

**Opening Statement of Republican Leader John Shimkus  
Subcommittee on Environment and Climate Change  
“There’s Something in the Water: Reforming Our Nation’s  
Drinking Water Standards”  
July 28, 2020**

*As Prepared for Delivery*

Thank you, Mr. Chairman, for recognizing me at today’s hearing on the regulatory standard setting provisions in the Safe Drinking Water Act.

Thirty-five years ago, Congress decided EPA was not regulating enough contaminants in drinking water. As a result, it amended the Safe Drinking Water Act to require EPA to issue regulations for 83 specific contaminants within three years. It also required EPA to issue regulations for at least 25 additional contaminants every three years thereafter, as well as filtration and disinfection and underground injection rules.

Ten years later, those changes had led to huge backlog as EPA struggled to satisfy the Act’s arbitrary goals. This Committee repeatedly heard how the Act’s mandates imposed significant burdens at the local, state and federal levels, and called into question whether the most significant public health risks were being addressed.

Former Clinton and Obama EPA official Bob Perciasepe [PER-CHA-SEP-EE] testified that the mandate for 25 new rules every 3 years “needs to be replaced with a scientifically defensible, risk-based approach” – conceding that this regulatory

numbers game “dilutes limited resources on lower priority contaminants, and as a consequence may hinder more rapid progress on high priority contaminants.”

States were also complaining they were unable to effectively implement core elements of their programs, much less the new and more stringent requirements of the Act.

Water systems complained that compliance costs may triple for new regulations with dubious scientific merits – including contaminant issues that were not in their state, significantly affecting small water systems.

In 1996, Congress stepped in to stop the chaos that the Safe Drinking Water Act was causing. Those reforms to the Act are now the current statute.

Like Mr. Perciasepe [PER-CHA-SEP-EE], Congress declared that quantity was not the true measure of whether EPA was doing its job, but rather the quality of the work it was doing.

Congress removed the quota and instead required EPA to prioritize contaminants it examined for regulation based on public health concern.

Congress then required EPA to decide whether those contaminants may have an adverse health effect, are substantially likely to occur in drinking water systems, and if regulation presented a meaningful opportunity for health risk reduction. If so, EPA must regulate. If not, the states could regulate, or EPA could provide information to concerned persons on that contaminant.

Finally, Congress demanded the use of high-quality science and made EPA set a protective level goal, but to allow for technical and economic feasibility considerations so long as there is an adequate safety margin in the final number.

This seemed like a reasonable way to protect public health by prioritizing the biggest threats while ensuring that quality science and practicality played a role in the regulations that would be issued.

No one expected there would not yet be a single regulation that went from start to finish under the regime instituted in the Safe Drinking Water Act in 1996. What they expected was thoughtful consideration and action where public health benefits were clear.

Since 1996, EPA has been regulating contaminants in drinking water. EPA has regulated Arsenic, revised its Total Coliform Rule, issued new rules on Stage 2 Disinfection By-Products, Surface Water Treatment, and Filter Backwash; and is angling to finish the Lead and Copper Rule this year. EPA has reviewed eight contaminants and decided they do not merit regulation; and issued public health advisories on several contaminants. These aren't small jobs; these are real actions that advance public health protection and they should not be discounted.

No system is perfect, but why would we give up an evidence-driven, science-based, objective, and practical system – only to go revert to a system driven by the notion that quantity makes quality?

It's always useful to examine laws to see if something can be done better, and there may well be a few improvements to be made here and there. However, before we get carried away in the rhetoric, let's consider the lessons of history so we don't go back and make the same mistakes twice.

I want to thank our witnesses for making time to be with us, and I yield back.