

Requirements for Tier 1 Public Notice Following a Lead Action Level Exceedance

There is no safe level of lead exposure. If a water system has a lead action level exceedance (ALE), the system must take actions to address it. This includes issuing a Tier 1 Public Notice (PN) and providing Public Education (PE).

IMPORTANT: Systems must issue Tier 1 PN following a lead ALE starting **October 16, 2024**. As this is a new regulatory requirement, EPA encourages systems to develop a plan for distributing the notice and discuss this plan with your State¹ before October 16, 2024, so that you are prepared to issue Tier 1 PN in the case of a lead ALE.

Who is the intended audience for this fact sheet?

All community water systems (CWSs) and non-transient non-community water systems (NTNCWSs).

What information does this fact sheet contain?

This fact sheet provides an overview of the Lead and Copper Rule Revisions (LCRR) requirements following a lead ALE for timing, content, and delivery of Tier 1 PN and updated requirements for PE materials.

You must also continue to provide PE materials to customers within 60 days after the end of the monitoring period as required by the Lead and Copper Rule (LCR). Starting October 16, 2024, you must use the updated lead health effects language in your PE materials. For more information and guidance on pre-2021 LCR PE, please visit our website here: <https://www.epa.gov/dwreginfo/lead-and-copper-rule-implementation-tools#PE>.

Tier 1 Public Notice After a Lead ALE

Timing: When do I need to issue Tier 1 PN?

Within the 24 hours after you learn about the lead ALE, you must:

- Consult with the State as soon as practical to notify them of the ALE and determine if there are any additional PN requirements (e.g., content, repeat notices, and/or posting).
- Issue the PN to customers within 24 hours after you learn of the lead ALE even if you are unable to contact your State.
- Send a copy of Tier 1 PN to your State, as well as to the EPA via email at: LeadALE@epa.gov. Work with your State to coordinate reporting to EPA.

¹ “State” means the agency of the State or Tribal government which has jurisdiction over public water systems. During any period when a State or Tribal government does not have primary enforcement responsibility pursuant to section 1413 of the Act, the term “State” means the Regional Administrator, U.S. Environmental Protection Agency. [40 CFR 141.2]

Within 10 days of issuing the PN, you must submit a certification to your State that the PN met all requirements. Certification must also be submitted for repeat notices if required.

Content: What must be included in the Tier 1 PN?

Tier 1 PN after a lead ALE must include the following elements:	
✓	What happened – You exceeded the lead action level.
✓	When the lead ALE occurred.
✓	The mandatory health effects language: <i>Exposure to lead in drinking water can cause serious health effects in all age groups. Infants and children can have decreases in IQ and attention span. Lead exposure can lead to new learning and behavior problems or exacerbate existing learning and behavior problems. The children of women who are exposed to lead before or during pregnancy can have increased risk of these adverse health effects. Adults can have increased risks of heart disease, high blood pressure, kidney, or nervous system problems.</i>
✓	Whether alternative water supplies should be used.
✓	What actions consumers should take.
✓	What you are doing to address the lead ALE.
✓	When you expect to resolve the lead ALE.
✓	Contact information for your water system owner, operator, or designee.
✓	The following mandatory statement to share the PN: <i>Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.</i>

In general, PN must **not**: contain overly technical language or small print, be formatted in a way that defeats the purpose of the notice or contain language which invalidates the purpose of the notice. For more information and guidance on PN, please visit our website here:

<https://www.epa.gov/dwreginfo/public-notification-rule>.

EPA has developed a template including examples of content that water systems may use for Tier 1 PN following a lead ALE that is available here: <https://www.epa.gov/dwreginfo/lead-and-copper-rule-implementation-tools>.

Delivery: How do I provide Tier 1 PN?

Tier 1 PN must reasonably reach all people served by the system, including residential, transient, and non-transient customers. PN must be displayed in a prominent way when printed or posted.

You must use one or more of the following forms of delivery:

- Appropriate broadcast media (e.g., radio and television).
- Posting the notice in prominent locations throughout your water system’s service area.
- Hand delivery of the notice to all persons served.
- Another delivery method approved in writing by the State.

What if my water system serves a large proportion of non-English-speaking customers?

If a large proportion of the population your water system serves does not speak English, your notice must either:

1. Include information in the appropriate language(s) regarding the importance of the notice, or
2. Provide a phone number or address where people may contact the water system to obtain a translated copy of the PN or to request assistance in the appropriate language.

Check with your State to be sure of your requirements for other languages. In cases where the State has not made that determination, you must follow number 1 or 2 above where appropriate to reach a large proportion of non-English speaking persons served by your water system.