

Committee on Energy and Commerce
Opening Statement as Prepared for Delivery
of
Subcommittee on Environment, Manufacturing, and Critical Materials Ranking Member
Paul D. Tonko

Hearing on “Ensuring the Cybersecurity of America’s Drinking Water Systems”

January 31, 2024

Thank you, Chairman Carter.

I want to start by congratulating you for taking on the leadership of the Subcommittee. I really appreciate that both you and I have experience in local and state government. Whether it is addressing water infrastructure, remediating brownfields, or improving recycling systems, so many issues handled by this subcommittee require us to solve national problems that have incredibly local impacts.

Our nation’s local governments are going to benefit from having a former mayor at the helm of this Subcommittee, and I hope today is the start of a great, productive partnership. I look forward to working with you. The issue before us today is an opportunity to better understand one of these emerging challenges being faced by our local communities, and I believe it should be an area with some bipartisan agreement.

For example, I believe we will agree that EPA, with its knowledge of the water sector and technical expertise, was rightfully designated as the Sector Risk Management Agency for water systems and should take the leading role in guiding the sector’s response to emerging threats, including from cyberattacks.

In the past, members of this Committee have worked across the aisle to acknowledge the increasing number and types of threats facing our nation’s water systems, and to make new resources available to reduce vulnerabilities. In the America’s Water Infrastructure Act of 2018, we required systems serving more than 3,300 people to assess risks and prepare emergency response plans.

And the Infrastructure Investment and Jobs Act included several programs to support water systems by providing technical and financial assistance to enhance resilience. Water utilities, and states as co-regulators with EPA, have an awesome responsibility to deliver safe and reliable water services to Americans. This is critical to our economy and public health. And we know there is a long— and ever growing— list of threats to our drinking water.

Certainly, cyberattacks are becoming more frequent, and this is an area that deserves our attention. So, I am grateful we are holding this hearing, and I thank our witnesses for being here. I also understand this is an incredibly challenging issue. There is not an easy solution. We can spend endless amounts of money, and we will never achieve zero cyber risk.

And I know small systems, including in Upstate New York, are already stretched thin. There are some small villages where the mayor's job description also includes fixing the water system and driving the snowplow. These communities can have a very difficult time recruiting and retaining engineers and certified system operators.

It is just not realistic to expect that they will have sophisticated, in-house cybersecurity expertise. And that is why partnerships matter. EPA, States, circuit riders, and others must play an important role in supporting these systems with the implementation of achievable— but also meaningful— cybersecurity best practices. But to date it seems there has been a slow and inconsistent adoption of such practices.

So, while I am realistic and do not believe we should expect every small system to have cybersecurity departments, I do believe it is reasonable for some simple, effective, and cost-effective best practices to be implemented. Hopefully with EPA and Congress's support, we can reduce risks in ways that are proven, rapidly respond to emerging threats, and are deployable by even the smallest of systems.

And I agree with what I believe we will hear from all our witnesses that additional resources, including for training and technical assistance, would be warranted. We can find effective ways to improve cybersecurity that acknowledges the challenges faced by so many water systems, and I hope that utilities, state regulators, EPA, and members on both sides of the aisle will work toward solutions to reduce risks from cyber threats.

Thank you, Mr. Chair. I yield back.