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## FOCUS ON AU: INSTITUTIONAL RESPONSE TO THE D.C. LEAD WATER CONTROVERSY

By Molly Frank-Meltzer\*

Access to clean water is a long-standing issue in many large cities where water sources become scarcer and population increases every year. The problem of unsafe drinking water recently emerged once again as a health threat to residents of Washington, D.C. – a city notorious for failing to meet federal standards of safe drinking water.<sup>1</sup> Most notably, Washington, D.C. has been scrutinized for lead contamination in its water system. Over the past year, thousands of District homes and public buildings, including universities, tested positive for unsafe lead levels in taps that were above the federal safety maximum limit.<sup>2</sup>

Tap water is affected by lead residues still found in the water pipe system in D.C. Although the D.C. Water and Sewer Authority (“WASA”) declared recently that 2,800 lead service pipes will be replaced over the next year where old pipelines still remain, this does not necessarily mean all other residences and universities in the Washington area are free from contaminated water.<sup>3</sup> American University (“AU” or the “University”) ran tests in March 2004 when elevated lead levels in the Washington area made headline news. Soon thereafter, the University issued a statement that the campus was not served by the water service lines reported to be a threat. However, test results still showed that taps on campus that had not been used for six to eight hours had lead levels above the Environmental Protection Agency (“EPA”) action limits.<sup>4</sup>

Since then, a clear plan has been developed to completely ensure clean drinking water. While campus officials have emphasized to students that running the water for a minute before drinking would mitigate the danger of consuming contaminated water, students, faculty, and staff are not entirely free from the risk of contaminated water.<sup>5</sup> Although university students are generally not in the high-risk category of individuals, this issue is still of concern. The President of AU, Benjamin Ladner, attempted to allay fear by stating that “[r]epeated exposure is less likely to occur in a university residence or workplace than in the general population due to the patterns of water use.”<sup>6</sup>

In spite of efforts to create awareness and alleviate fear, Washington D.C. residents and university communities are still concerned. Many students choose to drink bottled or fil-

tered water, which is an added cost to one’s budget. In addition, the cost of replacing pipes is a very expensive endeavor for which taxpayers will bear the burden. The program that WASA is developing is estimated to cost at least \$300 million dollars and will not be completed until 2010.<sup>7</sup>

Costs to universities are also an issue. WASA representatives have stated that their first priorities are looking at the dwelling places of high-risk individuals, and that universities such as AU are low on the list.<sup>8</sup> Thus, universities are also forced to bear the cost of hiring independent contractors to take water samples, report the results and then develop a plan to ensure water sources are lead-free.<sup>9</sup>

At this point, American University feels confident that its water supply is safe for students and plans to resume testing in the future. The University recommends that students who are concerned about lead contamination should follow WASA safety tips, such as run the water for several minutes before consumption.



### ENDNOTES:

<sup>1</sup> Carol D. Leonnig, Jo Becker, and David Nakamura, *Lead Levels in Water Misrepresented Across U.S.*, WASH. POST, Oct. 5, 2004, available at <http://www.purewaterdc.com/cgi-bin/newsmanager/readarticle.cgi?article=240> (last visited Nov. 22, 2004).

<sup>2</sup> See Kiah Culver, *Water tested for Lead*, THE EAGLE, Mar. 25, 2004, available at <http://www.theeagleonline.com/news/2004/03/25/News/Water.Tested.For.Lead-641171.shtml> (last visited Nov. 22, 2004); see also, Ryan Holeywell, *George Washington U. finds lead in buildings*, THE GW HATCHET, Apr. 19, 2004, available at <http://www.purewaterdc.com/cgi-bin/newsmanager/readarticle.cgi?article=207> (last visited Nov. 22, 2004); and Avram Goldstein & Justin Blum, *Tests Find Lead High at 29 D.C. Schools*, WASH. POST, Apr. 30, 2004, available at <http://www.purewaterdc.com/cgi-bin/newsmanager/readarticle.cgi?article=217> (last visited Nov. 22, 2004).

<sup>3</sup> David Nakamura, *WASA to Replace 2,800 Lead Pipes Over Next Year*, WASH. POST, Nov. 13, 2004, available at <http://www.purewaterdc.com/cgi-bin/newsmanager/readarticle.cgi?article=252> (last visited Nov. 22, 2004).

<sup>4</sup> Memorandum from Benjamin Ladner, President of American University, on Water Quality on Campus, to Campus Community (Mar. 17, 2004), available at <http://www.american.edu/president/statements/031704.html> (last visited Nov. 22, 2004).

<sup>5</sup> *Supra* note 4.

<sup>6</sup> *Supra* note 4.

<sup>7</sup> *Supra* note 3.

<sup>8</sup> Memorandum from Benjamin Ladner, President of American University, on Water Quality on Campus, to Campus Community (Mar. 17, 2004), available at <http://www.american.edu/president/statements/031704.html> (last visited Nov. 22, 2004).

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

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