NATIONAL
RURAL WATER
ASSOCIATION
NRWA America's Largest Utility Membership
2915 S. 13th Street | Duncan, OK 73533
(580)-252-0629 | www.nrwa.org

March 26, 2024

Chairman Earl L. "Buddy" Carter
Subcommittee on Environment, Manufacturing, and Critical Materials
2125 Rayburn House Office Building
Washington, DC 20515-6115

RE: Mr. Rick Jeffares responses to Subcommittee on Environment, Manufacturing and Critical Materials Questions for the Record following the January 31, 2024 hearing entitled, "Ensuring the Cybersecurity of America's Drinking Water Systems."

Headquartered in Duncan (Oklahoma), the National Rural Water Association (NRWA) is the non-profit association of the federated state rural water associations with a combined membership of over 30,000 small and rural communities. NRWA is the country's largest water utility association and the largest community-based environmental organization. State Rural Water Associations are non-profit associations governed by elected board members from the membership. Our member utilities have the very important public responsibility of complying with all applicable U.S. Environmental Protection Agency (EPA) regulations and for supplying the public with safe drinking water and sanitation every second of every day.

The Honorable Earl L. "Buddy" Carter

1. **Your testimony talks about the importance of technical assistance.**

    a. **Which is a better model to reach solutions, compliance enforcement or technical assistance?**

    b. **What is the best way to maximize the use of technical assistance for cybersecurity for rural systems?**

    c. **You mentioned the negative impacts of nationalizing technical assistance, please tell me what good technical assistance looks like?**

Answer: Regulations, followed by enforcement actions are not effective. Technical Assistance (TA) is the only solution that works. We need help, not enforcement. Small and rural systems need the opportunity to learn to assess their vulnerabilities and deploy solutions that meet their individual needs. One of the benefits of TA is that it provides a system-by-system solution. Each system is unique, and cybersecurity must be scalable, and affordable.

The best way to maximize the use of TA is through onsite, peer-to-peer, uninterrupted assistance and training from trusted and proven providers. It cannot be a top-down approach. I can't emphasize this point enough: if it is the desire and intent of this committee to provide EPA additional resources to assist small and rural communities in addressing cybersecurity- how EPA structures the assistance will determine the results. Under EPA's current programs, TA funding is awarded to many new providers, often with little to no experience working with water systems

in rural America. Additionally, funding awards are also being capped in numerous categories, creating barriers to providing uninterrupted, critical services on a national level and in many of this committee's districts. Rural Water's TA providers are experienced former rural water and wastewater system operators. We understand the complexity of the challenges our systems face and are the trusted source for these small and rural systems to turn to.

2. **In terms of numbers, small and rural water systems constitute a large number of water systems nationally.**

    a. **Do you feel that you currently are having your concerns and challenges "heard?"**

    b. **How do we make sure rural water systems are not left behind in having their challenges addressed?**

Answer: The short answer is "No." Although we have been consulted and invited to discussions, our concerns and feedback have been largely ignored. We understand EPA has had to move fast, and I am sure they have good intentions. However, in their haste to address the cybersecurity concerns, a one-size-fits-all regulatory approach was introduced that ran contrary to the feedback the water sector as a whole and Rural Water in particular provided. We need resources and tools, not regulations. Once we have the resources, we will deploy solutions. Every time we have faced adversity, Rural Water has risen to meet the challenge. While operations of small and rural systems may seem simple due to size, the complexity of running such operations is no less technical than that of larger systems. We protected public health during the pandemic and have been the first responders during and after catastrophic natural disasters across the nation. Rural Water has been nimble and able to adapt to population growth and declines, and we will be successful in the cybersecurity space as well.

However, for the water sector to be successful, it will be required that we all work together. The federal government, state and local government, water and wastewater systems, and the vendors that support this industry must come together as a team. Rural Water stands ready to work with our partners across the sector to ensure we are all successful together.

3. **Recent congressional hearings have discussed the question of whether going to or otherwise relying on analog systems to operate critical infrastructure, like drinking water systems, may be more protective (especially for smaller utilities) than cloud services when it comes to cybersecurity. What is your response to such a view?**

Answer: In some cases, yes, and in most, no. This question gets to the heart of the complexity and challenges rural water systems face. Each system is unique, and has varying requirements and capabilities. In Georgia, I manage four water systems that are not connected to the internet, and because we are offline, I am more concerned with physical security. There is a much greater threat that someone will tamper with the water supply at my four water systems, rather than cybersecurity. However, my neighboring communities that are larger are technologically

advanced. This is why a one-size-fits-all approach to solving cybersecurity challenges in rural communities doesn't work.

Each system needs to be assessed to determine vulnerabilities, needs and potential solutions that will best serve the water system and the community it serves. This is why TA through boots on the ground, trusted sources is the best solution to ensuring a hardening of our cyber defenses.

The Honorable Russ Fulcher

1. **I know the federal government recently had to rescind an effort to address what it called "basic cybersecurity practices" over legal concerns that it short circuited regulatory requirements and exceeded authority Congress gave to it. Given there were conflicts over the rule's coverage of "equipment," "operations," and "the distribution of safe drinking water," does this call up the need for more flexibility in technical assistance and grants to smaller water systems that present a challenge?**

Answer: The National Rural Water Association supports a strong and comprehensive cybersecurity program and stands ready to collaborate with the EPA, CISA and other federal partners. However, EPA's attempt to add cybersecurity inspections to the sanitary survey was immediately challenged. Sanitary survey results are required to be made publicly available. Publicizing our cybersecurity vulnerabilities would provide bad actors with easy access to exploit our weaknesses, likely causing a national security disaster.

State primacy agencies do not currently possess the knowledge and expertise to develop a cybersecurity program. Finally, EPA published this initiative effective immediately with no opportunity for notice and comment which violated the Administrative Procedures Act, established by Congress to limit agency overreach, and avoid a situation just like this.

We suggest a flexible approach to technical assistance. An approach that will provide each individual system with the support it needs. Small, rural water systems need an in-person, peer to peer assessment from a trusted source, not a national entity with little rural experience and understanding. Meeting each system where they are, requires the government to award TA grants that allow for the most flexible approach. This requires TA providers to be knowledgeable about rural water systems and have the ability to provide boots on the ground experts in each state. This also requires the use of water operations experts that understand cybersecurity, not cybersecurity experts that do not understand water systems.

If you have any questions, please contact NRWA's Senior Executive Policy Director, Charles Stephens (charles@nrwa.org).