



**American Water Works  
Association**

*Dedicated to the World's Most Important Resource®*

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July 28, 2020

The Honorable Paul Tonko  
Chair  
The Honorable John Shimkus  
Ranking Member  
Subcommittee on Environment and Climate Change  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairman Tonko and Ranking Member Shimkus,

The American Water Works Association offers this letter for the record for today's hearing titled, "There's Something in the Water: Reforming Our Nation's Drinking Water Standards."

### **The Importance of the Process**

The process for determining which substances the U.S. Environmental Protection Agency (EPA) should regulate in drinking water and how they should be regulated is of course one of the most important public health issues a society deals with. We witnessed what happened with the 1986 amendments to the Safe Drinking Water Act, in which EPA faced a mandate to regulate 25 new contaminants every three years. That quota-driven process bogged down into something unmanageable at the federal and state level, as we pointed out in previous testimony before this subcommittee.

Robert Peciasepe, EPA Assistant Administrator for Water in 1996, noted at that time, "The current requirement to regulate 25 new contaminants every 3 years needs to be replaced with a scientifically defensible, risk-based approach. The current regulatory treadmill dilutes limited resources on lower priority contaminants, and as a consequence may hinder more rapid progress on high priority contaminants. A new selection process should maintain a mandatory duty to collect data, conduct research, and make publicly accountable decisions on whether or not regulations are needed."

EPA, state drinking water agencies and drinking water utilities do need to know where to focus resources to address the greatest risks to public health. This led to the process developed for the 1996 amendments to the SDWA, in which occurrence and health effects data is gathered before making a determination to regulate a particular substance based on the substance's potential risk to public health. We understand that this process can be frustratingly slow. However, a scientific, risk-based and data-driven process is indeed going to take a significant amount of time. We caution against by-passing such processes, which may result in ineffective use of limited resources.

That said, we are eager to follow the data on substances that may be a risk to human health, wherever it may go in the investigative process so that we may know how to best protect public health. We will then prepare our members to comply with any new regulations.

## **Research**

Research is key in addressing substances for potential regulation. The lack of clear health effects data on most substances has long held back regulatory determinations under the SDWA. Before a substance can be regulated, the SDWA requires that it “is known to occur or there is a substantial likelihood that the contaminant will occur in public water systems with a frequency and at levels of public health concern; and in the sole judgment of the Administrator, regulation of such contaminant presents a meaningful opportunity for health risk reduction for persons served by public water systems.”

Different substances have unique structures and unique chemical properties that impact the development of analytical methods, their fate and degradation in the environment and the effectiveness of different treatment technologies. To effectively manage new contaminants, the environmental engineering community needs each piece of information to guide design and operation of treatment technologies.

Research to provide information necessary to make informed risk management decisions is expensive and has been inadequately funded. However, extensive research programs are needed in these areas:

- Health effects data to identify substances that pose a human health risk;
- Analytical methods to quantify levels of such contaminants in environmental samples (natural waters, wastewaters, soil, finished water);
- Technologies to cost-effectively remove problematic contaminants from drinking water to levels that do not pose public health concerns.

We urge Congress to ensure that the EPA and other relevant agencies or research bodies have the tools and resources they need to answer the needs listed above.

## **Affordability**

In our 2012 study, *Buried No Longer*, AWWA determined that the United States needs to spend about \$1 trillion over 25 years to maintain and expand our current level of water service. Therefore, over time, regulatory actions need to be prudently implemented to avoid aggravating affordability issues for customers, particularly those with low incomes. Our biennial rate survey found that between 2016 and 2018, charges increased 7.2% for water and 7.5% for wastewater, outpacing inflation by 3 percentage points. This follows a larger trend in that water rates have more than doubled the pace of inflation since 2014. Water systems across the United States are striving to provide the best water quality possible at a reasonable cost to their customers. Investing in a treatment requirement based on inadequate information can leave fewer resources to address other known risks, such as failing infrastructure or lead service line replacement.

## **Prevention**

It is almost always more efficient to prevent a contaminant from entering source waters than it is to remove later it with drinking water treatment processes. We applaud Congress for mandating greater reporting of discharges of per- and polyfluoroalkyl substances (PFAS) to the Toxics Release Inventory, and for legislative language adopted by the House of Representatives last week in the national defense authorization act to close a loophole in that reporting. Knowing

where substances such as PFAS are in the environment is half the battle in dealing with them. We note that S. 3590 in the Senate would reauthorize the source water petition program. This is another useful tool in protecting the quality of our sources of drinking water and we encourage that the House reauthorize this program as well. We see further source water protection efforts as a necessary component of any future efforts to amend the Safe Drinking Water Act.

### **Looking Forward**

AWWA and water systems across the United States are committed to providing high-quality drinking water and protecting consumers from demonstrable risks. We want to work with Congress and EPA and other relevant agencies in this work. We would be happy to engage in further discussions with Congress and others on how the regulatory processes under the Safe Drinking Water Act can be improved and obtain the resources needed to do the job right. Such a collaborative approach did achieve a number of improvements to drinking water law in 1996, such as an improved regulatory determination process, creation of the drinking water state revolving loan fund program, improved source water protection efforts and similar achievements.

AWWA is an international, nonprofit, scientific and educational society dedicated to providing total water solutions to protect public health and assure the effective management of water. Founded in 1881, the association is the largest organization of water professionals in the world.

Our membership includes more than 3,900 utilities that supply roughly 80 percent of the nation's drinking water and treat almost half of the nation's wastewater. Our 50,000 members represent the full spectrum of the water community: public water and wastewater systems, environmental advocates, scientists, academicians, and others who hold a genuine interest in water, our most important resource. AWWA unites the diverse water community to advance public health, safety, the economy, and the environment.

Sincerely,

A handwritten signature in black ink that reads "G. Tracy Mehan III". The signature is written in a cursive style with a stylized "G" and "M".

G. Tracy Mehan III  
Executive Director, Government Affairs

Cc/Members of the House Subcommittee on Environment and Climate Change