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(Original Signature of Member)

119TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To amend the Residential Lead-Based Paint Hazard Reduction Act of 1992 and the Safe Drinking Water Act to modernize existing lead hazard reduction authorities, strengthen local implementation capacity, and improve coordination between housing and drinking water lead reduction efforts, and for other purposes.

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**IN THE HOUSE OF REPRESENTATIVES**

Ms. BROWN introduced the following bill; which was referred to the Committee  
on \_\_\_\_\_  
\_\_\_\_\_

**A BILL**

To amend the Residential Lead-Based Paint Hazard Reduction Act of 1992 and the Safe Drinking Water Act to modernize existing lead hazard reduction authorities, strengthen local implementation capacity, and improve coordination between housing and drinking water lead reduction efforts, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Removing Existing  
3 Pipes with Lead and Advancing Clean Environments Act”  
4 or the “REPLACE Act”.

5 **TITLE I—HOUSING LEAD HAZ-**  
6 **ARD REMEDIATION AND**  
7 **PRESERVATION**

8 **SEC. 101. MODERNIZATION OF EXISTING LEAD-BASED**  
9 **PAINT HAZARD REDUCTION GRANT PRO-**  
10 **GRAM.**

11 Section 1011 of the Residential Lead-Based Paint  
12 Hazard Reduction Act of 1992 (42 U.S.C. 4852) is  
13 amended—

14 (1) in subsection (d)—

15 (A) in paragraph (4), by striking “and” at  
16 the end;

17 (B) in paragraph (5), by striking the pe-  
18 riod at the end and inserting a semicolon; and

19 (C) by adding at the end the following:

20 “(6) the extent to which the proposed activities  
21 will preserve safe and habitable housing units that  
22 would otherwise remain unsafe for occupancy due to  
23 lead-based paint hazards; and

24 “(7) the extent to which the jurisdiction to be  
25 served has elevated childhood lead exposure and sig-

1       nificant concentrations of housing constructed before  
2       January 1, 1978.”;

3       (2) in subsection (e)—

4               (A) by striking paragraph (10);

5               (B) by redesignating paragraphs (1)  
6       through (9) as subparagraphs (A) through (I),  
7       respectively;

8               (C) by striking “A grant” and inserting  
9       the following:

10       “(1) IN GENERAL.—A grant”;

11               (D) in subparagraph (I), as so redesign-  
12       nated by subparagraph (A), by striking “and”  
13       at the end;

14               (E) by inserting after subparagraph (I), as  
15       so redesignated by subparagraph (A), the fol-  
16       lowing:

17       “(J) conduct clearance examinations and re-  
18       lated post-remediation testing;

19       “(K) provide for repairs, rehabilitation, and  
20       housing preservation activities directly related to the  
21       elimination and long-term control of lead-based  
22       paint hazards, including repairs necessary to com-  
23       plete and maintain lead-safe conditions;

24       “(L) support local implementation capacity, in-  
25       cluding inspection support, lead-safe certification

1 systems, rental registry integration, permitting sys-  
2 tems, data modernization, and compliance adminis-  
3 tration;

4 “(M) support workforce development, con-  
5 tractor training, certification readiness, apprentice-  
6 ship support, and other activities that expand the  
7 capacity of firms and workers to perform lead-safe  
8 housing remediation consistent with applicable Fed-  
9 eral requirements;

10 “(N) provide technical assistance and case man-  
11 agement to owners and occupants to facilitate com-  
12 pletion of lead hazard reduction activities; and

13 “(O) carry out such other activities that the  
14 Secretary determines appropriate to promote the  
15 purposes of this Act.”; and

16 (F) by adding at the end the following:

17 “(2) ADDRESSING WATER RELATED HAZ-  
18 ARDS.—

19 “(A) IN GENERAL.—Any risk assessment,  
20 lead paint investigation, or remediation activity  
21 conducted under paragraph (1) shall include an  
22 evaluation of water-related lead hazards, includ-  
23 ing an evaluation of whether lead may be  
24 present in—

25 “(i) the water service line; and

1 “(ii) any interior plumbing.

2 “(B) INSPECTION AND FOLLOW UP.—If  
3 the evaluation under subparagraph (A) indi-  
4 cates that there may be a water-related lead  
5 hazard present, the grantee shall provide for  
6 further inspection and follow-up to remediate  
7 such hazard.

8 “(C) INTERIM PROTECTIVE MEASURES.—If  
9 a water-related lead hazard is identified under  
10 the evaluation described in subparagraph (A),  
11 the grantee shall provide interim protective  
12 measures until the hazard is remediated, includ-  
13 ing—

14 “(i) the provision of point-of-use fil-  
15 ters certified under NSF/ANSI standards  
16 for lead reduction; and

17 “(ii) faucet replacements or compat-  
18 ibility measures where necessary.”;

19 (3) in subsection (g), by striking paragraphs  
20 (1) and (2) and inserting the following:

21 “(1) IN GENERAL.—The Secretary shall develop  
22 the capacity of eligible applicants to carry out activi-  
23 ties under this section, including by providing tech-  
24 nical assistance relating to program design, imple-  
25 mentation, procurement, inspection capacity, finan-

1        cial management, compliance systems, data collec-  
2        tion, and coordination with other Federal, State,  
3        local, and private resources.

4            “(2) TRAINING AND CERTIFICATION SUP-  
5        PORT.—The Secretary may provide technical assist-  
6        ance and capacity-building support to assist eligible  
7        applicants and subrecipients in developing workforce  
8        capacity, contractor pipelines, and training, certifi-  
9        cation, or accreditation support consistent with sec-  
10       tion 402 of the Toxic Substances Control Act (15  
11       U.S.C. 2682).

12           “(3) USE OF AMOUNTS.—Of amounts otherwise  
13        made available to carry out this section, the Sec-  
14        retary may use such amounts as may be necessary  
15        to carry out this subsection.”;

16           (4) in subsection (l)—

17                (A) in paragraph (4), by striking “and” at  
18        the end;

19                (B) in paragraph (5), by striking the pe-  
20        riod at the end and inserting a semicolon; and

21                (C) by adding at the end the following:

22            “(6) states the number of households served  
23        and the number of occupants temporarily relocated;

24            “(7) states the number of residential dwellings  
25        in which lead-based paint hazards have been cleared

1 for reoccupancy following hazard reduction activities;  
2 and

3 “(8) describes activities undertaken to preserve  
4 habitable housing units and strengthen local imple-  
5 mentation capacity.”;

6 (5) by redesignating subsections (o) and (p) as  
7 subsections (q) and (r), respectively; and

8 (6) by inserting after subsection (n) the fol-  
9 lowing:

10 “(o) COORDINATION WITH ENVIRONMENTAL PRO-  
11 TECTION AGENCY.—

12 “(1) IN GENERAL.—The Secretary shall carry  
13 out this section in consultation with the Adminis-  
14 trator of the Environmental Protection Agency to  
15 ensure that activities assisted under this section are  
16 consistent with applicable requirements relating to  
17 lead-based paint activities, renovation, repair and  
18 painting, training, certification, disclosure, and lead-  
19 safe work practices in target housing and child-occu-  
20 pied facilities.

21 “(2) JOINT GUIDANCE.—Not later than 1 year  
22 after the date of enactment of this subsection, the  
23 Secretary and the Administrator shall issue joint  
24 guidance regarding—

1           “(A) best practices for grantees and sub-  
2           grantees carrying out lead-safe housing remedi-  
3           ation, including with respect to water-related  
4           lead hazards, under this section;

5           “(B) strategies to align assistance under  
6           this section with State and Tribal lead-based  
7           paint programs authorized or supported under  
8           title IV of the Toxic Substances Control Act;  
9           and

10           “(C) opportunities to streamline technical  
11           assistance, grantee education, and local imple-  
12           mentation support.

13           “(3) RULE OF CONSTRUCTION.—Nothing in  
14           this subsection may be construed to modify, super-  
15           sede, or limit any authority of the Administrator  
16           under the Toxic Substances Control Act or this Act.

17           “(p) CORRECTIVE ACTION AND EXPENDITURE SUP-  
18           PORT.—

19           “(1) NOTICE AND OPPORTUNITY TO CURE.—If  
20           the Secretary determines that a grantee under this  
21           section is at substantial risk of failing to obligate or  
22           expend grant amounts in a timely manner, the Sec-  
23           retary shall, before recapturing amounts made avail-  
24           able to such grantee as described in paragraph (4),  
25           provide notice of such determination and an oppor-



1       tunity for the grantee to enter into a corrective ac-  
2       tion plan.

3           “(2) CORRECTIVE ACTION PLAN.—A corrective  
4       action plan under paragraph (1) may include—

5           “(A) technical assistance;

6           “(B) revised implementation benchmarks;

7           “(C) approval of subgrants, subrecipients,  
8       or partnerships with qualified local entities;

9           “(D) procurement support;

10          “(E) workforce, contractor, inspection, or  
11       clearance capacity support;

12          “(F) data or compliance system improve-  
13       ments; and

14          “(G) such other measures as the Secretary  
15       determines appropriate to facilitate timely ex-  
16       penditure and completion of lead hazard reduc-  
17       tion activities.

18          “(3) EXTENSIONS.—The Secretary may extend  
19       applicable expenditure or performance deadlines for  
20       a grantee that demonstrates good-faith efforts to  
21       carry out activities under this section and a reason-  
22       able likelihood of completing such activities within  
23       the extended period.

24          “(4) RETENTION OF FUNDS WITHIN JURISDIC-  
25       TION WHERE PRACTICABLE.—If, after providing the

1 opportunity described in paragraph (1), the Sec-  
2 retary determines that the grantee remains unable  
3 to carry out activities under this section, the Sec-  
4 retary may recapture unobligated amounts and re-  
5 allocate such amounts to another eligible grantee,  
6 subrecipient, or qualified local entity serving the  
7 same jurisdiction, to the extent practicable.

8 “(5) RULE OF CONSTRUCTION.—Nothing in  
9 this subsection shall be construed to require the Sec-  
10 retary to retain or extend assistance in cases involv-  
11 ing fraud, waste, abuse, or persistent noncompliance  
12 with applicable law.”.

## 13 **TITLE II—LEAD SERVICE LINE** 14 **COORDINATION AND RE-** 15 **PLACEMENT**

### 16 **SEC. 201. AMENDMENTS TO EXISTING LEAD REDUCTION IN** 17 **DRINKING WATER AUTHORITY.**

18 Section 1459B of the Safe Drinking Water Act (42  
19 U.S.C. 300j–19b) is amended—

20 (1) in subsection (a)—

21 (A) in paragraph (2)—

22 (i) in subparagraph (A), by striking  
23 “lead service lines” each place it appears  
24 and inserting “covered service lines”; and

1 (ii) in subparagraph (B), by striking  
2 “lead service line” each place it appears  
3 and inserting “covered service line”;

4 (B) by redesignating paragraphs (2)  
5 through (5) as paragraphs (4) through (7), re-  
6 spectively; and

7 (C) by inserting after paragraph (1) the  
8 following:

9 “(2) COVERED SERVICE LINE.—The term ‘cov-  
10 ered service line’ means a lead service line or a gal-  
11 vanized requiring replacement service line.

12 “(3) GALVANIZED REQUIRING REPLACEMENT  
13 SERVICE LINE.—The term ‘galvanized requiring re-  
14 placement service line’ means a galvanized pipe and  
15 its fittings, which connect a drinking water main to  
16 a building inlet, that—

17 “(A) has ever been downstream of a lead  
18 service line;

19 “(B) is downstream of a lead-status-un-  
20 known service line; or

21 “(C) the applicable public water system is  
22 unable to demonstrate was never downstream of  
23 a lead service line.”;

24 (2) in subsection (b)—

25 (A) in paragraph (3)—

1 (i) in the matter preceding subpara-  
2 graph (A), by striking “shall give priority  
3 to an eligible entity that”;

4 (ii) in subparagraph (B)—

5 (I) by redesignating clauses (i)  
6 and (ii) as subclauses (I) and (II)  
7 (and adjusting the margins accord-  
8 ingly); and

9 (II) by striking the period at the  
10 end and inserting “; and”;

11 (iii) by redesignating subparagraphs  
12 (A) and (B) as clauses (i) and (ii), respec-  
13 tively (and adjusting the margins accord-  
14 ingly);

15 (iv) by inserting before clause (i), as  
16 so redesignated, the following:

17 “(A) shall give priority to an eligible entity  
18 that—”; and

19 (v) by adding at the end the following:

20 “(B) may give additional consideration,  
21 where practicable, to an eligible entity serving a  
22 jurisdiction with—

23 “(i) elevated childhood lead exposure;

24 or

1                   “(ii) significant concentrations of  
2                   housing that may contain lead hazards, in-  
3                   cluding housing constructed before Janu-  
4                   ary 1, 1978.”;

5                   (B) in paragraph (5), by striking “lead  
6                   service lines” each place it appears and insert-  
7                   ing “covered service lines”;

8                   (C) in paragraph (6)—

9                   (i) in the paragraph heading, by strik-  
10                  ing “LEAD SERVICE LINE” and inserting  
11                  “COVERED SERVICE LINE”;

12                  (ii) by striking “lead service line”  
13                  each place it appears and inserting “cov-  
14                  ered service line”;

15                  (iii) in subparagraph (E), by striking  
16                  “; and” and inserting a semicolon;

17                  (iv) in subparagraph (F)—

18                   (I) by striking “lead service  
19                   lines” and inserting “covered service  
20                   lines”; and

21                   (II) by striking the period at the  
22                   end and inserting “; and”; and

23                   (v) by adding at the end the following:

24                   “(G) shall, where practicable, coordinate  
25                   the replacement of covered service lines under

1           this section with housing lead hazard reduction  
2           under the Residential Lead-Based Paint Haz-  
3           ard Reduction Act of 1992 (including activities  
4           under section 1011(e)(2) of such Act), State or  
5           local building code enforcement, or related lead  
6           exposure reduction activities carried out under  
7           Federal, State, Tribal, or local law.”; and

8                       (D) by adding at the end the following:

9           “(7) TECHNICAL ASSISTANCE AND IMPLEMEN-  
10          TATION SUPPORT.—The Administrator may provide,  
11          directly or through grants, cooperative agreements,  
12          or contracts, technical assistance and implementa-  
13          tion support to eligible entities to assist with—

14                      “(A) identification and inventory of cov-  
15                      ered service lines;

16                      “(B) lead reduction project planning and  
17                      design;

18                      “(C) coordination of full replacement of  
19                      publicly and privately owned portions of covered  
20                      service lines;

21                      “(D) customer outreach and consent proc-  
22                      esses;

23                      “(E) coordination with assistance under  
24                      section 1452 and other Federal, State, Tribal,  
25                      local, or private resources; and

1                   “(F) such other activities as the Adminis-  
2                   trator determines appropriate to facilitate time-  
3                   ly and complete lead reduction projects.”;  
4                   (3) in subsection (d)(4)(C), by striking “lead  
5                   service lines” and inserting “covered service lines”;  
6                   and  
7                   (4) in subsection (f), by striking “lead service  
8                   line” and inserting “covered service line”.