

CMR Opening Statement (6/16/21)
Environment and Climate Change Subcommittee Markup
Drinking Water Legislation

As prepared for delivery

Thank you, Mr. Chairman, and good morning to all of my colleagues. Some of the bills we are marking up today contain provisions I find appealing, and could support on their own. Unfortunately, there is also a lot that I cannot support in these bills in their current form.

The first bill we are discussing today is H.R. 3291, the Assistance, Quality, and Affordability Act of 2021. I agree with most of the parts of title I that mirror the Drinking Water Funding for the Future Act. I believe we must not lose the successes this Committee secured in America's Water Infrastructure Act of 2018 – particularly increasing purchasing power and assisting compliance.

Three items, though, make this bill particularly hard to support. First, it authorizes appropriations at levels 400 to 500 percent higher than the most recent appropriated amount. It also separately includes a NEW program – costing \$45 Billion, providing FREE replacements of privately-owned lead service lines, including to the wealthiest Americans.

Second, it removes requirements from the Safe Drinking Water Act that control costs and promote the affordability of safe drinking water. By deleting these provisions, States face underfunded mandates and water systems spiral into debt, chronic non-compliance, or both; likely decimating small and rural

water systems.

Last, it prohibits the collection of any bills for 5 future years for water utilities that accept billing arrearage payments. This is not the type of precedent we should set: the Federal government shutting down responsible public utilities from collecting the revenues they need to operate.

The second bill under discussion is H.R. 3293, legislation that creates the first income support program of any kind at EPA.

Two items concern me most about this bill. First, drinking water utilities that serve communities of less than 10,000 people -- at least 20 percent of whom are at or below the poverty level -- must go through their States to obtain funding. All other communities regardless of their poverty levels can get their money directly from EPA. Translation – poorer rural communities are subjected to more burdensome hoops than any others, including urban ones.

Second, this bill creates a water payment assistance program while also directing EPA to study whether there is a need for that very same assistance. It seems like a more logical first step would be to do this study before establishing any such program. Otherwise, it's a throw-away action done after the fact with zero accountability.

The last bill we are considering today is the PFAS Action Act, H.R. 2467. PFAS are a class of 9,252 separate, diverse chemicals according to EPA's Master PFAS List. I have become familiar with two of the best-known PFAS: PFOA and PFOS, used in Aqueous

Film Forming Foam (AFFF); because this foam is the subject of contamination problems at Fairchild Air Force Base in Airway Heights, Washington.

While I am sympathetic to arresting PFAS problems, H.R. 2467 goes well beyond thoughtfully addressing just 2 PFAS chemicals. Rather than acting based on rigorous science, thoughtful public input, risk-appropriate solutions. I understand this legislation to transfer the lab coat from EPA scientists to members of Congress. It also will mandate that EPA quickly make thousands of regulatory determinations in its major laws. It removes the public from the regulatory process. And, it favors stringency over real safety.

This Committee will never know for sure how this bill impacts innovation... how it even helps or hurts EPA's existing work on PFAS... or if it even drives results for better public health. This bill could have benefitted from EPA testimony on its workability, but no hearing with EPA took place – not in 2 years. That is a missed opportunity that I hope we don't regret. Mr. Chairman, I wish I had more positive conclusions on these bills because they are well-intended. Unfortunately, being well-meaning is not a shelter for some of the adverse effects that these provisions could cause or the poor outcomes they drive. With that, I yield back.