

U.S. House Committee on Energy and Commerce
Subcommittee on Environment
**“Reliable Water in the Digital Age: Examining Legislation to Strengthen Drinking Water
Systems and Protect Ratepayers.”**
September 3, 2026
Documents for the Record

1. September 3, 2026, A letter from OpenAI addressed to Chairman Palmer and Ranking Member Tonko, submitted by the Majority.
2. September 3, 2026, A letter from American Water Works Association addressed to Chairman Palmer and Ranking Member Tonko, submitted by the Majority.
3. September 2, 2026, A industry coalition letter addressed to Chairwoman Capito, Chairman Guthrie, Chairman Graves, Ranking Member Whitehouse, Ranking Member Pallone and Ranking Member Larsen, submitted by the Majority.
4. August 28, 2026, A letter from the Association of State Drinking Water Administrators addressed to Chairman Guthrie and Ranking Member Pallone, submitted by the Majority and Ranking Member Tonko.
5. September 3, 2026, A letter from the Association of Metropolitan Water Agencies addressed to Chairman Palmer and Ranking Member Tonko, submitted by Ranking Member Tonko.
6. September 3, 2026, A letter from Healing Our Waters Great Lakes Coalition addressed to Chairman Palmer and Ranking Member Tonko, submitted by Ranking Member Tonko.
7. September 2, 2026, A letter from Bluegreen Alliance addressed to Chairman Guthrie and Ranking Member Pallone, submitted by the Minority.
8. September 3, 2026, A resolution from ECOS titled “PFAS Liability and Cooperative Federalism,” submitted by the Majority.

September 3, 2026

From:
Chan Park
Head of U.S. and
Canada Policy and
Partnerships
OpenAI

To:
The Honorable Gary
Palmer
Chairman
Subcommittee on
Environment
Committee on
Energy and
Commerce
Washington, DC
20515

The Honorable Paul
Tonko
Ranking Member
Subcommittee on
Environment
Committee on
Energy and
Commerce
Washington, DC
20515

Re: Hearing before the House Energy and Commerce Subcommittee on the Environment: “Reliable Water in the Digital Age: Examining Legislation to Strengthen Drinking Water Systems and Protect Ratepayers”

Dear Chairman Palmer, Ranking Member Tonko, and Members of the Subcommittee:

OpenAI’s mission is to ensure that artificial general intelligence benefits all of humanity. That mission informs both our work to put advanced AI tools in the hands of authorized defenders protecting critical infrastructure and our approach to developing the infrastructure AI requires responsibly.

We appreciate the opportunity to submit this statement for the record and to describe how we are expanding access to Daybreak for cyber defenders, including those supporting water utilities, while pursuing data-center development consistent with our public commitments on efficient cooling, locally available resources, and transparency about water use and infrastructure needs. Water systems are important critical infrastructure, but many utilities face consequential cyber risks with small teams and limited resources. Those risks came into sharper focus this summer, when the FBI and EPA warned that malicious actors had targeted internet-facing operational technology at water and wastewater utilities in at least seven states, disrupting monitoring and control and, in some cases, degrading water operations.¹ These incidents underscore the importance of ensuring that authorized defenders, particularly those supporting smaller and resource-constrained utilities, have access to advanced tools that can help them identify vulnerabilities, validate findings, and remediate weaknesses. We appreciate the Subcommittee’s attention to these challenges and its leadership in strengthening the cybersecurity of the nation’s water systems.

Daybreak is OpenAI’s cybersecurity initiative to help organizations find and fix vulnerabilities before attackers can exploit them. Through Daybreak Access, approved defenders, including water-utility and other critical-infrastructure security teams, government cybersecurity personnel, and trusted security providers, can use advanced tools to find vulnerabilities, investigate incidents, and test fixes, with safeguards and human oversight.² In August, OpenAI offered support to officials and water-sector leaders in Georgia, Michigan, Minnesota, and California offering

¹ See, Federal Bureau of Investigation, “Malicious Cyber Actors Targeting Water and Wastewater Sector Internet-Facing Programmable Logic Controllers Causing Operational Disruptions,” <https://www.fbi.gov/investigate/cyber/alerts/2026/malicious-cyber-actors-targeting-water-and-wastewater-sector-internet-facing-programmable-logic-controllers-causing-operational-disruptions>.

² See, OpenAI, “Daybreak,” <https://openai.com/daybreak/>.

up to \$1 million in no-cost API credits for controlled, authorized evaluations, help for eligible defenders to pursue Daybreak Access, and technical support that could include workshops to review code and configurations, validate findings, and implement patches. We are also working through trusted intermediaries to develop pathways for smaller operators that lack dedicated cybersecurity expertise. More broadly, Daybreak is already supporting state cybersecurity teams across the country, including in states represented on this Subcommittee such as Alabama, California, Louisiana, Massachusetts, and Texas, as part of our growing effort to equip state and local defenders with advanced capabilities for authorized defensive work. Our public Cyber Action Plan recognizes that smaller water utilities often cannot operate frontier cyber models directly and calls for reaching them through sector organizations, service providers, major vendors, and government-supported programs.³

This is not a challenge any one company can solve. On August 27, OpenAI joined more than 100 organizations in A Call for Collective Action on Cyber Defense, warning that the window to prepare before AI-enabled attacks become more widespread is narrowing. The letter calls for water utilities and local governments to receive access to capable defensive AI, authorized testing, and hands-on support, and for AI and cybersecurity companies to provide responsible access, funding, training, and practical assistance.⁴

Your hearing considers cybersecurity alongside questions about the physical infrastructure needed to serve data centers. OpenAI has committed across several data center projects to minimize water consumption, prioritize efficient cooling systems such as closed-loop designs, plan around locally available resources, share clear information about water use and infrastructure needs, and pay our own way.⁵

Project Camellia in Effingham County, Georgia, illustrates our approach.⁶ OpenAI plans to use a closed-loop cooling system that recirculates water rather than continuously withdrawing and discharging it. The system is designed to keep ongoing cooling-water use low and not rely on local public water supplies for ongoing cooling; regular water use is expected to come primarily from ordinary workplace needs. As the design advances, OpenAI plans to subject the project's commitments to an annual independent public audit. We have also committed \$80

³ See, OpenAI, "Cyber Action Plan,"

<https://cdn.openai.com/pdf/7ca95dce-4424-4b62-9eab-89233bb38f82/oai-cybersecurity-action-plan.pdf>.

⁴ See, OpenAI, "A Call for Collective Action on Cyber Defense," <https://openai.com/collective-cyberdefense/>.

⁵ See, OpenAI, "Public Infrastructure Commitments," https://cdn.openai.com/pdf/oai_abbot-texas-letter_8-7-26.pdf.

⁶ See, OpenAI, "Building AI Infrastructure with the Effingham County Community," <https://openai.com/index/building-ai-infrastructure-with-the-effingham-county-community/>.

million in community benefits shaped by local input.⁷ Additionally, the project will make possible the single largest cut to property taxes in county history.⁸ These commitments reflect the site-specific planning, transparency, and accountability that responsible infrastructure development requires.

OpenAI is committed to working with Congress, state and local officials, water utilities, and cybersecurity partners to strengthen essential services and build AI infrastructure responsibly. We thank the Subcommittee for holding this hearing, and we welcome the opportunity to provide additional technical information as the Subcommittee continues its consideration of these proposals.

Sincerely,

A handwritten signature in black ink, appearing to read "Chan Park", with a stylized, flowing script.

Chan Park
Head of U.S. and Canada Policy and Partnerships
OpenAI

⁷ See, Project Camellia, "Community Commitments" <https://projectcamellia.com/community-commitment>.

⁸ See, Effingham County, "Largest Tax Relief Event in Effingham County History" <https://effinghamcounty.org/m/newsflash/home/detail/477>.

September 3, 2026

The Honorable Gary Palmer
Chairman
Subcommittee on Environment
Committee on Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Paul Tonko
Ranking Member
Subcommittee on Environment
Committee on Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Palmer and Ranking Member Tonko,

The American Water Works Association (AWWA) appreciates the opportunity to provide comments in advance of the September 3, 2026 hearing entitled “Reliable Water in the Digital Age: Examining Legislation to Strengthen Drinking Water Systems and Protect Ratepayers.” As the world’s largest organization of water professionals, AWWA’s membership includes more than 4,300 utilities that supply roughly 80% of the nation’s drinking water. Our 50,000 members include utility employees, public officials, engineers, advocates, scientists, educators, and more.

AWWA offers the following thoughts on the two recently released discussion drafts, the Safe Drinking Water Infrastructure Improvement Act of 2026 and the Water Cost Accountability Act of 2026:

H.R. ____, [Safe Drinking Water Infrastructure Improvement Act of 2026]

The Safe Drinking Water Infrastructure Improvement Act of 2026 would reauthorize expiring water infrastructure programs through FY 2031 and expand eligibility under certain programs to address cybersecurity, among other changes. While AWWA is still reviewing the discussion draft, we strongly support reauthorization of SDWA programs that provide funding and technical assistance to drinking water systems.

Estimating the Need

AWWA’s recent report [*Beyond the Replacement Era*](#) outlines the scale of the challenge. Over the next 25 years, drinking water systems alone must invest \$2.1-\$2.4 trillion to repair, replace, and expand existing water infrastructure; comply with recent regulatory requirements; and improve resilience to natural hazards. To meet the projected need without additional federal assistance, drinking water utilities would have to spend \$90.2 billion per year for 25 years – a 168% increase over current annual spending levels of \$33.6 billion – all while maintaining affordable water service for their customers.



Maintaining Affordable Service

According to *Beyond the Replacement Era*, roughly 10 million households currently pay more than 2.5% of their income for drinking water service, a commonly used benchmark for identifying potential affordability challenges. If the \$57 billion annual funding gap is closed through rate increases alone, the number of households crossing that threshold could increase to 30 million by 2050. Additionally, the average annual water bill would rise from \$429 in 2025 to \$969 by 2050, before accounting for inflation.

Importance of Federal Programs

According to the [Congressional Budget Office](#), the federal government provides just 3.9% of capital funding for water sector utilities through annual appropriations, compared to 22.5% of total funding for highways. While the Infrastructure Investment and Jobs Act (IIJA) provided a temporary boost through supplemental appropriations, drinking water utilities need additional, sustained federal investment beyond 2026 to close the funding gap and maintain affordable water service.

Federal water infrastructure programs such as the Drinking Water State Revolving Fund (DWSRF) and the Water Infrastructure Finance and Innovation Act (WIFIA) offer more than just funding to water systems. They offer benefits that borrowers often can't access elsewhere, like low- or below-market interest rates, flexible financing, and long repayment terms. The programs help lower the overall cost of financing so that water systems can continue delivering safe water while maintaining affordable rates.

Drinking Water State Revolving Fund

The Drinking Water State Revolving Fund provides communities with access to low-interest loans, principal forgiveness, and other types of assistance for projects designed to protect public health and facilitate compliance with the Safe Drinking Water Act. According to EPA's latest [DWSRF Annual Report](#), the program has provided more than \$57 billion in assistance since 1997 and delivered \$13.5 billion in savings from below-market interest rates.

DWSRF funding is distributed as capitalization grants to states, tribes, and territories based on EPA's Drinking Water Infrastructure Needs Survey and Assessment (DWINSA), conducted every four years. The DWINSA is a statistical survey of water systems throughout the country and measures capital improvement needs for DWSRF-eligible projects over a 20-year period. States receive an allotment each year proportional to their need in the DWINSA, with every state receiving at least 1% of available appropriations.

Once a state receives its capitalization grant, the funds are placed in a dedicated revolving loan fund alongside a 20% state match. Funds are then loaned out to water systems according to the state's Intended Use Plan, which outlines funding priorities and ranks eligible projects. As water systems repay their loans, the repayments and interest are placed back in the revolving loan fund, where they can then be used to make new loans. In this way, the DWSRF was designed to become a sustainable source of

funds over time. However, the amount of funding available to revolve has been reduced as Congress has expanded the share of capitalization grants that may be used for non-loan purposes or forgiven rather than repaid. At the same time, the funds currently revolving are not nearly enough to meet water systems' infrastructure needs, making continued annual appropriations from Congress essential to bolster states' revolving loan funds.

The DWSRF was last authorized as part of the Infrastructure Investment and Jobs Act (IIJA) through Fiscal Year (FY) 2027. Over a period of five years, beginning in FY 2022, the program's authorization level increased from \$2.4 billion to \$3.25 billion. However, annual appropriations for the program have remained flat at \$1.16 billion since FY 2018. AWWA strongly supports reauthorization of the DWSRF and urges the Subcommittee to support the reauthorization levels included in S. 4949, the Water Resources Development Act of 2026, which increase from \$3.75 billion to \$4.5 billion between FY 2028 and FY 2031.

Community Project Funding

Since FY 2022, Congress has diverted funds from the DWSRF to support Community Project Funding (CPF), commonly referred to as earmarks. In FY 2022, roughly 35% of DWSRF appropriations were set aside for CPF. That share has since grown to 65%, meaning nearly two-thirds of DWSRF appropriations now flow to CPF rather than to state capitalization grants, with no corresponding increase in overall DWSRF funding levels.

This diversion undermines the program's long-term sustainability, even though earmarked projects must meet DWSRF eligibility requirements and recipients must provide a 20% cost share. Because CPF is awarded as grants rather than loans, this funding does not revolve back into states' revolving loan funds over time. States also rely on a set-aside within the DWSRF to administer their own programs, so when CPF reduces a state's capitalization grant, the funding available for program administration shrinks as well.

Water Infrastructure Finance and Innovation Act

The Water Infrastructure Finance and Innovation Act complements the DWSRF by providing credit assistance for larger, more capital-intensive projects. WIFIA offers low-cost, long-term loans that can be combined with other sources of funding to help accelerate water infrastructure investment. WIFIA can fund up to 49% of a project's total cost and works by covering the credit subsidy for loans to creditworthy entities. Because the typical WIFIA applicant has a strong credit rating and a low risk of default, every dollar appropriated to WIFIA supports up to \$100 in infrastructure investment. WIFIA loans are then repaid to the U.S. Treasury, ensuring minimal cost to the federal government.

According to EPA, since 2017, the WIFIA program has closed 154 loans totaling \$24 billion in credit assistance to help finance more than \$51 billion in water infrastructure projects and create 173,000 jobs. WIFIA was last authorized in IIJA at \$50 million per year through FY 2027, though the program has

received between \$60 million and \$65 million per year in appropriations since FY 2019. AWWA urges the Subcommittee to include WIFIA reauthorization as part of the discussion draft and support the increased \$65 million reauthorization level included in S. 4949.

Other Program Reauthorizations

AWWA strongly supports other SDWA program reauthorizations included in the discussion draft as well, including those which provide technical assistance for small and rural systems, funding to address lead in schools and childcare facilities, resources and training to improve cybersecurity, along with workforce development initiatives – though we are still reviewing the potential impacts of the legislation’s proposed programmatic changes. AWWA encourages the Subcommittee to consider additional authorizations as well, such as a program to encourage participation of public water systems in the Water Information Sharing and Analysis Center (WaterISAC), which is included in Sec. 2401 of S. 4949.

CERCLA Liability Protections

Finally, AWWA urges the Subcommittee to consider incorporating H.R. 1267, the Water Systems PFAS Liability Protection Act, into the discussion draft. The bill provides water systems with a narrowly tailored exemption from PFAS liability under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), except in cases of negligence or willful misconduct.

As “passive receivers,” water systems do not manufacture or profit from PFAS, nor do they control whether the chemicals are present in their source water. But recent EPA regulations require utilities to treat for, manage, and dispose of PFAS – requirements that impose significant costs and expose systems to potential legal and financial liability under CERCLA.

Absent congressional action, water systems around the country face the cost of cleaning up contamination they did not create, diverting resources from essential functions and exacerbating affordability challenges in their communities. H.R. 1267 ensures that PFAS manufacturers and polluters pay for cleanup of PFAS-contaminated Superfund sites, not water systems and their ratepayers.

H.R. ____, [Water Cost Accountability Act of 2026]

The Water Cost Accountability Act of 2026 would require states, as a condition of receiving a DWSRF capitalization grant, to prohibit public water systems from recovering the costs associated with connecting a data center or expanding capacity required to serve a data center from any customer other than the data center owner or operator.

While AWWA is still evaluating the potential impact of the legislation, we are concerned that the bill could restrict access to critical infrastructure funding based on decisions outside of water systems’ control. AWWA does, however, share the goal of ensuring that residential customers do not bear the burden of connecting data centers to a water system, and we have multiple resources available to systems preparing for the growth of data centers in their communities.

AWWA's [Manual M1, Water Rates, Fees, and Charges \(2025\)](#), offers guidance on recovering the full cost of service through cost-based rates, fees, and charges. The manual is a useful resource for water systems attempting to connect or expand capacity for data centers without shifting those costs onto existing customers.

M1 discusses System Development Charges (SDCs), which assess fees to new customers to ensure they pay their proportional share of the capacity they require, minimizing the impact on current ratepayers. These and other approaches support the principle that "growth pays for growth."

AWWA's recent report [Cooling the Cloud: Water Utilities in a Data-Driven World](#) may also assist water systems as they assess the potential impact of data center growth. The report discusses the challenges, opportunities, key decision points, and other considerations involving data centers – including potential impacts to water systems and approaches that water sector leaders can take when navigating this issue.

Sincerely,

A handwritten signature in black ink, reading "G. Tracy Mehan, III". The signature is fluid and cursive, with the last name "Mehan" being the most prominent part.

G. Tracy Mehan, III
Executive Director of Government Affairs
American Water Works Association



September 2, 2026

Sen. Capito, Chair
Environment and Public Works
Committee
410 Dirksen Senate Office Building
Washington, D.C. 20510

Sen. Whitehouse, Ranking Member
Environment and Public Works
Committee
410 Dirksen Senate Office Building
Washington, D.C. 20510

Rep. Guthrie, Chair
Energy and Commerce Committee
2125 Rayburn House Office Building
Washington, D.C. 20515

Rep. Pallone, Ranking Member
Energy and Commerce Committee
2125 Rayburn House Office Building
Washington, D.C. 20515

Rep. Graves, Chair
Transportation and Infrastructure
Committee
2165 Rayburn House Office Building
Washington, DC 20515

Rep. Larsen, Ranking Member
Transportation and Infrastructure
Committee
2165 Rayburn House Office Building
Washington, DC 20515

Dear Chairs and Ranking Members:

We, the undersigned organizations, are writing to urge Congress to maintain strong authorization levels for the federal programs that support the nation's drinking water and wastewater infrastructure. The Senate Environment and Public Works Committee (EPW) and the House Transportation and Infrastructure (T&I) and Energy and Commerce (E&C) Committees have advanced proposals to reauthorize many of these critical programs, including

the Clean Water and Drinking Water state revolving loan funds (SRFs,) the Water Infrastructure Finance and Innovation Act (WIFIA), among others.

We appreciate the continued bipartisan attention to the nation's water infrastructure needs. The Senate EPW unanimously advanced the Water Resources Development Act (WRDA) of 2026 (S 4949), which reauthorizes the Drinking Water SRF at \$3.75 billion in fiscal year 2027, increasing to \$4.5 billion by fiscal year 2030, and the Clean Water SRF at \$3.5 billion annually through fiscal year 2030.

The House E&C has also released the Safe Drinking Water Infrastructure Improvement Act (DWIIA) of 2026 which includes reauthorization of the Drinking Water SRF, parts of WIFIA, and other critical programs. We appreciate the Committee's work to reauthorize these important programs. However, the E&C draft currently proposes significantly lower funding for some of the nation's core drinking water infrastructure programs.

As the House and Senate continue negotiations, Congress has an opportunity to build on recent bipartisan investments and provide states, communities, and utilities with the certainty necessary to address mounting infrastructure needs. Reauthorization should not represent a step backward from the progress Congress has already made.

We therefore urge Congress to support the highest authorization levels advanced by either chamber and, throughout the legislative process, provide the highest practicable level of federal investment for these critical programs.

Congress should prioritize robust funding for programs that help communities replace aging infrastructure, comply with federal drinking water requirements, address emerging contaminants, remove lead service lines, and assist small and disadvantaged communities.

Specifically, we urge Congress to authorize the following investments, in line with the levels of funding provided in FY26 through the bipartisan Infrastructure Investment and Jobs Act (IIJA) and annual appropriations bills:

Account Name	FY26 Base Authorization	FY26 Supplemental Appropriation	Senate EPW WRDA Bill Authorization	House E&C Bill Authorization	<u>Coalition Request</u>
Clean Water SRF General Supplemental	\$3.25 billion	\$2.6 billion	\$3.5 billion	-	\$5.85 billion
Clean Water SRF Emerging Contaminants	-	\$225 million	-	-	\$225 million
Drinking Water SRF General Supplemental	\$3.25 billion	\$2.6 billion	\$3.75B-\$4.5B (FY27-FY30)	\$1.13 billion	\$5.85 billion
Drinking Water SRF Lead Service Line Replacement	-	\$3 billion	-	-	\$3 billion
Drinking Water SRF Emerging Contaminants	-	\$800 million	-	-	\$800 million
Small, Underserved, and Disadvantaged Community (SUDC) Grant Program	\$140 million	\$1 billion	\$140 million	\$140 million	\$1.14 billion
Reducing Lead in Drinking Water Grant Program	\$100 million	-	\$100 million	\$100 million	\$100 million
WIFIA	\$50 million	-	\$65 million	-	\$65 million
Midsize and Large Drinking Water System Infrastructure Resilience and Sustainability Program	\$50 million	-	\$40 million	\$50 million	\$50 million

Additionally, we urge Congress to reauthorize EPA water infrastructure programs that ensure states and utilities have a broad menu of options to move projects forward. This includes **reauthorizing the Public Water System Supervision Grant Program at \$450 million¹**, which provides the core federal funding that enables states to implement the Safe Drinking Water Act, the Innovative Water Infrastructure Workforce Development grant program, and other programs within the suite of State and Tribal Assistance Grants (STAG). A continued lack of adequate investment could undermine state primacy and shift oversight and enforcement responsibility back to the EPA.

Setting strong authorization levels would provide the certainty necessary for long-term planning and investment, strengthen the reliability of essential systems, support affordability for American households, and help communities meet federal requirements.

As the House and Senate move these proposals forward, we urge Congress to support the highest practicable authorized funding levels in a final reauthorization package. We appreciate your leadership and stand ready to work with you to ensure these programs are reauthorized at levels that meet the nation's needs.

Sincerely,

American Public Works
Association

Clean Water Construction
Coalition

American Society of Civil Engineers

National Association of Counties

Association of Metropolitan Water
Agencies

National League of Cities

Association of State Drinking Water
Administrators

Protect Kids From Lead Coalition

United States Conference of Mayors

Water Environment Federation

¹ Analysis of State Drinking Water Programs' Resources and Needs, ASDWA, 2020.
<https://www.asdwa.org/wp-content/uploads/2020/07/2019-Analysis-of-State-Drinking-Water-Programs-Resources-and-Needs.pdf>



August 28, 2026

The Honorable Brett Guthrie, Chairman
The Honorable Frank Pallone, Jr., Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

RE: Subcommittee on Environment Hearing: "Reliable Water in the Digital Age: Examining Legislation to Strengthen Drinking Water Systems and Protect Ratepayers"

Dear Chairman Guthrie, Ranking Member Pallone, and Members of the Committee:

On behalf of the Association of State Drinking Water Administrators (ASDWA), I appreciate the opportunity to submit this statement for the record regarding the upcoming legislative hearing, *Reliable Water in the Digital Age: Examining Legislation to Strengthen Drinking Water Systems and Protect Ratepayers*. ASDWA appreciates the Committee's continued attention to safeguarding America's drinking water systems and the critical role that state drinking water programs play in implementing the Safe Drinking Water Act (SDWA).

The legislation before the Subcommittee addresses two distinct but connected challenges: sustaining the state programs responsible for drinking water protection and preparing communities for the infrastructure, supply, and affordability implications of major new water demands. ASDWA offers the following comments on each proposal.

I. Public Water System Supervision Funding and State Program Capacity

As Congress considers legislation addressing drinking water reliability, cybersecurity, emerging contaminants, and infrastructure needs, ASDWA urges the Committee to prioritize the long-term sustainability of the Public Water System Supervision (PWSS) Grant Program. PWSS funding is the backbone of state implementation of the Safe Drinking Water Act. While infrastructure investments through the Drinking Water State Revolving Fund are essential, those investments cannot succeed without adequately staffed and resourced state programs to oversee, implement, and support the federal drinking water program.

State drinking water agencies are responsible for a wide range of activities that directly protect public health, including:

- Conducting sanitary surveys and inspections;
- Reviewing engineering plans and specifications;
- Implementing and enforcing national drinking water regulations;
- Supporting capacity development and operator certification programs;
- Responding to contamination events and drinking water emergencies;
- Providing technical assistance to public water systems; and
- Coordinating cybersecurity, resilience, and emergency preparedness efforts.

Over the past decade, state drinking water programs have been asked to implement increasingly complex federal requirements while facing persistent staffing and resource challenges. New and emerging responsibilities, including PFAS regulation, Lead and Copper Rule Improvements implementation, cybersecurity preparedness, resilience planning, and technical assistance have significantly increased workload expectations without corresponding increases in core program funding.

These challenges are particularly relevant to the legislation under consideration by the Committee. Whether addressing cyber threats, system resilience, infrastructure investments, or affordability concerns, successful implementation ultimately depends on state program capacity. States serve as the front-line co-regulators under the Safe Drinking Water Act and remain the primary connection between EPA and more than 150,000 public water systems across the country.

Accordingly, ASDWA strongly supports reauthorization of the PWSS Grant Program at \$450 million annually, consistent with previous recommendations advanced by ASDWA and numerous water sector organizations. This funding level would help states recruit and retain qualified staff, implement new federal requirements, enhance technical assistance capabilities, and maintain state primacy programs that have successfully protected public health for decades. Failure to adequately invest in state drinking water programs risks weakening state primacy and could ultimately shift additional oversight responsibilities back to EPA, creating inefficiencies and reducing the effectiveness of the national drinking water program.

In addition to PWSS funding, ASDWA encourages the Committee to recognize several related implementation challenges:

- The growing workload associated with PFAS, Lead and Copper Rule Improvements, and future regulatory actions;
- The need for workforce development and operator recruitment initiatives;
- The importance of providing states flexibility to implement cybersecurity and resilience programs;
- The need for continued technical assistance and capacity-building support for small and rural communities; and
- The importance of maintaining a strong state-federal partnership built upon the principles of cooperative federalism.

II. Data Center Water Demand, Infrastructure, and Ratepayer Protection

ASDWA recognizes the growing importance of digital infrastructure to the nation's economy and the significant investments being made in data centers across the country. At the same time, many state drinking water programs are confronting increasing challenges related to water supply planning, infrastructure capacity, source water protection, drought resilience, and affordability. As communities continue to experience population growth, economic development, and changing water use patterns, it is important that drinking water systems and state regulatory programs are equipped to address these emerging demands.

From a state drinking water program perspective, several considerations might guide Congress through its evaluation of policies related to large-scale water users:

Long-Term Water Supply Planning

Large industrial and commercial water users, including data centers, can represent significant new demands on local water supplies. States and water systems benefit when these demands are identified early and incorporated into long-term source water, infrastructure, and capital planning efforts. Advanced planning helps ensure that communities can accommodate economic growth while maintaining reliable drinking water service and protecting public health.



Protection for Ratepayers from Unanticipated Costs

When major new water demands require source development, treatment expansion, transmission improvements, storage facilities, or other infrastructure investments, it is important that financing structures appropriately account for those costs. Water utilities should have flexibility to recover the expenses associated with serving significant new demands in a manner that is equitable and transparent for all customers. ASDWA supports methods of protecting utilities and the communities they serve who may be left footing the bill for substantial investments if or when a datacenter (or any very large commercial ratepayer for that matter) reduces or ceases operations.

Variability in Local Conditions

The water resource implications of data center development differ considerably across the country. Factors such as source water availability, population growth, drought conditions, infrastructure capacity, and regional hydrology can affect how individual communities evaluate and manage new demands. ASDWA encourages approaches that preserve flexibility for states and local utilities to make decisions based on local circumstances and water resource conditions. To that end, ASDWA recommends that state primacy agencies and local utilities are included early in discussions and planning.

Source Water Protection and Resilience

As water demands grow, continued attention to the quality and quantity of drinking water sources, drought preparedness, emergency planning, and long-term resilience becomes increasingly important. State drinking water programs play a key role in helping communities evaluate these challenges and ensure that public water systems can continue providing safe and reliable drinking water under a wide range of future conditions.

State Drinking Water Program Capacity

Regardless of the policy approaches adopted by Congress, successful implementation will depend upon adequately funded state drinking water programs. States are responsible for reviewing system capacity, conducting technical evaluations, providing oversight and assistance to public water systems, and implementing Safe Drinking Water Act requirements. Continued investment in the Public Water System Supervision Grant Program remains critical to ensure states have the resources necessary to address evolving challenges, including those associated with growing industrial and commercial water demands.

ASDWA appreciates the Committee's attention to these issues and its commitment to ensuring that drinking water systems remain reliable, affordable, and resilient. We would welcome the opportunity to provide additional information from state drinking water programs regarding implementation challenges and emerging priorities.

Thank you again for your leadership and your ongoing engagement with ASDWA and state drinking water programs.

Sincerely,



Anthony R. DeRosa

Executive Director

Association of State Drinking Water Administrators

The Association of State Drinking Water Administrators (ASDWA) is the professional non-profit association serving the administrators who lead the 57 state, tribal, and territorial drinking water primacy agencies. Primacy agencies are co-regulators with the Environmental Protection Agency in the development and implementation of drinking water regulations under the Safe Drinking Water Act. The drinking water primacy agencies' collective workforce of about 3,600 staff works tirelessly every day to ensure that the nation's 150,000 public water systems (PWS) provide safe drinking water every time consumers turn on the tap.



September 3, 2026

The Honorable Gary Palmer
Chairman
Energy and Commerce Committee
Subcommittee on Environment
Washington, DC
20515

The Honorable Paul Tonko
Ranking Member
Energy and Commerce Committee
Subcommittee on Environment
Washington, DC
20515

Dear Chairman Palmer and Ranking Member Tonko,

Thank you for the opportunity to submit a statement for the record on today's subcommittee hearing, "Reliable Water in the Digital Age: Examining Legislation to Strengthen Drinking Water Systems and Protect Ratepayers." There is pressing need to reauthorize the Drinking Water State Revolving Fund (DWSRF) and other federal drinking water programs so that water systems have the resources to continue providing clean, affordable drinking water.

AMWA is comprised of the nation's largest publicly owned drinking water systems, collectively serving more than 140 million Americans from coast to coast with drinking water. During the previous reauthorization of the SRFs and water infrastructure programs, AMWA worked with Congress to develop the legislation that became the Drinking Water and Wastewater Infrastructure Act (DWWIA) and strongly supported the bill when it was enacted in 2021.

AMWA appreciates the subcommittee convening this hearing to move forward in reauthorizing these programs and discuss the major issues impacting water systems today, including the proliferation of data centers. AMWA is eager to work with this subcommittee to ensure that federal programs continue to address water system needs, allowing them to provide the most affordable, high quality drinking water to communities.

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Will Pickering
Pittsburgh Water

Kenneth Waldroup
Cape Fear Public Utility
Authority

TREASURER

Lindsey Rehtin
Northern Kentucky Water District

Tad Bohannon
Central Arkansas Water

Randy E Hayman
Sewerage and Water Board of
New Orleans

Shaun Pietig
WaterOne

SECRETARY

Chris Browning
Oklahoma City Water Utilities
Trust

Jeff Brown
Onondaga County Water
Authority

Matthew Jalbert
Trinity River Authority of Texas

Doa Ross
Las Vegas Valley Water District

Spencer Bruce
Louisville Water Company

Yann Le Gouellec
Newport News Waterworks

Jeffrey Thompson
Central Alabama Water

**INTERIM CHIEF EXECUTIVE
OFFICER**

Dan Hartnett

Shane Chapman
Metropolitan Water District of
Southern California

Rachel Murphy
Contra Costa Water District

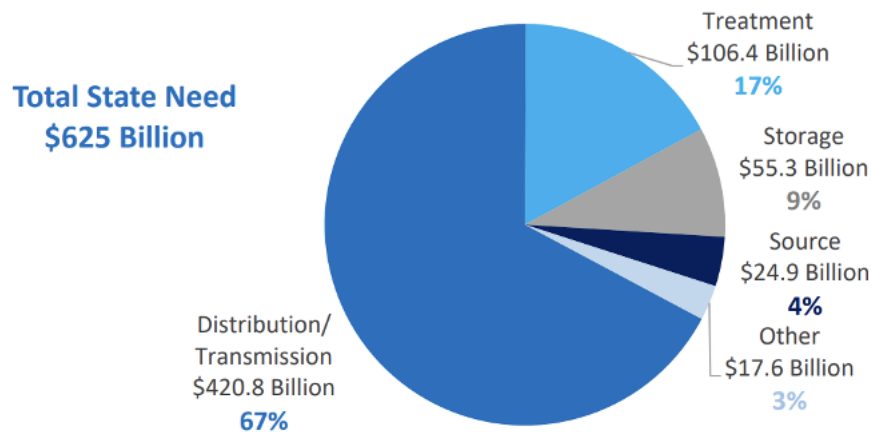
John P. Sullivan, Jr.
Boston Water and Sewer
Commission

Drinking Water Investment Needs

The investment needs facing the nation's water systems are well-documented. The Environmental Protection Agency (EPA) has estimated that the water and wastewater sector requires more than \$1.2 trillion worth of investment over the next 20 years just to maintain current levels of service, and \$625 billion of this need is represented by the drinking water sector. Of that, just over \$235 billion comes from metropolitan systems serving more than 100,000 people.¹

The below chart shows a breakdown of the percentage of need by infrastructure project category.

Exhibit 1.2: Total 20-year State Need by Infrastructure Project Category (in billions; January 2021 dollars)



Source: EPA 7th Drinking Water Infrastructure Needs Survey and Assessment

Accounting for inflation, the total drinking water investment needs represent a 14 percent increase over the previous Drinking Water Needs Survey results in 2015. This signals that investments in drinking water infrastructure are not keeping pace with the need, and that the gap will continue to grow over time. EPA has also reported on the various types of water infrastructure investment needs faced by the nation. Distribution and transmission make up most drinking water funding needs, representing \$420 billion over the next 20 years. This includes raw water transmission, finished water transmission, and distribution mains—the primary pipes that carry water from a treatment plant to a distribution network, and then distribute water throughout a community. Water treatment makes up the second largest cost of all drinking water infrastructure needs, at \$106 billion.

¹ EPA's 7th Drinking Water Infrastructure Needs Survey and Assessment, https://www.epa.gov/system/files/documents/2023-09/Seventh%20DWINSAs_September2023_Final.pdf

The Safe Drinking Water Infrastructure Improvement Act of 2026

AMWA appreciates the subcommittee for circulating its draft Safe Drinking Water Infrastructure Improvement Act of 2026, which would reauthorize the DWSRF and several other critical drinking water infrastructure programs. Each of these programs are scheduled to expire later this month, so prompt action to extend them, and to provide funding at appropriate levels, will ensure water systems have the resources to invest in reliable, modern infrastructure.

Drinking Water State Revolving Fund

Our nation's drinking water infrastructure programs are essential to every American. The low-cost loans that the SRFs offer are utilized by many states and territories and are an integral part of water infrastructure funding for municipal water and wastewater agencies. Cuts to the SRFs would be a huge setback in our ability to keep water rates affordable, and provide safe, clean drinking water. While programs vary from state to state, communities save on average between 20 to 25 percent of total project costs when they finance through the SRFs instead of traditional markets.² With an estimated \$625 billion in funding needed for drinking water infrastructure, failing to adequately fund these fiscally responsible programs will threaten water systems' ability to carry out their core missions and deliver basic services.

AMWA recommends that the committee reauthorize the DWSRF in line with the funding levels proposed in the Senate Environment and Public Works Committee's Water Resources Development Act of 2026 (WRDA), which would increase the DWSRF authorized funding to \$4.5 billion over the next five years. Given the \$625 billion needed investment in drinking water infrastructure, along with unfunded regulatory mandates that drinking water systems will need to comply with in the near future, water systems would benefit from increased SRF funding. Without increased federal assistance, water systems will struggle to maintain affordable water rates for communities.

Drinking Water System Resilience

During development of DWWIA, AMWA worked with Congress to develop the Midsize and Large Drinking Water System Infrastructure Resilience and Sustainability Program. This program helps drinking water systems protect against damage from natural disasters, severe floods, drought, or cyber attacks. Establishing this source of dedicated funding to help all drinking water systems address these challenges has been one of AMWA's top long-term priorities. Just this week, the EPA announced the program's first funding awards, totaling \$11.75 million to ten different communities

² https://www.epa.gov/system/files/documents/2024-03/building-program-demand-through-outreach-engagement-a-dwsrf-handbook-for-states_508.pdf

across the country. Among the recipients are two of AMWA's members, Denver Water and the City of San Diego.

Denver Water will receive funding to increase drinking water system resilience to wildfires and extreme weather events through dam infrastructure upgrades. San Diego will receive funding to address natural hazard and cybersecurity vulnerabilities through Programmable Logic Controller (PLC) replacement. AMWA applauds the committee for including this program, along with a similar program that is dedicated to assisting small community water systems, in its reauthorization package.

Addressing Lead Service Lines

The Infrastructure Investment and Jobs Act reauthorized a key competitive grant program at EPA to further protect public health and drinking water from lead contamination. Originally established in 2016 with AMWA's support, the Reducing Lead in Drinking Water grant program (Section 1459B of the Safe Drinking Water Act) is making strides to help disadvantaged communities ensure their water is safe to drink. AMWA is pleased to see this program reauthorized in the committee's draft legislation. To date, over \$57 million in grant funding has been awarded to eight different communities, including water systems in Rhode Island, Michigan, Massachusetts, Illinois, and New Jersey.³

There is a great need for ongoing, competitive lead serving line replacement funding. As community water systems face a 2037 deadline to replace all lead service lines under EPA's Lead and Copper Rule Improvements, many utilities will need additional federal assistance in order to complete lead service line replacements, without imposing unaffordable cost burdens on ratepayers. The Reducing Lead in Drinking Water grant program represents a sustainable way to provide this assistance, so AMWA supports its reauthorization.

Water Sector Cybersecurity

AMWA appreciates the committee's efforts to address water sector cybersecurity concerns, as drinking water systems represent an attractive target for cyber adversaries. A successful attack would not only threaten water quality and public health, but would also undermine public confidence in the safety and reliability of drinking water.

Cyber threats to water systems have grown in recent years. According to Water Information Sharing and Analysis Center (WaterISAC), from April 2024 through March 2025, roughly 14 percent of

³ <https://www.epa.gov/dwcapacity/wiin-grant-reducing-lead-drinking-water>

water utilities responding to its quarterly incident survey reported experiencing at least one cybersecurity incident. This is an increase from about 11.5 percent of responding water systems during the same period the year before.⁴ At the same time, cyber threats are becoming more frequent, more sophisticated, and more damaging, requiring ongoing and sustained investment by water utilities to manage risk.

Nation-state threats pose a serious risk. Most recently, dozens of water utilities across the country ranging from small to large size were affected by cyberattacks targeting internet-connected devices of water and wastewater systems. In recent years, a Chinese-affiliated cyber group known as Volt Typhoon has been linked to long-term, stealthy intrusions into U.S. critical infrastructure networks.

As more water systems use internet-connected operational technology to remotely monitor and control pumps, valves, and chemical dosing, new cybersecurity challenges are introduced. AMWA appreciates the committee's expansion of the Innovative Water Infrastructure Workforce Development Program to include the availability of training activities and resources related to the cybersecurity of water and wastewater utilities. While large, well-resourced utilities may have greater resources to invest in cybersecurity preparedness and take advantage of this collection of tools and resources, capacity across the water sector varies significantly. It is critical to expand resources and access to water systems that lack the dedicated personnel to make sense of these tools or have the financial resources required to implement recommended measures.

Expand Participation in WaterISAC

WaterISAC is a nonprofit organization that serves as the trusted security network and information-sharing hub for the water and wastewater sector, providing members with threat analysis, risk-management tools and best practices, and support in mitigating and responding to cyberattacks. As water utilities continue to experience an increase in cyber attacks, WaterISAC has helped utilities maintain strong cyber and physical security.

Despite its critical role in the water sector, WaterISAC receives no state or federal grant funding and therefore operates as a dues-based subscription service and faces challenges in connecting with the thousands of water and wastewater systems across the country. Currently, only about 680 water and wastewater systems are members of WaterISAC, equating to about one percent of all systems nationwide. Increasing participation in WaterISAC to include more of the nation's water systems would raise the sector's baseline level of preparedness by providing more utility managers with the tools they need to withstand cyber threats.

⁴ <https://www.waterisac.org/threat-analysis-for-the-water-and-wastewater-sector-october-2025>

AMWA recommends the committee incorporate language into the reauthorization package to authorize a program at EPA that would encourage membership in WaterISAC. The Senate WRDA bill passed by the EPW Committee included a provision to establish this program, based on legislation that has already been introduced in the House (H.R. 2344, the Water Intelligence, Security, and Cyber Threat Protection Act). This legislation directs EPA to educate water systems about resources offered through WaterISAC and allocates funding to help water systems offset WaterISAC's membership costs. Based on a similar Energy Department program that helps bulk power systems connect with their sector's ISAC, the legislation recognizes that simply raising awareness of the cyber resources available to water systems is a critical first step to facilitating adoption of cybersecurity best practices. Similarly, the funding authorized through the bill would ensure that fewer water systems miss out on having access to these resources because of cost.

The Water Cost Accountability Act of 2026

AMWA appreciates the committee's attention to ensuring that water rates remain affordable for customers, especially in context of a proliferation of data centers. AMWA's members also want to ensure that water rates remain affordable. However, water systems need to understand the water usage and infrastructure needs of proposed data centers in order to assess their capacity to provide a long-term water supply, accurately account for the cost of infrastructure investments, and ensure that water systems are financially protected from site abandonment or unexpected changes to planned data center construction.

While we appreciate the intentions behind the draft Water Cost Accountability Act of 2026, AMWA has some concerns that it could prevent some public water systems from working out effective arrangements to recoup the cost of infrastructure improvements necessary to serve data centers. For example, one AMWA member that is a water wholesaler reports that when it received a request from a customer water system to build a new transmission pipeline to serve a data center, the customer system agreed to cover at least twice the cost of the debt service to pay for the new project, for the next thirty years. In the case that the data center went out of business, the wholesaler that built the infrastructure would still be able to recover its upfront infrastructure costs.

Under the bill as written, the wholesaler described above would be unable to recover its costs from anyone but the data center directly. But because the wholesaler does not directly supply water to the data center, as they only provide water to other community water systems, it would have no means to recover these costs. Other scenarios like this could play out across the country as different communities wrestle with challenges posed by data centers, as well as the opportunities they present as new, revenue-paying water customers.

The Honorable Gary Palmer
The Honorable Paul Tonko
September 3, 2026
Page 7 of 7

AMWA shares the goal of ensuring that costs associated with water infrastructure projects necessary to serve data centers are paid for by those data centers. However, AMWA recommends taking additional time to examine the issue and account for the complexities involved in this process to avoid inadvertently impacting existing mechanisms that facilitate appropriate project financing. AMWA welcomes the opportunity to work with the subcommittee to refine language to ensure it results in the intended outcome of protecting ratepayer and community interests.

Conclusion

AMWA thanks the subcommittee for holding this important hearing and for its commitment to reauthorizing critical federal drinking water programs. The association reiterates its support for these reauthorizations, and the need for higher funding levels across many of these programs, such as the DWSRF. AMWA is eager to continue working with the subcommittee to finalize a legislative package that equips water systems across the country with the necessary resources to provide clean, affordable drinking water.

Sincerely,



Dan Hartnett
Interim Chief Executive Officer



September 3, 2026

The Honorable Gary Palmer
Chairman
Committee on Energy & Commerce
Subcommittee on Environment
U.S. House of Representatives
Washington, DC 20515

The Honorable Paul Tonko
Ranking Member
Committee on Energy & Commerce
Subcommittee on Environment
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Palmer and Ranking Member Tonko:

On behalf of the Healing Our Waters-Great Lakes Coalition and our 220 member organizations, we write to share our appreciation for the Energy & Commerce Committee's Environment Subcommittee taking steps to reauthorize critical drinking water infrastructure programs. While we acknowledge this effort, we write to express some concern for the proposed Safe Drinking Water Act to be discussed at the legislative hearing on Thursday, September 3.

The bill, as currently drafted, does not adequately address the well-documented drinking water infrastructure needs of the Great Lakes region or the nation. Notably, the Drinking Water State Revolving Fund (SRF) reauthorization is a step back in federal support, proposing a \$3.25 billion (74%) cut to the current authorization level. We urge the Subcommittee to reconsider its proposal and work in a bipartisan way to reauthorize these programs at levels commensurate with the infrastructure needs of our region and the nation.

The Great Lakes region – like our nation – faces failing water infrastructure that is impacting the health of people and communities. Grappling with crumbling and unsafe drinking water infrastructure, a staggering \$147.7 billion over 20 years is needed to improve, upgrade, and repair systems across Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, Wisconsin, and its federally recognized tribes. This work is increasingly unaffordable for communities and residents. Costs are too often passed on to those who can least afford it, disproportionately impacting communities that have historically borne the brunt of environmental injustice with water utility bills doubling or tripling in communities across the region over the last decade.

Over the past five years, the bipartisan Infrastructure Investment and Jobs Act (IIJA; P.L. 117-58) has been instrumental in helping states begin to address their drinking water infrastructure needs after decades of federal underinvestment. These funds have advanced critical construction and upgrades across the region, along the way rebuilding a water infrastructure workforce that was in serious decline. There are countless success stories from this investment across the country. You can find a few of those from the Great Lakes region here at healthylakes.org/in-your-state.

Critical to this success are the supplemental funds provided alongside increased programmatic authorizations. In addition to annual appropriations, the IJA provided over \$11.7 billion in supplemental funds for the Drinking Water SRF, \$15 billion for lead service line replacement, and \$4 billion for action on emerging contaminant threats to drinking water. With the expiration of these supplemental funds, each state must now contend with a dramatic reduction in funding. A decline that will be compounded by a significant reduction in authorization and investment over the next five years for the Drinking Water SRF as proposed in this legislation.

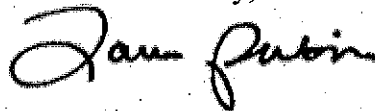
Congress took a critical first step with the IJA in addressing a nationwide infrastructure crisis and it must now recommit itself to continuing this work. As the Subcommittee discusses the draft Safe Drinking Water Act, we encourage any final bill to include:

- Reauthorization of the *Drinking Water State Revolving Fund* at no less than the current authorized level of \$4.376 billion annually. The current draft proposes an annual authorization of \$1.126 billion over 5 years, a 74% cut over current levels.
- Reauthorization of the *Reducing Lead in Drinking Water* program at \$200 million, doubling current authorization in recognition of the significant need for lead action and the stated goal of removing 100% of lead service lines nationwide by 2034. The current draft proposes reauthorization at \$100 million, consistent with current authorization.
- Reauthorization of the *Assistance for Small and Disadvantaged Communities* program at \$140 million annually, as noted in the discussion draft.
- Reauthorization of the *Innovative Water Infrastructure Workforce Development Program* at \$8 million annually, a \$3 million increase in authorization as proposed in the discussion draft.

We are grateful to the Subcommittee for taking this first step in addressing this pressing legislative priority. Investing in our region's water infrastructure not only protects public health, but it also allows for important infrastructure upgrades that improve the resiliency of our communities, reduce maintenance and operational costs, and create good-paying, local jobs.

The Coalition looks forward to continuing to support bipartisan Congressional action to meet the drinking water needs of our Great Lakes communities. If there are any questions or if we can be of help as these discussions continue, please feel free to reach out to our Coalition's Senior Policy Manager, Alexis Lopez-Cepero at (202) 725-7747 or alopez-cepero@npca.org.

Sincerely,

A handwritten signature in dark ink, appearing to read "Laura Rubin", written in a cursive style.

Laura Rubin
Coalition Director



CREATING GOOD JOBS, A CLEAN ENVIRONMENT, AND A FAIR AND THRIVING ECONOMY

Chair Brett Guthrie
Energy & Commerce Committee
U.S. House of Representatives
Washington, DC 20515

Ranking Member Frank Pallone
Transportation and Infrastructure Committee
U.S. House of Representatives
Washington, DC 20515

September 2, 2026

Dear Chair Guthrie and Ranking Member Pallone:

The BlueGreen Alliance (BGA) unifies labor unions and environmental organizations into a powerful force to fight climate change, protect the health of people and the environment, stand against economic and racial inequality, and create and maintain good-paying, union jobs in communities across the country. As the U.S. House of Representatives Energy and Commerce Committee moves forward on the Safe Drinking Water Infrastructure Improvement Act of 2026 we would like to highlight BGA priorities for programs that support safe, clean, and affordable drinking water and create good jobs in the process.

BGA PRIORITIES FOR DRINKING WATER AND WASTEWATER INFRASTRUCTURE ACT (DWWIA) OF 2021 REAUTHORIZATION

1. **Reauthorization of the Drinking Water State Revolving Fund (DWSRF):** The most recent U.S. Environmental Protection Agency (EPA) survey assessing drinking water infrastructure needs found that \$625 billion was needed for pipe replacement, treatment plant upgrades, storage tanks, and other key assets. We request reauthorization of these programs with funding of at least \$10 billion per year. Any earmarks should be separately authorized and funded and not taken from state revolving funds.
2. **Reauthorization of the Lead Service Line Replacement funding:** The final enacted appropriations in the Bipartisan Infrastructure Law (BIL) were \$15 billion over five years, or \$3 billion/yr. Estimates of the cost of total lead service line replacement calculated in 2022 were approximately \$60 billion, though presumably that number has increased with inflation. Additionally, many municipalities in accordance with EPA's Lead Copper Rule Improvements will be required to remove lead service lines in the next decade and will need federal support to do so. Municipalities have lauded this program and the importance of having funds specifically for lead service line replacement. Reauthorize funding at no less than \$3 billion annually, consistent with the level provided through BIL.

3. **Reauthorization of the Innovative Water Workforce Program:** In 2019, the EPA estimated that one-third of the water sector workforce was eligible to retire in the next 10 years. Additionally, the Lead and Copper Rule Improvements finalized by the EPA in late 2024 will spur municipalities to replace their lead service lines by 2037, promising a steady stream of work for the water workforce. The Innovative Water Workforce Program was authorized under the American Water Infrastructure Act of 2018 but amended in BIL (Sec 50211) with \$5 million for every year FY22-26. It provides grants to municipalities to expand career opportunities in the drinking water and wastewater utility sector and elevating public awareness about jobs in the water workforce. The need is ongoing, and the proposed amount of \$8 million per year in the bill should be authorized for FY27-31 with priorities going to water systems in disadvantaged communities.
4. **Authorize a Permanent Low-Income Household Water Affordability Program:** DWWIA authorized a pilot for a first ever program to help low-income households with water bills. Congress appropriated \$638 million in December 2020 and an additional \$500 million in the American Rescue Plan Act in March 2021 for low-income water assistance during the COVID pandemic. This temporary funding ran out by the end of 2023. An EPA report mandated by DWWIA found that between 12–19 million households throughout the United States lack affordable access to water services and that the estimated need for assistance ranges from \$5.1 billion to \$8.8 billion per year. This demonstrates an urgent need for a permanent low-income water assistance program akin to the Low-Income Home Energy Assistance Program (LIHEAP) program.
5. **Enforce the Build America, Buy America Act (BABA):** BABA requirements must be maintained and enforced to ensure taxpayer funded infrastructure projects grow domestic manufacturing, build more stable supply chains, and support good-paying U.S. jobs.

We urge bipartisan support for robust funding that will support clean, safe drinking water, increase affordability, and create family-sustaining jobs across the country.



Resolution 26-1
Approved September 2, 2026
Jackson, Wyoming

As certified by
Ben Grumbles
Executive Director

PFAS LIABILITY AND COOPERATIVE FEDERALISM

WHEREAS, U.S. EPA has designated Perfluorooctanoic Acid (PFOA) and Perfluorooctanesulfonic Acid (PFOS) as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); and

WHEREAS, U.S. EPA, in the [PFAS \[Per- and Polyfluoroalkyl Substances\] Enforcement Discretion and Settlement Policy Under CERCLA Memorandum](#), states that it plans to hold “entities who significantly contributed to the release of PFAS contamination into the environment” responsible for contamination. U.S. EPA also states that it does not intend to pursue actions against or seek costs from some categories of entities based on “equitable factors” and may seek to limit some third-party litigation risks to such entities through settlements and waivers; and

WHEREAS, the U.S. Congress is considering legislation related to CERCLA liability and cleanup regulations for PFAS.

NOW, THEREFORE, BE IT RESOLVED, THAT THE ENVIRONMENTAL COUNCIL OF THE STATES (ECOS):

Requests that if the U.S. Congress intends to take action on PFAS liability and cleanup under CERCLA, it:

- Engage with states, territories, and the District of Columbia (hereinafter referred to as "states"), many of which are identifying ways to prevent pollution and push liability upstream to the polluters;
- Provide adequate financial, technical, and other resources to states to address PFAS through environmental programs delegated to them;
- Encourage U.S. EPA to make robust use of its enforcement discretion under current law to pursue PFAS polluters, taking equitable factors into account to reduce unfair situations to certain parties or potential shifts in cleanup costs to states;
- Ensure that entities, including federal agencies, facilities, and contractors operating federal facilities that are responsible for PFAS contamination remain liable and accountable under state and federal laws, regulations, and standards;
- Preserve existing statutory authority and longstanding practices to ensure cleanup of contamination and other related costs including provision of alternative drinking water resources is paid for by responsible entities who contributed to the release of PFAS into the environment, including parties that manufactured PFAS or used PFAS in the manufacturing process, federal facilities, and other industrial parties;

- Support U.S. EPA's continued use of existing CERCLA statutory authorities that provide contribution protection from third-party claims for parties that did not significantly contribute to the release of PFAS into the environment;
- Urge U.S. EPA to support, accelerate, and expand the use of tools to eliminate or reduce PFAS at their source, including under the Clean Water Act pretreatment program, the Resource Conservation and Recovery Act, the Clean Air Act, and the Toxic Substances Control Act;
- Avoid preemption of state laws, regulations, and standards that differ from federal laws, regulations, and standards, and support the ability of states to execute their own processes to hold responsible parties, including federal agencies, facilities, and contractors operating federal facilities; and
- Require U.S. EPA and other federal agencies to increase their commitment to supporting research on PFAS and their mixtures, including toxicity, developing additional sampling and analytical methodologies across all media, and evaluating methods for capturing, disposing of, and destroying PFAS.