Washington Aqueduct, that draws the water from the Potomac, filters and chemically treats it to meet EPA specifications. While WASA of course works cooperatively and closely with the Washington Aqueduct, treatment issues are ultimately their responsibility.

**Board of Directors Due Diligence**

First, just yesterday, at our monthly meeting, the WASA Board of Directors adopted a resolution to begin a formal, independent investigation of this matter. We are retaining the services of the firm, Covington & Burling, and conducting the review will be Eric Holder, Jr., a partner of the firm who served as United States Attorney for the District of Columbia and United States Deputy Attorney General under President Clinton. Mr. Holder will also be able to draw upon the expertise of two other distinguished experts – Professor Kathryn Newcomer, Director of the School of Public Policy and Public Administration, the George Washington University and Dr. Lynn Goldman of the Johns Hopkins Bloomberg School of Public Health. We will draw upon this exceptional talent to independently confirm *when* this problem was known; *what* steps have been taken since that time; *how* it was communicated with our customers and, *what* we have determined will be our course of corrective action going forward.

Another new development is that WASA has taken 100 samples in various parts of the city this week to examine the results of the newly recommended 'flushing' time (10 minutes). These samples are from the worst cases – those showing 300 ppb or more. Of the 4,000+ testing above the action level (out of 6,000+ homes tested), this is a small group having such high results. We should have results shortly.

Also yesterday, The Brita Products Company generously donated 10,000 water filtration pitchers. The first shipment of 3,000 arrived yesterday. Approximately 200 of the filters are being distributed to home day care centers with lead service pipes. The remaining filters and subsequent shipment of 7,000 systems will be distributed to homes with lead service pipes and children under age six and women who are pregnant or breastfeeding. The rest of the filters are expected to arrive early next week.

In the meantime, WASA has undertaken a number of technical and educational remediation steps to resolve this matter and additional measures are being considered now. The Board, which consists of a number of government officials and non-salaried private citizens such as myself, is taking this matter very seriously. As such, my colleagues and I held a special meeting solely on this issue, conducted several discussions at our February and March meetings; conducted various committee meetings and phone conferences (daily with the General Manager); and conducted press briefings to get current information to the public.

We must also reaffirm to you that WASA believes it has complied with the EPA regulations on this matter.

### **A Bit of History**

Second, to put this important issue in perspective, WASA was first aware of the potential problem in fall 2002 after results were in from samples taken during the 2001-2002 Lead and Copper Program compliance period. During that time **53** homes were tested and **26** exceeded the EPA "action level" of 15 ppb (parts per billion). WASA then notified EPA and the DC Department of Health about the situation, *as well as directly informing the affected customers*. Please let me underscore this point – WASA believes it has complied with all federal regulations on this matter. In its publications and notices, WASA used the prescribed language set forth in the regulations.

And to dispel another erroneous impression left by some news reports -- WASA did not sit on any information. Through early 2003, the informed judgments of WASA management were based on data from **53** homes, of which **26** tested above the EPA action level. In 2002 and 2003, the regulation sample sizes were also small (200 samples) and there had been many years of testing without an exceedance.

At the time, there was no indication that WASA should review the steps it was taking under the regulation. It was late December 2003/early January 2004 when significant amounts of *new* data became available, after being analyzed and aggregated, which told us the scope of the increased concentrations.

We also need to put this issue into context. This problem affects mainly single-family homes with lead service lines. As far as we know, apartment buildings and commercial office buildings are not generally affected since they do not usually have lead service lines. So the problem is concentrated in about 23,000 (out of 130,000) service lines. However, it could be more. The records WASA inherited from the District are old and not complete, and are based in many cases on individual plumber's reports made when a house was constructed in the last century. Until recently, there was no imminent reason to update this information, especially given all the other capital improvements WASA needed to do.

As part of the EPA compliance, WASA launched a number of public education activities, and began replacing lead service lines. The opinion at the time, given the small pool of samples, was that it would have been *irresponsible* to raise great alarm because of the small number exceeding the action level at that point. We did communicate *directly with customers* for that was the *responsible* thing to do.

Other outreach efforts included:

- In October 2002, a comprehensive brochure on lead awareness and prevention was created in conjunction with the DC Department of Health, was mailed to all District residents, and editorial departments of the daily local newspapers. It was in full compliance with EPA regulations and went beyond by offering additional information on lead exposure. It specifically stated information about elevated lead levels in some homes in the District and offered advice on how to lower exposure potential.
- A public service announcement was released to heighten awareness and encourage testing following EPA language regulations.
- An ad [in *The Washington Post*, Health section] was purchased by WASA alerting residents about elevated levels of lead in drinking water in some homes and offered advice of where to obtain more detailed information on the subject.
- A special lead services hotline was created to provide specific information to customers in early 2003 – a year before the recent news media attention.
- Based on the information we had at the time, letters were sent to local officials.
- In late summer/early fall 2003, the testing program broadened and thousands of letters were sent to customers suspected of having lead service lines; WASA requested to test them.
- Advisories were printed on bills, and newsletters about lead were included in bills, as required by EPA, and the language used was as required by EPA.

- Results were compiled and analyzed through December 2003. Approximately 4,000 homes tested above the action level out of the 6,100+ samples taken. By January 2004, the final results were known.
- At this point, we had planned to make an announcement; however, information was shared with the press by a citizen before we could.
- Additional activities have occurred -- see attachment.

### **Current Actions**

Third, getting to the root of the problem, conducting research on why there is such an increase now in some homes will continue to be a priority for WASA. Currently we are working with the EPA, Washington Aqueduct, the DC Department of Health and respected scientists and academic experts. We expect to have a preliminary report later this month.

We will also increase the number of lead service pipes replaced this year by 50 percent. It is believed that those pipes – typically connecting the city’s water mains to single family homes built before 1950 – are the most likely source of the higher lead concentrations. We have replaced 500 pipes so far. But we are doing more. We also are looking into whether corrosion is a factor, and if water treatment should be adjusted.

I have conferred with the other members of the Board of Directors and we support a management recommendation to reallocate already approved funds from other projects adding \$7 million to the Lead Service Line Replacement budget. These additional funds will be used to replace lead pipes with the highest lead readings, where a pregnant woman or where children under the age of six live. This will increase the replacements from 800 to 1300 this year; we expect to replace an additional 300 service line pipes in connection with other work on District streets under WASA contracts.

Since lead service pipes are in both public and private space, we will work with homeowners when they want to replace their portion in private space at cost if they ask us to do so. Discussions are being held with the District government about financial assistance options for citizens having difficulty paying for their portion of the replacement.

We continue to send test kits upon request to homes with known lead service pipes and we pay for the testing.

### **Public Communications**

Forth, it is critically important to let residents know about all these activities underway. We have stepped up communications with our customers through regular press briefings;

mailing a letter to all residents (in English and Spanish) with accompanying literature on this subject; the March issue of the customer newsletter, which is a bill insert, was entirely devoted to lead in drinking water and precautions residents can take; our website is updated frequently with helpful information on the subject; we have tripled the dedicated number of phone lines for the lead service command center; our management regularly attends community meetings in various parts of the city to give presentations and answer questions from our customers; and, we also have made available brochures and maps to libraries and recreation centers throughout the city.

If customers have access to the Internet, they can go online through WASA's website and see if they have a lead service line using their customer account number. WASA's website address is [www.dcwasa.com](http://www.dcwasa.com).

### **Going Forward**

We have a number of expert partners and advisors who share our common goals – find a solution, devise a reasonable plan to fix the problem and tell the public how this is going to be done. At this juncture, we want to dispel fear with facts. We have to understand this problem, manage it in the meantime and move on to a permanent fix. So much is still unknown; many experts disagree on solutions and potential health impacts. It is our job to find a *solution that works* for our city and our residents and implement this solution as quickly as reasonably possible. We, at WASA, are firmly committed to do this and welcome the collaboration formed with our partners, some of whom are here today.

Mr. Chairman and Members of the Committee, thank you for this opportunity to present this update to you. I will be happy to answer any questions you may have.