

Opening Statement
Chairman Frank Pallone, Jr.
Committee on Energy and Commerce
Subcommittee on Environment and Climate Change
Hearing on “There’s Something in the Water: Reforming Our Nation’s Drinking Water Standards”
July 28, 2020

Safe drinking water is essential to our nation’s public health, and never has that been more clear than during this pandemic. Right now families are struggling to keep the water turned on so they can wash their hands to stay safe. And in too many communities, families are also worrying that contaminants in their water, including forever chemicals like PFAS, have weakened their immune systems and made them more susceptible to Covid-19. This simply should not be happening.

Every American should be able to turn on their tap, confident that the water coming out is safe and healthy. This should be true for all communities, including environmental justice communities. Where you live should not play a factor in whether or not your tap water is clean and safe.

And that should be true for the most vulnerable among us, including pregnant women, infants, children, the elderly, and those with underlying conditions.

Unfortunately, there are fundamental weaknesses in both the design and the implementation of the Safe Drinking Water Act that leave us all at risk.

The first fundamental problem is that the current water standard setting process, developed in 1996 through changes to the law, simply does not work. Right now, there are 90 drinking water standards in place covering contaminants or groups of contaminants, and all but six of those standards were established before the 1996 changes. The six standards put in place since then were all established under special statutory procedures. So, in the last 24 years, the Environmental Protection Agency (EPA) has not been able to set a drinking water standard under the general process.

Another fundamental problem is that the Safe Drinking Water Act is not designed to produce health-based standards. Four years ago, this Committee worked together in a strong, bipartisan fashion to revise the Toxic Substances Control Act from a regulatory system based on cost/benefit analysis to one based on health protection. We need to do it again now for the Safe Drinking Water Act.

And a third fundamental problem with the Safe Drinking Water Act is that it leaves far too much discretion to the EPA. The Trump EPA has used and, in my view, abused this discretion to move us in the wrong direction on drinking water safety. It has squandered the opportunity to strengthen our drinking water standard for lead. It has slow walked efforts to set a standard for PFAS, instead of using its authority to set interim standards. And it has abandoned the effort to set a standard for perchlorate after more than a decade of agency effort.

Some of these actions will be challenged in court. And some will likely be reversed by future EPA administrators. But in the meantime, the public will be exposed to harm.

For nearly a quarter century, we have depended on the protections of drinking water standards put in place before the 1996 amendments, as well as state standards and voluntary efforts by water utilities who want to do the right thing. But these efforts can only get us so far. We must strengthen the Safe Drinking Water Act to ensure that everyone has access to drinking water that is safe and healthy.

This important hearing continues the work of this Subcommittee to explore how the Safe Drinking Water Act should be reformed. I thank Chairman Tonko for his leadership in this effort, and I thank today's witnesses for their testimony.