



Statement for the Record

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American Public Works Association

House of Representatives Energy and Commerce Committee

Subcommittee on Health

Subcommittee on the Environment and the Economy

Joint Hearing on

Flint Water Crisis: Impacts and Lessons Learned

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The American Public Works Association (APWA) is pleased to provide the following statement to the House Energy and Commerce Health and Environment and the Economy Subcommittees joint hearing on the ongoing lead crisis in Flint, Michigan.

APWA is an organization dedicated to providing public works infrastructure and services to millions of people in rural and urban communities, both small and large. Working in the public interest, APWA's more than 29,000 members plan, design, build, operate and maintain our vast water infrastructure network, as well as other key infrastructure assets essential to our nation's economy and way of life. We wish to offer our assistance to the Subcommittees on any matter related to Public Works, including drinking water infrastructure.

Healthy and prosperous communities require access to clean drinking water. As the stewards of water infrastructure, APWA members are concerned that the situation in Flint, Michigan could have been prevented via following fundamental engineering practices. APWA members are also concerned that the city's water supply was being managed by officials, appointed or otherwise, in a state agency who may not have had the necessary training or certifications for operation of a drinking water system. APWA stresses that if our nation's water infrastructure is allowed to continue to decline without adequate investments needed to ensure safe levels of infrastructure maintenance, the threat of effects of lead and other contaminants will continue to grow, which may lead to other serious public health issues.

A Failure in Professional Conduct

As operators of our nation's drinking water infrastructure, our members revere the trust placed in them by the public. As a Class C Licensed Water Operator for more than 20 years and a Responsible Operator In Charge for more than 10 years, we take our responsibilities very seriously. I am dismayed with the profound disregard for the public's welfare, and for the procedures, in this disaster. Many of our members are also water operators and share this position. What happened in Flint could have entirely been prevented had the operators and elected officials followed the decades-old standard corrosion control practices in place across the profession. The operators of drinking water systems and the elected officials overseeing them have the obligation to ensure the water that comes out of the tap is safe; that did not happen here.

As the committee examines what went wrong in Flint, Michigan, we encourage you to evaluate why the operators did not follow practices that are well-known throughout the profession. The pillars of public trust in our nation's water delivery systems are the certifications and licenses to operate these systems. We encourage the committee to determine if strengthening the Safe

Drinking Water Act's (SDWA) certification provisions to ensure professionals with the necessary knowledge and experience to operate these systems is appropriate. Further, we believe that the SDWA should protect operators if they receive a directive to operate a utility in a manner that would threaten public health.

The public must be able to trust that the agencies that regulate drinking water systems will be the final line of defense for protecting them. It is clear from testimony before Congress that the Environmental Protection Agency (EPA) and the Michigan Department of Environmental Quality did not do all that was necessary. I will focus my comments to the EPA, as it is under your jurisdiction. The EPA has an ever increasing scope of responsibility when it comes to water quality and the agency's resources have failed to keep pace. In this situation it was not a matter of funding, it was a matter of people. Our members have on instances, interacted with EPA staff with a background in government, not engineering or the natural sciences, which reduces the ability of the agency to effectively process permits for public works projects and keep its focus on protecting public health and the environment. In a time of scarce taxpayer dollars, giving the agency increased funds for its responsibilities, particularly after a failing of the magnitude it did in Flint, is not an effective solution. Congress must ensure the agency is meeting its core missions first.

Flint is a Harbinger

The catastrophe in Flint is also the product of the city's rapidly declining infrastructure, which is common in communities across the country. The EPA estimates that ten million homes across the country have at least partial lead service lines. Unless these lines are replaced, there will always be a risk that lead will be ingested from drinking water. Lead is not the only risk to public health due to failing infrastructure. For example, coliform bacteria, which can lead to serious illnesses, can enter the drinking water system after heavy rainfall over-loads water treatment plants. As the age of our infrastructure nears one-hundred years in many parts of the country and hits limits in capacity due to a growing population, investment in replacing and expanding it is vital.

We encourage the Committee to take this opportunity to reauthorize the Safe Drinking Water Act State Revolving Fund (SRF) program, and increase the authorization levels for the loan program. The SRF program is a proven and reliable source of funding for essential water, wastewater and stormwater infrastructure projects across the country. Strong, well-funded SRF programs in combination with alternative funding tools like the Water Infrastructure Finance Innovation Act are vital to address the current water, wastewater and stormwater infrastructure funding crisis. APWA encourages Congress to work towards continued funding of this vital source of financial assistance to water, wastewater and stormwater systems.

As Congress considers how to provide assistance to Flint, we urge both chambers to carefully consider the precedent it sets. The victims of the disaster should receive the necessary assistance,

but financial aid to the city to rebuild its infrastructure cannot set the precedent that the federal government will bail out a utility for mismanaging its system. That would be a disservice to the Public Works Departments across this country that manage their utilities with the resources they have or that raise their water rates when necessary.

Conclusions

The American Public Works Association urges Congress to use this moment to consider if changes to the Safe Drinking Water Act are warranted to ensure licensed professionals operate water systems, and if it must increase its oversight of the EPA to ensure it is enforcing our nation's drinking water standards when states fail in their responsibility. Importantly, Congress must use this moment to preserve and enhance the federal investment in our nation's water infrastructure or else more disasters like Flint will be likely. Building the infrastructure needed to support our economic health, welfare and safety takes several years, even decades to implement. Action is needed now to identify ways to leverage scarce taxpayer dollars for making improvements to our nation's water infrastructure.

Our nation cannot enjoy the significant health improvements made in the last two-hundred years if our water infrastructure is left inadequate and crumbling. Investing to improve and repair our deteriorating water infrastructure network will preserve these health improvements, guard our quality of life, and protect the environment. We commend you for bringing focus to the issue by holding this hearing. APWA is hopeful Congress understands the importance of investing in our nation's water infrastructure. As the Subcommittees work to build solutions to prevent what happened in Flint from happening again, we offer our assistance. Thank you for your consideration of our comments.