

567—40.6(455B) Lead consumer notice and public education (PE) for lead action level exceedance (ALE).

40.6(1) Lead consumer notice.

a. Reporting. All CWSs and NTNCs must provide a consumer notice of the individual lead tap water monitoring results required by 567—paragraph 41.4(1) “c” to the persons served at the tested sites (taps). Any system with a lead ALE shall also implement the PE requirements of 40.6(2).

b. Consumer notice timing. A system must provide the notice as soon as practical but no later than 30 days after the system learns of the tap monitoring results.

c. Consumer notice content. A consumer notice must contain the following:

- (1) Results of the lead tap water monitoring for the tested tap,
- (2) An explanation of the health effects of lead,
- (3) A list of steps consumers can take to reduce exposure to lead in drinking water,
- (4) PWS contact information, and
- (5) The lead MCLG of 0 mg/L, the 90th percentile lead AL of 0.015 mg/L, and the definitions for these two terms from 567—40.2(455B).

d. Consumer notice delivery. The notice must be provided to persons served at the tested tap either by mail or by another department-approved method. For example, upon department approval, an NTNC could post results on a bulletin board in the facility. Systems must provide the notice to customers at sample taps tested, including consumers who do not receive water bills.

e. Inclusion of copper results. Systems may also include copper testing results in the consumer notice, along with the 90th percentile copper ALE of 1.3 mg/L, copper MCLG of 1.3 mg/L, and copper health effects language.

40.6(2) Lead PE for lead ALE. Systems with a lead ALE based on tap water samples collected in accordance with 567—paragraph 41.4(1) “c” shall prepare and deliver PE materials and sample the tap water of any customer who requests it in accordance with this subrule.

a. Content of materials. Systems must include the following statements in written PE materials in the same order as listed in this paragraph. Language in 40.6(2) “a”(1), “a”(2), and “a”(5) must be included exactly as written, except for the bracketed text for which the system must substitute system-specific information. Any additional information presented by a system must be consistent with this paragraph and be in plain language that can be understood by the general public. Systems must submit all PE materials to the department prior to delivery. The department may require a system to obtain approval of the content of PE materials prior to delivery. PE materials must:

- (1) Include the following statements exactly as written.

“IMPORTANT INFORMATION ABOUT LEAD IN YOUR DRINKING WATER. [Insert system name] found elevated levels of lead in drinking water in some homes/buildings. Lead can cause serious health problems, especially for pregnant women and young children. Please read this information closely to see what you can do to reduce lead in your drinking water.”

“Health effects of lead. Lead can cause serious health problems if too much enters your body from drinking water or other sources. It can cause damage to the brain and kidneys, and can interfere with the production of red blood cells that carry oxygen to all parts of your body. The greatest risk of lead exposure is to infants, young children, and pregnant women. Scientists have linked the effects of lead on the brain with lowered IQ in children. Adults with kidney problems and high blood pressure can be affected by low levels of lead more than healthy adults. Lead is stored in the bones, and it can be released later in life. During pregnancy, the child receives lead from the mother’s bones, which may affect brain development.”

- (2) Discuss lead and sources of lead, as follows:

1. Explain what lead is.
2. Explain possible sources of lead in drinking water, explain how lead enters drinking water, and include information on home/building plumbing materials and service lines that may contain lead.
3. Discuss other important sources of lead exposure in addition to drinking water (e.g., paint).
- (3) Discuss steps the consumers can take to reduce their exposure to lead in drinking water, as follows:

1. Encourage running the water to flush out the lead.

2. Explain concerns with using hot water from the tap and specifically caution against the use of hot water for preparing baby formula.

3. Explain that boiling the water does not reduce lead levels.

4. Discuss other options consumers can take to reduce exposure to lead in drinking water, such as alternative sources or water treatment.

5. Suggest that parents have their child's blood tested for lead.

(4) Explain why there are elevated levels of lead in the system's drinking water (if known) and what the system is doing to reduce the lead levels in homes/buildings in this area.

(5) Include the following statement exactly as written.

"For more information, call us at [insert your telephone number] or visit our website at [insert your website link here]. For more information on reducing lead exposure around your home/building and the health effects of lead, visit EPA's website at www.epa.gov/lead or contact your health care provider."

(6) Include the following if the system is a CWS:

1. Tell consumers how to get their water tested.

2. Discuss lead in plumbing components and the difference between low lead and lead free.

b. *Outreach to non-English speaking consumers.* For PWSs serving a large proportion of non-English speaking consumers, as determined by the department, the PE materials must contain information about the importance of PE in the appropriate language(s) or contain a telephone number or address where persons served may contact the system to obtain a translated copy of the PE materials or to request assistance in the appropriate language.

c. *PE materials delivery by CWS.* A CWS that exceeds the lead ALE on the basis of tap water samples collected in accordance with 567—paragraph 41.4(1)“c” must conduct the following PE tasks within 60 days of the date of notification of the ALE. All PE materials must meet the content requirements of 40.6(2)“a.”

(1) Deliver PE materials to all bill-paying customers.

(2) Contact customers who are most at risk by delivering PE materials to local public health agencies, even if they are not located within the system's service area, along with an informational notice that encourages distribution to all the organization's potentially affected customers or the CWSs users. Systems must contact the local public health agencies directly by phone or in person. The local public health agencies may provide a specific list of additional community-based organizations serving target populations, which may include organizations outside the system's service area. If such lists are provided, systems must deliver PE materials to all organizations on the provided lists.

(3) Contact customers who are most at risk by delivering PE materials to the following organizations that are located within the system's service area, along with an informational notice that encourages distribution to all the organization's potentially affected customers or the CWSs users:

1. Public and private schools or school boards;

2. Women, Infants, and Children (WIC) and Head Start programs;

3. Public and private hospitals and medical clinics;

4. Pediatricians;

5. Family planning clinics; and

6. Local welfare agencies.

(4) Make a good-faith effort to locate the following organizations within the service area and deliver PE materials, along with an informational notice encouraging distribution to all potentially affected customers or users. This effort to contact at-risk customers may include requesting a contact list of these organizations from the local public health agencies, even if the agencies are not located within the system's service area:

1. Licensed child care centers;

2. Public and private preschools;

3. Obstetricians, gynecologists, doulas, and midwives.

(5) No less often than quarterly, provide information with each water bill as long as the system exceeds the lead AL. The water bill must include the following statement exactly as written, except for the text in brackets for which the system must substitute system-specific information:

“*[Insert system name]* found high levels of lead in drinking water in some homes. Lead can cause serious health problems. For more information, please call *[insert system telephone number]* or visit *[insert system website link here]*.”

The message or delivery mechanisms can be modified in consultation with the department; specifically, the department may allow a separate mailing of PE materials to customers if the system cannot place the information on water bills.

(6) Post PE material on the system’s website if the system serves a population greater than 100,000.

(7) Submit a press release to newspaper, television, and radio stations.

(8) In addition to those items previously listed, systems must implement at least three activities from one or more of the following categories. The educational content and appropriate activities must be determined in consultation with the department.

1. Public service announcement;

2. Paid advertisement;

3. Public area information displays;

4. Emails to customers;

5. Public meetings;

6. Household deliveries;

7. Targeted individual customer contact;

8. Direct material distribution to all multifamily homes and institutions; and

9. Other department-approved methods.

d. Continuing and special population PE by a CWS.

(1) As long as a CWS exceeds the AL, it must repeat the following activities:

1. Repeat the tasks in 40.6(2)“c”(1), “c”(2), and “c”(8) every 12 months.

2. Repeat the tasks in 40.6(2)“c”(5) with each billing cycle.

3. A CWS serving a population greater than 100,000 shall post and retain PE materials on a publicly accessible website pursuant to 40.6(2)“c”(6).

4. Repeat the task in 40.6(2)“c”(7) twice every 12 months on a schedule agreed upon with the department. The department can allow activities in 40.6(2)“c” to extend beyond the 60-day requirement on a case-by-case basis; however, this extension must be approved in writing by the department in advance of the 60-day deadline, and the system must already have initiated PE activities prior to the end of the 60-day deadline.

(2) A CWS meeting either of the following criteria may apply to the department in writing for reduced PE and community notice requirements:

1. The CWS is a facility, such as a prison or hospital, where the population served is not capable of or is prevented from making improvements to plumbing or installing POU treatment devices; or

2. The CWS provides water as part of the cost of services provided and does not separately charge for water consumption.

If the department approves the request in writing, the CWS is not required to include the language in 40.6(2)“a”(6) and must deliver the PE materials in accordance with 40.6(2)“e,” in lieu of 40.6(2)“c” and “d.”

(3) A CWS serving 3,300 or fewer people may limit certain aspects of its PE programs as follows:

1. The system must implement at least one of the activities in 40.6(2)“c”(8).

2. The system may limit the distribution of the PE materials in 40.6(2)“c”(2) and “c”(3) to facilities and organizations served by the system that are most likely to be visited regularly by pregnant women and children.

3. The department may waive the requirements of 40.6(2)“c”(7) for the system provided it distributes notices to every household served.

e. Delivery of and continuing PE by an NTNC.

(1) PE delivery by an NTNC. Within 60 days of the date of notification of the ALE, an NTNC shall deliver the specified PE materials as follows:

1. Post informational posters on lead in drinking water in a public place or common area in each of the buildings served by the system; and

2. Distribute informational pamphlets or brochures on lead in drinking water to each person served by the NTNC. The department may allow the system to utilize electronic transmission in lieu of or combined with printed materials as long as at least the same coverage is achieved. If the system serves children 18 years of age and under, such as a school or child care facility, the PE materials must be provided to the parents or legal guardians of the children.

(2) Continuing PE by an NTNC. An NTNC shall repeat the tasks in 40.2(2)“e”(1) at least once during each calendar year in which the system exceeds the lead AL. The department can allow activities in 40.2(2)“e”(1) to extend beyond the 60-day requirement on a case-by-case basis; however, this extension must be approved in writing by the department in advance of the 60-day deadline, and the system must already have initiated PE activities prior to the end of the 60-day deadline.

f. Discontinuation of PE activities. A CWS or NTNC may discontinue delivery of PE materials if it has met the lead AL during the most recent six-month monitoring period conducted pursuant to 567—paragraph 41.4(1)“c.” Such systems shall recommence PE in accordance with this subrule if it subsequently exceeds the lead AL during any monitoring period.

g. Supplemental monitoring and notification of results. A system that fails to meet the lead AL on the basis of tap samples collected in accordance with 567—paragraph 41.4(1)“c” shall offer to sample the tap water of any customer who requests it. The system is not required to pay for collecting or analyzing the sample, nor is the system itself required to collect and analyze the sample.

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