

**Testimony of
Bill Sterud, Chairman
Puyallup Tribe of Indians
Before the
House Transportation and Infrastructure
Subcommittee on Water Resources and Environment's
Hearing on
Building Back Better: The Urgent Need for
Investment in America's Wastewater Infrastructure**

February 23, 2021

Good morning my name is Bill Sterud. I am the Chairman of the Puyallup Tribe of Indians. I would like to thank Chairman DeFazio, Chairwoman Napolitano and our Congresswoman, Congresswoman Strickland for the opportunity to present testimony on this important topic of the need for greater investment in America's wastewater infrastructure and the need to better support infrastructure in Indian country.

I want to begin by telling you about my Tribe. The Puyallup Tribe is a federally recognized Tribe located in Pierce County, Washington along the shores of Commencement Bay, a large inlet of Puget Sound. The history of relations between the United States and our Tribe is spotted, but in recent decades we have made great strides forward achieving recognition of our Treaty rights, restoring our Tribal land base, and developing programs to better serve our members.

The Reservation consists of approximately 28 square miles in Pierce County WA and includes the city of Fife and portions of the city of Tacoma. Today, the Tribe has more than 5,461 members. Further, in addition to serving our members, we serve more than 29,000 Native Americans from over 200 federally recognized tribes and Alaskan villages, who, due to the federal Indian relocation program of the 1940s and 1950s, now call the area on and around the Puyallup Reservation home. The services we provide to our members and those Indian people leaving in our territory include housing, natural resources protection, law enforcement services, elder services, health care services, transportation, and educational services.

Foundational to the Tribe are our natural resources, the fish, wildlife and fauna, water, land and air in our territory. We depend on these resources for our

economic, cultural, and spiritual health and well-being. Thus, the protection and preservation of these resources is a priority for the Puyallup Tribe. However, there is no greater resource for the Puyallup Tribe than our people and protecting and preserving the health and well-being of our members is our top priority. The Clean Water Act Revolving fund and the Indian set-aside that is a part of it, is an important tool for all tribes to protect the health of their members and protect the health of their natural environment.

The pandemic has brought into critical focus the massive health disparities that exist between Indian country and the rest of America. In many cases this health disparity exists because there is a lack of water and sanitation infrastructure in Indian country. In its most recent FY 2021 Budget Justification, the IHS estimated that 1.6% of all American Indian/Alaska Native (AI/AN) homes lacked water supply or wastewater disposal facilities; and that approximately 27% of AI/AN homes needed some form of sanitation facilities improvements—essentially 30% of the homes in Indian county lack proper sanitation infrastructure. Thus, the simple act of washing your hands for twenty seconds is something that too many people in Indian country cannot do.

Beyond the pandemic, one critical metric that demonstrates the impact of inferior sanitation on health is the rate of *Helicobacter pylori* (H pylori) infection. H.Pylori is a bacteria found in fecal matter that enters a community's water supply because of a lack of proper sanitation waste disposal systems. One report estimates the prevalence of H. Pylori in tribal communities to be 64-81%. See, *Disparities in Cancer Incidence and Trends among American Indians and Alaska Natives in the United States*, <https://cebp.aacrjournals.org/content/28/10/1604> “*Disparities*”. This is a prevalence rate that is seen in third world countries.

The significance of this is that approximately 89% of stomach cancers are estimated to be attributable to chronic H.pylori infection. See, *Helicobacter pylori and Stomach Cancer Among Native Americans in Northern Arizona*, <https://in.nau.edu/nacp/helicobacter-pylori-and-stomach-cancer-among-native-americans-in-northern-arizona>. Thus, it is not surprising that the rate of stomach cancer among Indian people is almost double that of the non-Indian community. *Disparities*. Most of these deaths could have been prevented if people had not been exposed to poor sanitation. Other health indicators like obesity and diabetes can also be directly tied to a lack of access to clean water to drink.

Beyond the direct health impacts that Indian country experiences because of poor sanitation, there is the impact to our natural environment because of poor

sanitation facilities. Numerous reports have documented the impact that outdated and failing septic and sewage treatment facilities are having on the health of the Puget Sound. When septic and sewage treatment facilities fail bacteria enters our waterways threatening our valuable shellfish industry. But failing septic and sewage treatment facilities are not just a direct threat to the shellfish, they are an existential threat to all life in the Puget Sound.

It is well documented that excessive levels of nutrients, like nitrogen, negatively impact the Puget Sound. According, to a 2019 report from the Salish Sea model, wastewater treatment plants account for about 70% of the Puget Sound's over nutrients during warmer months. See, <https://www.invw.org/2020/12/07/outdated-sewage-treatment-is-suffocating-fish-in-puget-sound/> Specifically, the increased nutrients in the Puget Sound deplete the oxygen levels in the water, causing a condition called hypoxia, creating dead zones in the water. Essentially, when a living creature enters a hypoxic water area it dies from the lack of oxygen before it can get out. These dead zones can be as big as six miles in diameter.

The Supreme Court affirmed that states have an obligation to address aging infrastructure's impact on Treaty protected fisheries and wildlife habitat. *U.S. v. Washington*, 853 F.3rd 946 (9th Cir. 2017), affirmed per curiam, 584 U.S. __ (2018). While this case involved road culverts, the threat to treaty protected fisheries resources is equally as great from failing sewer and sanitation facilities. This obligation is not only shared by the states, its shared by the federal trustee as well. Thus, the federal government has a trust responsibility to address the impact of failing sanitation facilities on our treaty protected trust resources.

In 1976, as part of the groundbreaking Indian Health Care Improvement Act, Congress required the Indian Health Service to report the sanitation deficiencies in Indian country. 25 U.S.C. 1632(g). This list has documented for more than 40 years a growing sanitation backlog in Indian country. Today, the Indian Health Service estimates that there is a \$2.57 billion backlog in sanitation infrastructure in tribal communities. We know it is far greater as the Indian Health Service only considers Indian homes and does not consider the sanitation needs of our governmental facilities, schools, businesses, or non-Indian homes in our communities. Unfortunately, notwithstanding this level of need, the Indian Health Service only requested \$190 million in FY 2021 for both drinking water and sanitation facilities in Indian country. This will address only about 7% of the total need.

While the EPA's Clean Water Indian set-aside (CWISA) is an important partner in with IHS in addressing this backlog. The \$30 million now provided is woefully insufficient. We need a substantial investment now to address this critical backlog. Thus, we support the proposed Water Quality Protection and Job Creation Act and the proposed \$2.5 billion in wastewater infrastructure assistance for Indian communities.

With this increase in funding some important changes could be made to the program. We think that a portion of this increased funding should be dedicated to improving environmental water quality with an emphasis on protecting treaty resources. In this regard, we think the program should encourage tribes and other governments to work together to address this issue. At Puyallup, we want to work with municipal systems to address combined sewer overflows (CSOs). The Puyallup Tribe receives notices that a CSOs occurs almost every day. This means that every day raw sewage flows into the Puget Sound. We think the program can be adapted to encourage partnerships between governments to work collaboratively to address these environmental threats.

We also think the program must be modified to allow tribes to use this funding to address the sanitation needs of the entire Reservation community. It does not matter if the waste is from a home or a tribal school, it presents the same health and environmental threat. Thus, tribes need the resources to address these sanitations deficiencies associated with our community facilities and our businesses.

We appreciate the opportunity to testify and highlight the needs of Indian country on this critical topic.