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THE CLEAN FUTURE ACT AND DRINKING WATER:

LEGISLATION TO ENSURE DRINKING WATER IS SAFE AND CLEAN

TUESDAY, MAY 25, 2021

House of Representatives,

Subcommittee on Environment and Climate Change,

Committee on Energy and Commerce,

Washington, D.C.

The subcommittee met, pursuant to call, at 11:35 a.m., via Webex, Hon. Paul Tonko [chairman of the subcommittee] presiding.

Present: Representatives Tonko, DeGette, Schakowsky, Sarbanes, Clarke, Ruiz, Peters, Dingell, Barragan, McEachin, Blunt Rochester, Soto, O'Halleran, Pallone (ex officio), McKinley, Johnson, Hudson, Carter, Palmer, Crenshaw, and Rodgers (ex officio).

Staff Present: Jeff Carroll, Staff Director; Jacqueline Cohen, Chief Environmental Counsel; Adam Fischer, Professional Staff Member; Waverly Gordon, General Counsel; Jessica Grandberry, Staff Assistant; Tiffany Guarascio, Deputy Staff Director; Anthony Gutierrez, Professional Staff Member; Caitlin Haberman, Professional Staff Member; Perry Hamilton, Deputy Chief Clerk; Zach Kahan, Deputy Director Outreach and Member Service; Rick Kessler, Senior Advisor and Staff Director, Energy and Environment;

Mackenzie Kuhl, Press Assistant; Brendan Larkin, Policy Coordinator; Dustin Maghamfar, Air and Climate Counsel; Elysa Montfort, Press Secretary; Kaitlini Peel, Digital Director; Tim Robinson, Chief Counsel; Chloe Rodriguez, Deputy Chief Clerk; Nikki Roy, Policy Coordinator; Andrew Souvall, Director of Communications, Outreach and Member Services; Rebecca Tomilchik, Policy Analyst; Sarah Burke, Minority Deputy Staff Director; Michael Cameron, Minority Policy Analyst, CPC, Energy, Environment; Nate Hodson, Minority Staff Director; Peter Kielty, Minority General Counsel; Mary Martin, Minority Chief Counsel, Energy and Environment; and Michael Taggert, Minority Policy Director.

Mr. Tonko. Good morning, the Subcommittee on Environment and Climate Change will now come to order.

Today the subcommittee is holding a hearing entitled the CLEAN Future Act and Drinking Water: Legislation to Ensure Drinking Water Is Safe and Clean. Due to the COVID-19 public health emergency, today's hearing is being held remotely. All members and witnesses will be participating via video conferencing as part of our hearing. Microphones will be sets on mute for purposes of eliminating inadvertent background noise.

Members and witnesses you will need to unmute your microphone each time you wish to speak. Documents for the record can be sent to Rebecca Tomlichik at the email address we have provided to staff. All documents will be entered into the record at the conclusion of today's hearing.

I now recognize myself for 5 minutes for an opening statement. Last week, Ranking Member McKinley and I were able to participate in the Bipartisan Policy Center's American Congressional Exchange program. Mr. McKinley was kind enough to host me in West Virginia for a few days. And thank you, David. And I really appreciate all the hospitality he showed me as I tried to better understand some of the challenges facing our constituents and in this case his constituents. I will not pretend that a short visit will solve all of our disagreements. But it indeed was eye opening.

One thing that we consistently heard was the need for infrastructure investments and this subcommittee can play a critical role in supporting our Nation's struggling water systems. Today we will consider some ten bills, including several Republican-led and bipartisan bills to support the infrastructure safety and affordability of our Nation's drinking water.

I always am quoted with every life and every job depend on access it to the clean drinking water. As we consider how to make our economic recovery robust and equitable, supporting our long neglected water systems must be a cornerstone of that effort, because the needs are indeed immense.

In its 2021 report card, the American Society of Civil Engineers rated the Nation's drinking water infrastructure as C minus and the EPA's 2018 Needs Survey estimated that an investment of over \$472 billion is required to maintain our drinking water systems over the next 20 years.

So every member of this subcommittee should be accustomed to local news reports of water main breaks. Boiled water advisories and service disruptions. And a few members are sadly all too familiar with major contaminations from lead, from PFAS, and other serious threats to public health. We have 700 main breaks everyday on average. We lose 6 billion gallons of treated water through leaks everyday. And there are hundreds of thousands of schools and children facilities delivering water through lead components American children everyday. This is unacceptable. And Congress knows that it is unacceptable.

In recent years, there have been bipartisan efforts to increase Federal assistance, to local water systems. But the needs have continued to grow. And the financial stress on local governments and their water customers have only become more acute due to the COVID-19 pandemic.

President Biden's American Jobs Plan recognizes this massive need and includes \$111 billion for drinking and wastewater infrastructure, including fully replacing every lead service line and addressing PFAS. The CLEAN Future Act invests \$105 billion over 10 years for our Nation's drinking water systems. Including \$53 billion for the Drinking Water State Revolving Fund, \$45 billion to fully replace lead service lines, and \$5 billion to

provide assistance to systems with PFAS contamination.

Other proposals under consideration today seek to address near and long-term affordability challenges and support financially distressed water systems. The AQUA Act, which I introduced, would make it easier for EPA to set national standards for emerging contaminants like PFAS in the future. This is what today's bills are about, making our drinking water safer, more reliable and more affordable, protecting our children from lead exposure at their homes and their schools, and ending the threat of having water service shut off amid this prolonged public health crisis.

These are not controversial things. They are fundamental government services that today local governments are struggling to provide. If you do not believe that the Federal Government should be stepping up and doing its fair share for this essential infrastructure, what exactly then should we be doing?

So I hope today can be the beginning of a conversation that allows us to find consensus that will deliver the assistance needed by our local communities and constituents to address their water needs.

I certainly welcome Dr. Jennifer McLain, from the Office of Groundwater and Drinking Water to this subcommittee. We look forward, doctor, to your perspective on these bills and our Nation's drinking water issues broadly. And we look forward to working with EPA to refine these proposals as they move forward in the House.

With that again, welcome to the subcommittee. And to all, let's have an engaging conversation on water infrastructure.

And with that I will recognize Representative McKinley, the ranking member of our subcommittee on Environment and Climate Change for his opening statement for 5 minutes, please. David.

[The prepared statement of Mr. Tonko follows:]

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Mr. McKinley. Thank you, Mr. Chairman. Look, I get a kick out of as is civil engineer, the only licensed civil engineer in Congress, I get a kick out of the fact that our committee and others keep referring to the ASCE report. Let's just keep working on that, Paul. I think is the right thing.

And thank you again for your opening remarks about coming to visit in West Virginia, because you had the chance to see firsthand in Wheeling how using the State Revolving Fund how they were putting in water lines in our streets in downtown. So you have seen the advantage of what has happened with it.

So my official remarks here primarily would be that our top priority that I am finding -- whenever I go to one of my water districts, their top priority is always about overcoming the associated costs with leaks and breaks in their lines. Their aging system, maybe some of them are over 100 years old. But keep in mind, Paul, as we talked about when you were here, West Virginia not unique. This is happening nationally. You already just mentioned, 250,000 waterline breaks annually. It is 700 a day.

Now, according to the American Water Works Association, we are losing, because of these breaks and leaks, we are losing as much as 30 percent of the water. Thirty percent of the water that we treated. And that amount, as you pointed out, 6 billion gallons of lost water a day. That is costing utilities, the public service commissions, these groups that are just so underfunded \$7.6 billion is being lost that they can't get revenue for. They have cleaned the water, but yet it is gone, \$7.6 billion. This 6 billion gallons is a huge amount.

Think about that, Paul, that for the whole committee, that amount of water we lose every year or everyday is more than the entire continent of Africa has available for their water system. Think about that. The water that we waste is more than they

have available for consumption in the entire continent of Africa.

So just imagine the hardship that all these leaks are doing to our public service commissions and utilities companies all across America. With 51,000 systems it can't be efficient to be losing 30 percent. Thirty percent is not acceptable. Imagine if we lost 30 percent of our oil and gas in the pipelines, if we leaked that?

Imagine our post offices, if they lost 30 percent of the mail? We have got to stop this. And according to the American Water Works Association, we are going to need 1.7, almost \$2 trillion through 2050 to repair this infrastructure. And at the rate we are helping our communities and public services, it will take over 100 years to catch up.

So my point, Mr. Chairman, why is Congress nibbling around the edges on this? We are passing bills that just whistle past the graveyard about these issues. Leaks and breaks cause heartaches. They are breaking the backs of our public service commissions. They simply don't have the financial resources to do that.

And if you look back on it, President Obama initially requested \$4 billion in his State Revolving Fund when he came to office. But then gradually he reduced that money down to less than \$2 billion. And when we ask that -- you remember, Tonko, in the committee when Gina McCarthy said the reason she did that, made the reduction is that because our priorities have changed and that the funding differences should be used for climate change initiatives like pamphlets, literature, educational.

So what I am saying is where can Congress identify the fund that we need? Maybe the money is already there. Congress has already signed multiple COVID relief funds for our States. We know that the States and local government have unappropriated funds sitting in their respective coffers and clean water is a public health issue.

So why don't we, as part of the legislation, really be serious about this instead of

nibbling around the mark, why don't we allow the States, if they choose, to transfer some of the Federal COVID money to the State Revolving Fund so that we can expedite these repairs without having to ask for more money. Everyone, the water mains will continue to break all across America and leaks are going to continue to occur over the next 100 years.

Mr. Chairman, this is not a partisan issue. We talked about it in West Virginia and you and I came to America deserves better. I think we have got a better plan than nibbling around the edges.

Thank you. And I yield back the balance of my time.

[The prepared statement of Mr. McKinley follows:]

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Mr. Tonko. The gentleman yields back. And again, thank you, Representative McKinley, for an enjoyable time in West Virginia and instructive also.

The chair now recognizes the chair of the full committee, Representative Pallone for 5 minutes for his opening statement. And again, thank you for the assistance on this issue, chairman. You are recognized for 5 minutes.

The Chairman. Thank you, Chairman Tonko.

I want to thank you for your long-standing leadership on drinking water issues and for calling this hearing because access to safe drinking water is essential to our health and prosperity as a Nation. Unfortunately. It is far from guaranteed.

I know our ranking member said that as well. And like many aspects of our lives, the COVID-19 pandemic has shown just how important and how fragile that access to safe drinking water is. We have aging infrastructure, we have tight State and local budgets, family budgets stretched to the limits, and climate change. These are all making the situation worse. But fortunately, the legislation we are considering today can help.

The President has called on us to invest \$111 billion on our Nation's water infrastructure, investments that can create good paying jobs, protect public health and strengthen communities. And the bills before us could deliver the investments and benefits envisioned in the President's American Job Plan and long supported by members of this committee.

We will discuss legislation from both sides of the aisle that would extend important Drinking Water Programs, including the State Revolving Fund as well as water resiliency, school drinking water, and Tribal water programs. We have multiple bills before us to address, customer water debt including a bipartisan bill that would establish permanent rate assistance programs to help low-income customers pay their water bills.

And we will discuss legislation from both sides of the aisle that will deliver the funding called for in the American Jobs Plan to replace all lead service lines nationwide.

The CLEAN Future Act, which I introduced earlier this year with Chairman Tonko and Rush invests \$45 billion over 10 years to replace all lead service lines. It also prioritizes replacing the lines in disadvantaged and environmental justice communities.

So our States and water assistance are trying to do the right thing to find lead service lines and replace them. And I look forward to hearing from the EPA today on how the agency and Congress can help States and water systems get it done.

In the past, we have had great success on this committee of coming together to pass funding for drinking water infrastructure. Unfortunately, we have made less progress coming together to strengthen drinking water standards and ensure safer drinking water for all based on those standards.

So I hope we have reached a turning point in that effort, bipartisan support for strengthening protections against lead and PFAS can point the way towards greater consensus on strengthening the law to provide safer water for all.

At last year's hearing on standard setting under the Safe Drinking Water Act I noted that almost all of our drinking water standards were set before the 1996 amendments to the statute. And the standards that have been set since then have all been done under special statutory provisions. So the end result is that over the last 25 years, EPA has never managed to complete the general standard setting process called for under this Safe Drinking Water Act. And I hope we can agree that that is a problem.

Some of the bills before us would set deadlines for specific drinking water standards, carving the path for help protective standards, the PFAS, microcystin, and one 1,4-Dioxane.

The AQUA Act, which you sponsored, Chairman Tonko and you mentioned it,

would go further and take steps to fix the standard setting process for all contaminants. The narrow changes in that bill could make a huge difference for communities across the Nation. And I hope that can be part of the bipartisan work going forward.

And over the last few months, I have often said that this moment of crisis provides us an opportunity to invest in our country, making us stronger, cleaner, healthier and better off. Drinking water legislation is a clear example of that opportunity. Every family should be able to trust that the water coming from the tap is safe. In order to make that happen, we have to come together to enact real improvements to our drinking water systems.

So again, I hope I really appreciate what you are doing here with this hearing and the bills. You know, it is a question of having better standards so that the water itself is safe but also providing the money so we can address the infrastructure. And both of those are what we are trying to accomplish here today.

So thank you again. And I yield back.

[The prepared statement of The Chairman follows:]

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Mr. Tonko. The gentleman yields back. The chair yields back.

The chair now recognizes Mrs. Rodgers, Representative Rodgers, who serves as ranking member of the full committee. Thank you for joining us, Representative. You are recognized for 5 minutes for an opening statement.

Mrs. Rodgers. Thank you, Mr. Chairman.

Good morning to all and to our witness. Before I get to my remarks I want to say thank you, Mr. Chairman for including the Drinking Water Funding for the Future Act as part of this hearing.

Helping our communities comply with the Safe Drinking Water Act, extending funding for approving proven programs, increasing purchasing power for drinking water systems, and bolstering technical assistance. These are the items upon which I think we all agree. These were the pillars of a very successful bipartisan drinking water package that became law in 2018. It can also be the formula for today.

We must invest in our children's future to win the future. But there is a difference between investing wisely and saddling our children with crushing debt. Last week, the committee for a responsible budget stated that despite record low borrowing rates, interest payments on the Federal debt will be over \$300 billion this fiscal year. We must think about creative ways to solve these problems, not just write a bigger check.

On today's bills, there are parts of each that sound appealing. But taken as a whole, they divert us to a dangerous pathway. Just let me highlight three areas. First, the authorization amounts contained in many of these proposals. For instance, Drinking Water Revolving Loan Fund authorized has increased 400 to 500 percent of the last appropriation bill passed by the Democrat led House. I support the Drinking Water State Revolving Fund. But I am concerned States cannot meet their matching

requirement. And I see few practical benefits with pushing a number this high.

Additionally, there is a \$45 billion authorization for lead service line replacements for both poor and wealthy Americans, including their privately owned pipes. This amount is being pushed, even though the EPA's yet to publish a needs assessment on the number of lead service lines and legislative pushes for lead line mapping.

The second area of concern is the creation of new entitlement programs to pay off unpaid invoices. I and many of my Republican colleagues supported bipartisan legislation to help effected people pay their water bill during this pandemic. But they were targeted and temporary. These bills create open ended programs that prevent future collection efforts for 5 years. Plus one of them creates the first ever entitlement program run by EPA. Moreover, these bills simultaneously require EPA to study the size and scope of the program while also pushing aid funding out the door, which seems a little backwards to me.

Lastly, there are proposals to change regulatory requirements when EPA issues drinking water and underground injection rules that I find concerning. One proposal strikes requirements, preventing EPA from issuing rules where the cost exceed the benefits and also remove variances for small systems, killing alternative, innovative, affordable means of compliance. Water itself may be quote "free" but treated water is not. Especially in towns like College Place, Washington, where they can't even afford the State Revolving Fund. We must sustain policies that prioritize finite resources to address public health matters, including Federal, State, local, or private ones.

Once Congress commits those resources, they won't be there for the worst once. Most importantly, these changes will place water systems into a spiral of debt, chronic noncompliance, or both. Essentially pushing any non urban or suburban system into consolidation under the terms of the Safe Drinking Water Act.

Additionally, Federal regulations on hydraulic fracturing and underground injection of carbon dioxide will not make water safer. It will however create a powerful disincentive for hydraulic fracturing and carbon capture, CCUS. This will make us less secure, more economically dependent going forward, whether from our government or a foreign nation. And it could sideline emissions reduction technology.

Mr. Chairman, I look forward to learning more about the EPA's current staff's views on these bills. I wish we had other stakeholders here to weigh in on these provisions. Nevertheless, I thank you. And I yield back the remaining of my time.

[The prepared statement of Mrs. Rodgers follows:]

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Mr. Tonko. You are welcome. The gentlelady yields back.

The chair reminds members that pursuant to committee rules all members' written opening statements shall be made part of the record.

Now, I will introduce the witness for today's hearing. As earlier mentioned we are joined by Dr. Jennifer McLain, director of office of groundwater and drinking water at the United States Environmental Protection Agency.

Dr. McLain, we appreciate the sharing of information today that will enable us to move forward the soundest policy. And so we appreciate your time and your information.

I recognize Dr. McLain now for 5 minutes to provide her opening statement. And again, thank you.

STATEMENT OF DR. JENNIFER MCLAIN, DIRECTOR, OFFICE OF GROUNDWATER AND DRINKING WATER, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Dr. McLain. Thank you. Good morning Chair Tonko, Ranking Member McKinley, and members of the subcommittee. I am Dr. Jennifer McLain, director of the Office of Groundwater and Drinking Water within the Office of Water at the U.S. Environmental Protection Agency. Thank you for the opportunity to testify about EPA's efforts to help ensure that all people in America have safe drinking water.

Water is essential to life and to thriving communities. And our Nation's drinking water systems deliver this vital resource thereby protecting public health and serving as a cornerstone for economic development. We have seen a lot of progress since Congress passed the Safe Drinking Water Act. Currently 93 percent of community water systems meet all health based standards. Unfortunately, many of the systems that ushered in this progress are aging. And their infrastructure needs repair or replacement.

Water's importance has never been clearer than during the COVID-19 pandemic, which highlighted the essential need for safe water while putting unprecedented stresses on water systems and on the tens of millions of Americans who are struggling to afford their water bills.

Tribal utilities and communities that lack reliable water infrastructure has been among the hardest hit. Our Nation's water utilities have worked tirelessly to keep vital drinking water and wastewater services operating. And EPA has supported water utilities throughout the pandemic and recovery including through infrastructure financing.

EPA's water infrastructure programs have demonstrated time and again that they

can improve public health and environmental protection while creating good paying jobs and laying a foundation for long-term economic development.

In the last 2 years, the two State Revolving Fund programs have collectively provided more than \$20 billion to support water infrastructure, which is estimated to create over 300,000 jobs.

Additionally, through the Water Infrastructure Finance and Innovation Act or WIIFIA loan program, EPA has provided more than \$9 billion to help finance more than \$20 billion in water infrastructure while creating more than 49,000 jobs and saving rate payers \$4 billion.

The strategic direction in partnerships water infrastructure investment can also help address key challenges facing communities. For example, the Drinking Water State Revolving Fund, managed by my office, prioritizes investments that protect public health and can be used by States to address affordability. To date, States have provided nearly \$3 billion in Drinking Water State revolving Fund additional subsidy to State identified disadvantaged communities.

EPA also supports access to safe drinking water on Tribal land through the Drinking Water Infrastructure Tribal Set-Aside Program. This track record of success underscores the potential of EPA's water infrastructure programs to deliver multiple benefits to communities across the country. EPA appreciates the attention that Congress and this committee have paid to addressing the impacts of the COVID-19 pandemic and in making critical drinking water infrastructure investment.

As part of the American Rescue Plan, Congress acknowledged EPA's essential role in closing the health disparity gap by advancing environmental justice, including in the area of safe drinking water. EPA also appreciates Congress' assistance in appropriating more than \$1 billion to support low-income water rate payers through a new program at

the Department of Health and Human Services.

Additionally, the legislative priorities in the committee's CLEAN Future Act and other legislative proposals would help support investments in the Drinking Water State Revolving Fund to protect our communities from PFAS in drinking water and replace millions of lead service lines across the Nation. EPA shares the committee's interest in addressing these critical challenges.

Thank you again, chair Tonko, Ranking Member McKinley, and members of the subcommittee. I appreciate the opportunity to testify today. And I look forward to answering any questions you may have.

[The statement of Dr. McLain follows:]

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Mr. Tonko. Thank you very much for your time today and for the information you will exchange, it will be very helpful.

We now will move to member questions. I will start, Dr. McLain, by recognizing myself for 5 minutes.

Drinking water is an area where I hope we will be able to find bipartisan consensus, especially when we know the status quo is not adequately serving our constituents or our local government partners. As has been mentioned, EPA estimated that \$472 billion will be needed over the next 20 years to maintain our water systems. This is a number that is hard to fathom. Dr. McLain, can you give us a sense of why the needs are so great?

Dr. McLain. Thank you for that question. I really appreciate the chance to come here and talk about our Nation's drinking water infrastructure. As you mentioned and as we have discussed, the drinking water infrastructure in this Nation is aging. And there is a critical need to modernize this aging infrastructure.

Much of that infrastructure has been in place for decades, some for maybe even 100 years. We also have the critical needs to increase resiliency of our systems against natural disasters and cyber attacks. So these are some of the reasons.

Mr. Tonko. Okay. I thank you for that.

In President Biden's American Jobs Plan includes \$111 billion for the State Revolving Funds, lead line replacements and other water infrastructure programs. I know that sounds like a lot of money, but do you believe that the proposal was developed in the context of our best assessments of water system needs, including the cost to fully replace every lead service line in the country?

Dr. McLain. Thank you for the question. We have been working closely with

States and water utilities to assess the needs. And this \$470 billion needs assessment that we have been talking about is through a survey of water utilities across the country. The need is great. And EPA has been working closely with States to try to get funding and financing, money out the door to help water systems improve their systems through the programs that we have in place today.

Mr. Tonko. Uh-huh. And, you know, the financing on these projects is very important. So today, how are most water infrastructure projects financed?

Dr. McLain. We use a number of tools. We have of course as we have discussed the State Revolving Funds and the WIIFIA loan program. Those programs are very critical in providing low interest financing for infrastructure improvement. And the State Revolving Fund of course includes programs for disadvantaged communities to provide no interest or loan forgiveness. We also use grant programs that are established by Congress to -- for specific needs such as supporting small and disadvantaged communities and replacing lead service lines and other lead reduction activities.

Mr. Tonko. Thank you. So if a local government cannot get support through perhaps a SRF loan, or a rare grant from EPA, or from the USDA, the full cost then is really being born by local budgets, municipal bonds, and water rate payers. That is correct?

Dr. McLain. Yeah, thank you. The decisions on how to finance infrastructure are a local decision. And it is correct that those infrastructure improvements can be made through a combination of different investments and resources, including using the bond market and using the programs that EPA or other Federal agencies have.

Mr. Tonko. Right. And that \$472 billion that has been calculated includes needs from systems of all sizes, does it not? There are massive needs I would imagine for both rural systems and urban systems and -- suburban in between. Is that correct?

Dr. McLain. Yes. It includes the needs for very, very large systems, and very small systems, and systems on Tribal lands in rural areas, and urban areas. All over the U.S.

Mr. Tonko. Thank you, Dr. McLain.

I will now yield to recognize Mr. McKinley, subcommittee ranking member for 5 minutes to ask questions.

Representative McKinley.

Mr. McKinley. Thank you, Mr. Chairman.

And welcome, Dr. McLain to the committee. Can you tell us how much money is being spent annually on water systems, repairing leaks and breaks all across this country annually?

Dr. McLain. Thank you for the question. I don't have a specific number for you on that, but as you recognized in your statement, it is a significant issue and systems do spend considerable amounts on --

Mr. McKinley. Dr. McLain, if you could get back to me, I would appreciate that, if you could get back and put some numbers on it.

So my question also if the American Water Works Association has projected that it could be as much as \$1.7 trillion to fix our aging infrastructure on water lines, just water lines, not sewer and sewage systems but just on water lines, how long do you think it would be -- what timeframe would be appropriate to make the repairs?

Hopefully, less than 100 years. Are we talking about 20 years, 30 years? What would be the level of improvements we have to make to retire it in 20 or 30 years?

Dr. McLain. Thank you for that question. The needs are great and they exist both in our --

Mr. McKinley. [Inaudible] Dr. McLain a year. What would be an appropriate

timeframe to fix all our water lines that are maybe 50 years old. Give me some conditions by which we could say, we are going to fix all our water lines, and leaks, and breaks over a 30 years period. Is that a fair -- something like that or do you want to go 100 years.

Dr. McLain. The decisions about construction projects really happen at a very local level. And the --

Mr. McKinley. But they are driven locally based on the ability to pay. And we know most of these SCR -- these are not grants, these are low interest loans and maybe they can be zero, but they have to be find the resources to be able to do that.

I have designed numbers of water systems in this country. I understand a lot of [inaudible] goes. I am trying to figure out what the timeframe is to address that, because for communities and public service districts that are aging or unemployed, they are hard pressed to be able to implement higher rates.

So my question then since you are not giving me a year on this -- and I would like to get some -- maybe you need to think about that, Dr. McLain, come back and say, we ought to fund something. It could be done over 50 years or 30 years. I would like to hear that.

But secondly, could you go back, when -- my opening statement was having to do with could we use the funds that we had from COVID for State and local government since it is used for healthcare on this, would that -- would you agree that that is a way that we might want to approach this using the unappropriated money that the State and local courts have that they can spend? Did you understand what I was trying to get to?

Dr. McLain. Thank you for the question. And I will commit to getting back to you on your question of projects and the years.

I do --

[The information follows:]

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Mr. McKinley. Could we use - would you support using some of the unappropriated COVID funds that are used by some States for roads and bridges, they have made some infrastructure -- could we use that for water lines? Because right now, to my understanding, we are prohibited from using that for augmenting the State Revolving Fund.

Would you support that concept.

Dr. McLain. As the director of the Office on Water and Drinking Water my job is to ensure that we are as efficiently as possible using the funds that are appropriated by Congress. And we will continue to do that. And we will be doing that in close partnership with the States and the local communities who have these infrastructure needs.

Mr. McKinley. Okay. I am sorry. I am not going to get an answer.

So if I could, section 205 of H.R. 3291 strikes the small system variances provisions in the Safe Drinking Water Act. These variances permit systems serving our Nation's smallest drinking water systems that cannot meet the national primary drinking water regulations. This variance by law is not permanent and that the quality of drinking water is required to ensure adequate protection of public health?

Dr. McLain. So as the director of the Drinking Water Program, I am implementing the Safe Drinking Water Act as it is written in the development of standards. Currently, the Safe Drinking Water Act has provisions for States to give variances if EPA has found that water treatment is not affordable.

Mr. McKinley. Dr. McLain, I have gone over my time. But you filibuster very well. I hope you get back to me with answers on the other questions. But thank you very much, water is critical. Thank you.

Dr. McLain. Thank you.

Mr. Tonko. The gentleman yields back.

The chair now recognizes Representative Pallone. Chairman Pallone, full committee chair for 5 minutes to ask questions.

Representative Pallone.

The Chairman. Thank you Chairman Tonko.

Dr. McLain, I appreciate everything you said in your testimony about how EPA's Drinking Water Program can improve public health, and create jobs, and support economic prosperity. But I think the Safe Drinking Water Act is primarily a public health statute. So I wanted to ask a few questions about that.

How can investing in removing lead service lines improve in the safety of drinking water? And what does that mean for public health?

And then secondly, what about investing in treatment technology to remove PFAS from drinking water?

Dr. McLain. Thank you for that question. Both lead and PFAS are significant public health issues that are a top priority for EPA. Removing lead service lines can contribute to public health protections. And what we know about lead in drinking water is that it is a very serious issue. It can be devastating to children and adults to be exposed to lead in their drinking water because lead is neurotoxin. And when there are homes that have lead service lines, removing those lead service lines is a significant advancement in the reduction of lead because those service lines can be the greatest contributor of lead in a home that has a lead service line.

The Chairman. And what about investing in treatment technology to remove PFAS from drinking water?

Dr. McLain. EPA is doing a lot of research on the ability of treatment different

treatment technologies to remove PFAS. And removing PFAS in drinking water is a protection that we support States and local communities in making.

The Chairman. And what about investing in school lead testing and drinking fountain replacement to help protect children? Both the testing and the drinking fountain replacement?

Dr. McLain. Thank you. Children spend a significant amount of their time in schools and childcare centers. And removing sources of lead in those places and testing to find out whether or not there are lead exposures in schools and childcare centers are both important measures for protecting children from lead in drinking water.

The Chairman. All right. Thanks.

We know that the environmental justice communities bear a disproportionate burden of harm from pollution. But how does assistance targeted at disadvantaged communities help protect public health in environmental justice communities?

Again, you know, going become to water systems.

Dr. McLain. Thank you for that question. Under the State Revolving Fund and under the Safe Drinking Water Act, States have set up disadvantaged communities programs and defined disadvantaged communities according to their State definitions.

And EPA works with States to set up those programs to ensure that the funds are going to disadvantaged communities that need the money to make improvements to their systems, especially those that are under resourced.

The Chairman. Right. I wanted to ask you, you noted in your testimony that 92 percent of water systems meet all health standards, but unfortunately, we have to standard for dangerous contaminants so that includes PFAS, microcystin, and also the one for Dioxane. So that figure does not give the full picture of drinking water safety.

So I know I am almost out of time, but I just wanted to ask quickly how would

setting standards for these three contaminants protect public health in communities that have them in their water?

Dr. McLain. Thank you. EPA is hard at work right now developing a drinking water standard for PFOA and PFAS. And we are conducting the analyses to support that standard. And we expect to go to the Science Advisory Board later this year. So we are very happy with that progress.

The Chairman. Is that for all three, the PFAS, the microcystin and the one for Dioxane? I didn't hear if you mentioned all three?

Dr. McLain. This is a regulation for PFOA and PFOS for PFAS.

The Chairman. Oh, okay. Not one for microcystins and one for Dioxane yet or is that in the cards?

Dr. McLain. We are in the process of evaluating other contaminants under the unregulated contaminant monitoring rule, our monitoring program, as well as evaluating the science behind those in our upcoming contaminant candidate list.

The Chairman. All right. Well, I think it is really important to set up those standards because, you know, they need to be part of our drinking water effort too.

Thank you, Mr. Chairman.

Thank you, doctor.

Mr. Tonko. Thank you. The chairman yields back, so now the chair recognizes Mrs. Rodgers, full committee ranking member for 5 minutes to ask questions. Representative Rodgers, please.

Mrs. Rodgers. Thank you, Mr. Chairman.

And Ms. McLain, I appreciate you being with us today, representing the agency and answering technical feedback, but also tackling so many bills that are on the docket today. A lot of complex subjects.

As I mentioned in my opening remarks, I believe in the value of promoting safe drinking water and innovation, in providing it in the areas I represent both large and small. I also believe in the importance of investing in our children's future.

One of the bills we are addressing today is the Drinking Water Funding for the Future Act that I have introduced with the ranking member, Mr. McKinley. And this bill extends many of the bipartisan programs that Congress authorized in the America's Water Infrastructure Act of 2018 that enjoyed bipartisan support. Has EPA had any problems implementing the programs authorized in the AWIA in 2018?

Dr. McLain. Thank you for the question. And we appreciate the programs that are in place and under the Safe Drinking Water Act. We have made great progress in implementing the programs newly established under the America's Water Infrastructure Act, including the changes to the State Revolving Fund program as well as the establishment of risk and resiliency assessments and emergency response plans for water systems. [Inaudible].

Mrs. Rodgers. Okay. Thank you, sorry. Have these programs been a net positive in improving drinking water quality and system compliance?

Dr. McLain. Thank you. Yes. Yes, they have been. And we really appreciate having these programs in place. And we are working closely with States on implementing them.

Mrs. Rodgers. Great. Two months ago in the American Rescue Plan that the Democrats passed in section 6,002, EPA was given \$50 million to issue grants and turn the contract conduct other activities that, quote "identify and address disproportionate environmental or public health harms or risks in minority or low-income populations under among other sections section 1442 of the Safe Drinking Water Act.

Would you let me know if your office has spent any of this money for these

activities and if any of the funding remains unspent?

Dr. McLain. Thank you. As we really appreciate the appropriations. And we are working right now to get that money out the door.

Mrs. Rodgers. Okay. The American Rescue Plan also included a temporary assistance program at HHS like the Low Income Home Energy Assistance Program to pay water utilities to defray the bills of persons who are low-income or lost their jobs because of the pandemic. Has your office kept up at all with that program? And if so, can you report any of its progress and any issues with implementation?

Dr. McLain. Thank you. And we appreciate the program as we have heard from many who are struggling during this time. We are working closely with the Department of Health and Human Services. My staff is working with the staff who are working on that program. And we will be continuing to work with them as it moves forward into implementation with States and the local communities.

Mrs. Rodgers. So one of bills we are discussing today would create a formal drinking water rate subsidy program at EPA. Does EPA administer any entitlement programs that either provide income assistance to persons or otherwise benefit individuals by having their bills defrayed?

Dr. McLain. Thank you. I can't talk for the entire EPA on that question. But under the Safe Drinking Water Act, we don't currently have that type of program. But we have been, working closely with the Department of Health and Human Services as they have been standing up the program and as they are moving into the implementation of the program.

Mrs. Rodgers. Would you just speak to the plan? What would be involved in setting up a new assistance program?

Dr. McLain. Thank you. Of course any plan established is dependent on how it

is written into law. So coming out of the details a little bit we would need to make sure that we are working closely with the water sector, and with the States, and the local communities, and organizations that would be key partners with us in establishing such a partnership and program.

Mrs. Rodgers. Okay. Thank you. And I think getting the needs assessment done is probably step one.

Thank you.

Mr. Chairman, I yield back.

Mr. Tonko. The gentlelady yields back. The chair now recognizes the gentlelady from Colorado, Representative DeGette, who also serves as chair of the subcommittee on investigations and oversight.

So we welcome you, Representative DeGette for 5 minutes.

Ms. DeGette. Thank you so much, Mr. Chairman. And I want to thank you for holding this hearing. I want to thank our witness because we are all concerned obviously about safe drinking water.

I was pleased, Dr. McLain, to hear you say that the agency is developing the PFAS drinking water standard for submission later this year, because it has been stalled for some time. And of course every single one of us has these chemicals in our congressional districts, in our drinking water.

I just want to follow up one more thing with the chairman's questionings. In the agency is the EPA also looking at requiring that sewage sludge be tested for PFAS chemicals? Because of course they end up in those sources as well?

Dr. McLain. Thank you for that question. PFAS is a top priority at EPA. And just recently Administrator Regan established a new PFAS council. And I am happy to serve on that council. We are going to be working across the agency and with Federal

partners using the one EPA approach to address PFAS in drinking water, as well as in other environmental areas. And we are working right now on that strategy as we are continuing with our important work that you mentioned of developing the standard.

Ms. DeGette. Okay. I really appreciate that answer. However, it did not answer my question, which was as you prioritize PFAS, as you look at an agency-wide approach, are you also going to be looking at sludge contamination?

Dr. McLain. So we are considering all areas that can have PFAS contamination including sludge. Right now, we are working on risk assessments and evaluating the science.

Ms. DeGette. I really appreciate that. And I am glad you are prioritizing it.

Turning to the issue of lead service lines, because in my own district in Denver, Colorado, Denver Water has been working really hard to replace the lead service lines. It is true in every urban area in this country as you noted in your opening statement. And one of the things that they have learned is that costs are going to be significantly higher than the EPA estimate of \$4,700 per line. It is going to be more in the range of \$8,000 to \$10,000 per line.

And so my question to you is do you think that it might make sense for the EPA to revise its cost estimates to account for cities where replacement costs are higher than the average as cities plan their own replacement programs? And what is the EPA doing to take those cities' own local cost estimates into account?

Dr. McLain. Thank you for that question. As with many construction projects that lead service line removal does have a range of costs depending on the local conditions. And we certainly want information from communities that are right now in the midst of lead service line removal programs so that we can take those costs into consideration.

Ms. DeGette. So the answer is yes, you are working with the local communities?

Dr. McLain. Yes. As we need cost information, we are certainly reaching out to States, and water organizations, and communities to get all of the information available. Yes.

Ms. DeGette. It would seem to me -- I mean, for example, Mr. McKinley's question about given the huge magnitude of this problem, if you don't have that kind of data, then it is pretty much impossible to estimate how long its going to take to replace all of these lead pipes. Wouldn't that be fair to say?

Dr. McLain. Well, we do have a significant, you know -- we do have data on this as you are suggesting, new data comes to the forefront every day. And so, it is important for us to continue to gather new information on costs.

Ms. DeGette. Right. And that way that will help you be able to -- for example, here in Denver, Denver Water has embarked on a very aggressive lead pipe program, but it is going to take 15 years just in one city. So I think this is something that we all have to grapple with and I am pleased that the EPA is making an effort to the do that.

Mr. Chairman, I yield back.

Mr. Tonko. The gentlelady yields back.

The chair now recognizes the gentleman from Ohio. Representative Johnson, you are recognized for 5 minutes please.

Mr. Johnson. Thank you, Mr. Chairman.

You know, if our constituents were to tune into our hearing today, they might be led to believe that this hearing is designed to address the noble goal of ensuring access to clean water, replacing old lead pipes, and removing toxins form their tap water. Unfortunately, that is not what is going on here.

Last week, we heard Secretary Granholm admit that the Biden administration

wants to ban hydraulic fracturing on public lands. She conceded that in her appearance before our Energy subcommittee. Well, today we are seeing how the left will try to ban it from State and private lands too under the guise of a discussion to ensure access to clean water, tucked into Title VI of the CLEAN Future Act are multiple proposals that, if enacted, could amount to a ban on hydraulic fracturing across the country.

The American people need, deserve, and must have clean water. We all agree on that. And we should do everything we can to ensure that. But they also deserve affordable and reliable energy, not to mention the thousands of essential consumer products, medical devices, clothing, and other conveniences that are all made from petrochemicals. And how do we get those petrochemical raw materials? We harvest them through oil and gas production and that takes hydraulic fracturing.

And what about the jobs associated with producing these petrochemical products? My district in Eastern and Southeastern Ohio is home to a thriving oil and gas industry and a community that takes pride in safely providing these abundant resources.

In Ohio it is the State that takes the lead in regulating our oil and gas activity. In part because the EPA does not have the regional expertise or the technical capacity to effectively regulate this industry from Washington, D.C. The last thing we need is more duplicative, onerous, top down mandates coming out of Washington from bureaucrats who have never actually worked in the industry.

So Director McLain, I am concerned that section 623 of the CLEAN Future Act could result in a de facto ban on hydraulic fracturing across the country, killing hundreds of good paying and thousands of good paying jobs.

In your view, does the Biden administration support legislation like this that would overturn decades of precedent with a Federal takeover of the State regulation of hydraulic fracturing in respect to protecting groundwater?

Mr. Tonko. Representative Johnson, before the witness answers that question. Might I just suggest that as a reminder to my Republican colleagues and to the entire subcommittee that the subject of the hearing is water infrastructure.

Families across the country are worried about the safety of their water and their ability to pay their water bills. I would ask if we could please keep on that topic of infrastructure that is failing and lead service lines that are poisoning our kids.

These bills should be our top priority and that is the focus of today's hearing.

So I will not take from your time. We will let you go a little longer, but I just want to make certain that we stay within the subject of today's hearing.

Dr. McLain.

Mr. Johnson. Dr. McLain, do you need me to restate that question?

Dr. McLain. Yes. Thank you. That would be helpful.

Mr. Johnson. Yeah. I am concerned that section 623 of the CLEAN Future Act could result in a de facto ban on hydraulic fracturing. And let me point out that it has been the assertion for years that hydraulic fracturing damages the water. So in that regard, Mr. Chairman, this is a relevant question. And it would kill hundreds of thousands of good paying jobs.

So in your view, Dr. McLain, does the Biden administration support legislation like section 623 that would overturn decades of precedent with the Federal takeover on State regulations of hydraulic fracturing as it regards protecting groundwater?

Dr. McLain. Thank you. I think I will be happy to take your question back and to provide you technical assistance on this. In the drinking water office, we are working to implement the provisions of the Safe Drinking Water Act that are associated with underground injection control programs.

Mr. Johnson. Okay. All right. I tell you what, because the chairman kind of

cut my time short, let me move on to my other question. And if you could please take that question and get back to us, I would appreciate that.

[The information follows:]

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Mr. Johnson. One final question, in your expertise in the field of groundwater and drinking water, do you believe there is evidence of widespread systemic contamination as a result of hydraulic fracturing?

I mean, even Gina McCarthy, President Biden's chief advisor on domestic climate change has previously said there is not. I mean, have you seen that American communities are capable of having both safe drinking water and economic development around oil and gas production?

Dr. McLain. Thank you. We do want to ensure that all Americans have access to safe drinking water. I don't have the details on the studies that you are referring to right now, but I am happy to get back --

Mr. Johnson. Dr. McLain, I am going to yield back my time since we have run out. But could you take that question back and talk to your political leadership as well, because these are important questions?

Dr. McLain. Yes. I'd be happy to take that back.

Mr. Johnson. Thank you.

[The information follows:]

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Mr. Tonko. Thank you. The gentleman yields back. Representative Johnson we let you have additional time because of my request that we stay on the topic of today's hearing. I will echo that sentiment again so that we can really focus on water infrastructure and the assistance we can provide our partners in local government.

With that, we will recognized Representative Schakowsky of Illinois who also serves as chair of the subcommittee on commerce and consumer protection.

Ms. Schakowsky. Thank you, Mr. Chairman.

So the EPA estimates that there are roughly 6.3 to 9.3 million lead service lines remaining in the United States. The number may be as high as 400,000 in Chicago alone.

I wanted to talk about Chicago. I am very worried and we are in a I think kind of a unique situation of not having done much. The Vice President, Vice President Harris came to Chicago a while ago and was looking at some COVID things. But when I saw her, she mentioned to me that Illinois has about 25 percent of all of the lead pipes, lead service lines in the country. And the Chicago Tribune did a study of this. And let me just quote a bit from that, that Chicago lags far behind other cities and is ground zero for the problem, talking about lead.

And said that -- let's see, that dozens of cities already have a headstart in eliminating the lingering threat to public health. One glaring omission is Chicago. And I live very close to the city border, but I live in Evanston, Illinois. I live in a very old house. And I was just looking up and maybe -- this kind of a technical question, but I wonder if you can answer it.

It said, most water service lines in Evanston are older and constructed with lead, lead pipes, blend -- what is it called? Something about blended phosphate is added to

the water during the treatment process and this chemical creates a coating inside.

If I live in a place where this is put as a coating, are we out of the woods here? Do we need to replace this? My house was built in 1911. We have houses built in the 1800s. And I am just wondering are we really okay because something is put in the water?

RPTR ZAMORA

EDTR HUMKE

[12:35 p.m.]

Dr. McLain. Thank you for that question. Addressing lead in drinking water is a top priority at EPA, and we do know that there is a correlation with older homes and the potential of having a lead service line, especially in areas like the midwest where there was a high prevalence of use of lead service lines.

We do know that -- also that corrosion control, which is the treatment that you referred to, can be an important treatment for utilities to use to reduce the corrosivity of the water, because that is how lead gets into drinking water. If water is corrosive and it flows over a lead source then lead can leech into the drinking water.

When you have a lead service line, that lead service line can be a very significant contributor to whatever lead might be coming out of the tap in that home. And that is why the removal of a lead service line, the permanent removal of that source of lead is an important mitigation step against lead in drinking water, whether the system is using corrosion control, which is an important treatment, or not.

Ms. Schakowsky. So in 2016, I visited Flint. Nancy Pelosi, the Speaker, had a trip that we went to. And for me in Chicago now, what most people may not know is that in Illinois, between 2015 and 2020, there were many homes whose exposure to lead was just as high as it was in Flint. Can you talk a little bit more about what the dangers are of -- I guess, just a few more seconds, but -- of lead?

Dr. McLain. Thank you. Yes, lead is a neurotoxin, and it is dangerous to children from a brain development perspective, and it is dangerous to all people, children and adults, in terms of the potential damage to other organs like kidneys and the heart.

Ms. Schakowsky. Well, you know, we have to get on this, and I am just interested in what Mr. McKinley's question was about how long will this take. We have got to get on it and in my State especially, so thank you very much.

Dr. McLain. Thank you.

Ms. Schakowsky. Maybe we can get together with some of the Illinois folks.
Thanks.

Dr. McLain. Thank you. Be happy to do that.

Ms. Schakowsky. I yield back.

Mr. Tonko. Okay. The gentlelady yields back.

The chair now recognizes Representative Curtis from the State of Utah.

We didn't have Representative Carter on the screen. He was scheduled next. If he is not available, we will move to Representative Curtis.

Representative Curtis, you are recognized for 5 minutes, please.

Mr. Curtis. Thank you, Mr. Chairman.

I am one of those that has left the warm bed to visit a resident's home that had been flooded by broken water mains. And as I have listened to this hearing, I find myself reflecting on the many burdens of local government. What we have heard today are the massive needs for water infrastructure, but cities also have aging sewer systems and roads. And in my city, the city I live in, they face a bill of tens of millions of dollars just to meet the new discharge standards for their sewer system.

And it is not hard to make a case that water infrastructure is in desperate need of attention. It is not hard to make a case that it is -- that there should be some Federal involvement. But I would like to point out very gently that the wrong kind of involvement from the Federal Government is not always good or welcome, and a couple quick examples of that are frequently overregulation, excessive regulations when Federal

dollars are used. It can increase the cost of an infrastructure project as much as 30 percent.

And something that hasn't been brought up today but is worth thinking about, and that is that if we subsidize those who are having trouble making their water payments, we can sometimes frustrate a city's efforts to get people to conserve. A lot of times water rates are actually based upon an incentive to conserve. And I know that our current systems allow quite a bit of flexibility to States and cities in those incentives, but just a couple of good examples of how the wrong type of involvement can be a problem.

And, Dr. McLain, I would love to know -- and, first of all, kind of hold this question while I ask you a couple more questions, if that is okay.

But what do local governments really want from us, right, in this massive problem that they face? And right now as a mayor, we would use municipal -- tax-free municipal bonds. It is a great tool, right. And let's face it, there is an impact to the Treasury when we use those because the revenue is not received on the interest, but there is also a cost to Treasury with a lot of the programs that we are putting forward.

Which ones are really most helpful to municipalities, and do we have to worry about Federalizing the funding of water systems in a way that cities now become dependent on us and are subject to our mandates and requirements?

Dr. McLain. Thank you. Thank you for those questions. As you note, these decisions are really local, and we want to meet communities where they are in partnership with States to help them figure out through technical assistance what they need best but what financing and funding programs, what combination of those will work best for that local community to address the problems of aging infrastructure.

Technical assistance is a really big part of this, because especially small

communities do need -- sometimes need some help in increasing the capacity of the system to financially and managerial manage the system. And we have programs established under the State Drinking Water Act to help systems with that.

Mr. Curtis. You know, a lot of municipalities -- water is a bargain, right, and frequently -- I know some municipalities voted to charge for water because they don't meter it, and yet, there is intense pressure not to raise rates from taxpayers in a city. From your experience, right, how do we balance this need to have low water rates but also have the cost of water be the true cost of water, particularly if we are talking about upgrading systems?

Dr. McLain. Thank you. Affordability of water is a real challenge, and it is a challenge that needs really solutions from the local, State, and Federal level working together. While we are not as involved at the Federal level on rate structure, we do have assistance programs to help systems understand best practices and tools to establish rate structures to help run the system and maintain it.

Mr. Curtis. Doctor, I am going to run out of time. I certainly don't mean to cut you off. But I was referring more to the problem that municipalities are really not charging the full freight in many cases and that we have got to make sure that we are -- the best taxes and fees are those most associated with the use, and I was just trying to make that point.

And, Mr. Chairman, I am out of time, and I will yield.

Mr. Tonko. The gentleman yields back.

The chair now recognizes the gentleman from Maryland, Representative Sarbanes. You are recognized for 5 minutes, please.

Mr. Sarbanes. Thanks, Mr. Chairman. Appreciate you holding the hearing. I want to thank you for your leadership on these issues, and I want to focus my questions

on the drinking water standards in particular.

Congress amended the Safe Drinking Water Act, SDWA, in 1996, to make the statute, quote, more effective after citing challenges in regulating drinking water contaminants. However, as we know, the changes made in 1996 did not actually lead to more health-based protections for communities as the EPA struggled to set drinking water standards for over 20 years. Under the 1996 amendments, EPA is required every 5 years to make a regulatory determination for at least five contaminants on the contaminant candidate list.

Dr. McLain -- and thank you for appearing today, we very much appreciate it -- how many unregulated drinking water contaminants has EPA proposed to regulate since the implementation of the 1996 amendments, and how many of those were finalized?

Dr. McLain. Thank you for that question. EPA has water standards for more than 90 contaminants, and we have put in place many regulations since the 1996 amendments, and these include regulations to reduce risk from disinfection byproducts, from arsenic, from pathogens like viruses in groundwater and cryptosporidium in surface waters, and lead in plumbing and fixtures. Just recently, we issued a regulatory determination to propose regulations for PFOA and PFAS, and we are hard at work on that regulation right now.

Mr. Sarbanes. How many of these have been finalized since 1996?

Dr. McLain. We have had many regulations finalized since 1996, including some of those that I have mentioned earlier on the disinfection byproducts and the groundwater regulations, and lead and plumbing fixtures. I don't have the number right now, but I could be happy to take that back and get it to you.

[The information follows:]

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Mr. Sarbanes. But the PFAS and PFOA, those have not been finalized as yet?

Dr. McLain. Right. We are working on the proposed regulation right now. We have just issued the regulatory determination in March of this year.

Mr. Sarbanes. Let me raise something that concerns me in terms of how the standards ultimately get set. I gather that when you are promulgating one of these drinking water regulations you set a nonenforceable maximum contaminant level goal, so this is a goal that you see based on the analysis. That is based on health data.

In addition, you then set an enforceable maximum contaminant level, an MCL, which is set as close to the goal as feasible, so we get into this feasible concept. What does feasible mean in this context, Dr. McLain? How is the cost considered as part of that judgment?

Dr. McLain. Thank you for the question. As you say, we do consider a range of health-based science as we are developing the maximum contaminant level goal. And when we are looking at setting that standard, that maximum contaminant level as close as feasible to the maximum contaminant level goal, we are looking at also doing significant analysis on available treatment technologies as well as the cost of those technologies and the ability of those treatments to address the contaminant.

For example, for PFOA and PFAS, we will be -- we are working closely with our Office of Research and Development on new research that they are doing to understand how much of different specific PFAS are removed by different treatments as well as what the cost of running and using, operating those technologies are.

Mr. Sarbanes. Clearly what happens is that the actual contaminant level standard that gets set because of the feasibility analysis, that ends up typically being weaker than the goal. But I also understand that there is a further analysis, a health risk

reduction and cost analysis that is conducted.

This is another level. And that can lead to standards that are even less stringent than the feasibility standards are, so that is very concerning.

And I know one of the things that we are considering is whether that needs to be changed, that extra level of analysis, which is really, in a sense, two bites at the apple on this feasibility approach needs to be removed so that we can stay closer to the health dimensions of the goal.

And would you agree that without the section I just referenced in SDWA that the standards would be at least as protective as the feasibility standard would be? Is that correct?

Dr. McLain. We are right now at -- we are implementing the Safe Drinking Water Act standard setting process as it is established, and we are happy to work with your office to provide technical assistance on legislative changes that you might be considering.

Mr. Sarbanes. Thanks very much. I yield back, Mr. Chairman.

Mr. Tonko. The gentleman yields back.

The chair now recognizes the gentleman from Alabama, Representative Palmer. You are recognized for 5 minutes, please.

Mr. Palmer. Thank you, Mr. Chairman.

I am going to talk to Ms. McLain about some of the requirements that the EPA imposes. We understand that communities have finite resources and that not all the communities have the same needs, but what I want to know is, is why we are getting rid of the cost-benefit requirement in H.R. 3291? You are imposing a one-size-fits-all instead of allowing a cost-benefit analysis. Why would that be removed?

Can you hear me?

Dr. McLain. Yes. Thank you. Thank you, sorry.

Mr. Palmer. You are using up my time by not responding.

Dr. McLain. Well, we are busy developing regulations under the Safe Drinking Water Act as it is written. We are happy to provide technical assistance on legislative changes that the committee is considering.

Mr. Palmer. Ma'am, I am asking you why you have a one-size-fits-all. I mean, you prioritize regulatory stringency over public health and encourage unfunded and -- underfunded mandates that force State and local governments to divert funds away from other critical needs. And I will give you an example of this.

The Clinton EPA in 1993 issued a drinking water standard for Aquazine that required treatment to below three parts per a billion, okay. A human would -- under those standards, a human would have to drink over 3,000 gallons of water per day to three parts per billion of Aquazine to equal the doses the EPA determined would cause cancer in mice.

I think when we take that into account, the cost, and there are other EPA regulations imposed on local communities that they admitted the technology didn't exist to achieve those standards. So when we issue these regulations, why are you doing away with the cost-benefit analysis?

Dr. McLain. Thank you. We are developing our regulations under the Safe Drinking Water Act as it is written right now, and we are using the analysis that we are doing of health effects of new science and of treatment technologies and developing cost-and-benefit analyses as to inform the decisions that we are making for the regulations that we are putting into place and for evaluating the regulations that are in place.

Mr. Palmer. Do you understand that there is tradeoffs here? The cost of

compliance with that standard on Aquazine would have been enough to hire 2,300 teachers, okay. I don't think people would be drinking the equivalent of 71 bathtubs full of water every day for 70 years to be at risk of getting cancer from Aquazine. I don't think the benefit of preventing that would outweigh the benefit of being able to provide funding for other things, like hiring a teacher or maybe investing in broadband in the rural communities.

Do you understand, you know, the situation that -- I have a number of small towns in my district. Do you understand the situation that you put them in in the context of the tradeoffs, the cost-and-benefit issues that these smaller communities face and even some of the larger communities when you have -- when you take away that cost-benefit analysis requirement?

Dr. McLain. Thank you. We do understand the challenges that are faced by communities that have -- they have a lot on their plate and small communities included. We have technical assistance programs to help systems implement the regulations, and we also help them understand what funding is available as they are -- as they work to try to come into compliance with the regulations.

Mr. Palmer. I think you need to keep the cost-benefit analysis provision in the legislation. I think we need to focus on some of the issues. I mean, the EPA was part of the coverup of the lead issue in Flint, Michigan, we need to address those issues. But I really believe that we need this cost benefit. I think it goes back to what Congressman Johnson was talking about in regard to eliminating fracking, the economic disaster that that creates for us on the energy side of things.

So with that, Mr. Chairman, I yield back.

Mr. Tonko. The gentleman yields back.

The chair now recognizes the gentlelady from New York, Representative Clarke,

the recent former vice chair of the full committee.

You have 5 minutes to ask questions, Representative Clarke.

Ms. Clarke. I thank you, Chairman Tonko and Ranking Member McKinley, for convening this hearing on the pressing need to ensure that our drinking water is clean and safe.

And I would like to also thank our witness, Dr. McLain, for your testimony today.

Lead contamination in drinking water continues to pose a major health risk across the Nation, especially to young children. Simply put, there is no safe level for lead when it comes to children. Lead exposure can cause irreversible damage to the child's development, and it is critical that we make every effort to remove lead toxins from drinking water in schools and childcare facilities.

The League of Conservation Voters recently released a report in New York State entitled, "Five Is the New Fifteen," which highlights the need to protect our children by significantly lowering the acceptable threshold for lead in school drinking water.

Mr. Chairman, I would like to submit this report for the record.

Mr. Tonko. Representative Clarke, we will acknowledge all requests for documents at the end of the hearing, but please continue.

Ms. Clarke. I thank you, sir. I thank you.

So, Dr. McLain, I would like to better understand the steps EPA is taking to address this pressing issue. What methods does the Environmental Protection Agency use to protect children from exposure to lead in their drinking water, particularly in schools, and how might these measures change with the updated Lead and Copper Rule?

Dr. McLain. Thank you. Thank you for that question. Lead is a very serious issue, and it is a top priority at EPA. And lead in school drinking water is important from the perspective of the fact that kids spend a lot of their time at schools and childcare

centers, and we approach this issue from using all the tools we have available to us.

We have a voluntary program called the 3Ts Program that establishes best practices for testing and for remediation, for risk communication to parents, and so we work with States and communities to understand how to use that program to understand the lead levels and to remediate those levels in their schools and childcare centers.

And we also are implementing the funding programs that Congress established for both the school testing programs, which has been established in all States across the country, as well as the lead reduction program which provides grants to remediate lead in school drinking water.

And as you mentioned, we are also examining the Lead and Copper Rule revisions, which were issued earlier this year. We are in the process of engaging with stakeholders to gather their input on the rule including considerations for schools' lead drinking water.

Ms. Clarke. Thank you. Has the EPA considered or is the Agency currently considering the possibility of separate, more stringent action level under the Lead and Copper Rule for schools such as the five-parts-per-billion threshold that New York and other States are looking into?

Dr. McLain. Yes, thank you. As I mentioned, we are in the process right now of engaging the stakeholders and getting input on the rule. We had listening sessions over the past month, and we are just about to start community roundtables and we expect those roundtable discussions to include discussions of school drinking water. We will be having roundtables with other water sector stakeholders and States also, and we will be taking all of this consideration into the Agency for our decision-making as we move through these engagements.

Ms. Clarke. And thanks to the recent work of our committee, Federal funding is now available to help schools and childcare facilities not only test voluntarily for lead in

their drinking water but also to cover the cost of replacing older drinking water fountains.

The Assistance, Quality, and Affordability Act of 2021, one of the bills under consideration today, would extend the authorization timeframes of these critical programs for another 10 years. How would extending these programs through 2031 better enable the EPA to keep children safe from lead in their drinking water?

Dr. McLain. Thank you. We appreciate the work that you have done to put these programs into place, and the need is great in schools in reducing lead in their drinking water, so having these programs available is very helpful to reaching our goal of reducing that lead exposure in schools.

Ms. Clarke. Well, thank you, Mr. Chairman. My time has run out, and I yield back.

Mr. Tonko. The gentleman yields back.

We now recognize the gentleman from Georgia, Representative Carter. You are recognized for 5 minutes, please.

Mr. Carter. Thank you, Mr. Chairman. I appreciate it.

And thank you, Ms. McLain, for being here. I have just got a couple of quick questions here. If we are indeed able to get these capitalization grants for drinking water, State revolving funds to rise and to increase, it makes sense that the States are going to have to increase their activities as well, and we want to make sure that they can accommodate the requirements under the program.

Based on what you are hearing from the State drinking water officials, will it be difficult for States to meet their statutory match requirements?

Dr. McLain. Thank you for the question. We appreciate our partnership with the States in enacting the State revolving fund programs as they are described in statute. Ultimately, the States are going to make these important considerations depending on,

you know, the need in their communities, and we will be there to support them in those decision-making processes.

Mr. Carter. How long do you think it is going to take them to ramp up? Are they going to have adequate time to ramp up for this?

Dr. McLain. EPA and the States both have experience with these programs, and we intend to build on the successful track record that we have both in the Federal Government and in the State governments and in using these programs and getting money out to support the infrastructure needs across the country.

Mr. Carter. Okay. What would happen to a State program that can't meet the match? Would they lose the funding or have an underfunded mandate to implement?

Dr. McLain. Thank you for the question. We do work closely with States to try to find ways to help them meet the match. We have done this a number of times. If a State can't meet the match, they can apply for a lower level and -- but we really do work hard to help them meet the match and to find resources to do that.

Mr. Carter. I know it is not a fair question, but at the same time, can you give me an idea how the States are doing? Have they been growing their individual funds? I mean, they are partners in this, and I want to make sure that they are doing their part as well.

Dr. McLain. Thank you. Yes, these are successful programs. The funds have grown over the years since the FRF have been established, and it has been a successful way to have financing and funding available for our Nation's drinking water infrastructure.

Mr. Carter. Okay. Thank you, Mr. Chairman. I will yield you back 2 minutes. Thank you.

Mr. Tonko. Well, we appreciate the 2 minutes, and the gentleman yields back.

The chair now recognizes the representative from the State of California, Dr. Ruiz. You are recognized for 5 minutes, please.

Mr. Ruiz. Thank you, Mr. Chairman, for holding this hearing and for considering my bill, the Emergency OASIS Act.

Over the past year, I have spoken in this committee many times about the environmental injustices taking place in my district at the Oasis Mobile Home Park and other areas in some of our underserved communities, and I will continue to advocate for them until I know my constituents can safely turn on their faucets without being exposed to toxins.

Since August 2019, Oasis Mobile Park has been under an EPA emergency order under section 1431 of the Safe Drinking Water Act due to arsenic contamination nine times the legal limit. In the weeks following the revelation that they were drinking arsenic-laden water, the residents of Oasis faced a nightmare scenario due to predatory park ownership, who, one, failed to quickly provide replacement drinking water; two, then put residents -- restrictions on who could access that water; then raised rent by over 30 percent; and then threatened evictions.

And while the EPA Region Nine staff have been diligent and attentive to the situation, it was during this crisis that we saw the limits of EPA's enforcement abilities. The Safe Drinking Water Act threatens fines of \$15,000 per day for violations of an emergency order, but the process takes time and it is cumbersome. When residents require replacing drinking water now, they can't wait weeks or longer for a legal process to play out in the courts.

So, Dr. McLain, under section 1431, what are EPA's current enforcement abilities if a water system owner or operator fails to provide replacement drinking water pursuant to an EPA order?

Dr. McLain. Thank you for that question. We work closely with our partners in our Office of Enforcement and Compliance as well as in the regional offices, as in Region Nine in this case. And we do see that we have a number of tools available to us in statute, and we work hard to implement the statute as it is written.

And I think that the thing that we are very appreciative of your attention to this issue and this -- you know, these folks had contaminated water, and we want to make sure that we address that --

Mr. Ruiz. And so how long does that process take? You say you have different tools. There has been no true enforcement, no fines, and it is almost 2 years that they are struggling with this.

How long does that process take from initial reports of noncompliance and violations to the day a fine is levied?

Dr. McLain. Well, I can't speak directly for the enforcement program because it is outside of my office. I would be happy to take that question back and talk to my colleagues.

Mr. Ruiz. Thank you. So my bill, the Emergency OASIS Act, would give EPA the authority to step in and provide drinking water in cases where an owner of a system fails to do so within a week of an order going into effect.

EPA would then recoup the cost of the water plus a penalty from the system owner who would be prohibited from passing those costs on to the residents.

Dr. McLain, under the provision that I just described, would residents who are not provided alternative drinking water by a system owner likely get access to safe drinking water faster than under the current process?

Dr. McLain. Thank you for the question. I am not prepared to talk at that level of detail on the provisions and --

Mr. Ruiz. Well, I think if an owner doesn't provide water for 14 days and the EPA is able to provide water in 7 days, then I think the match speaks for itself, that I think they would be able to get water faster if they were able to get it sooner by the EPA.

And then, also, the second piece of the Emergency OASIS Act focuses on making sure the entire drinking water system is safe before it is put back into service. At the Oasis Mobile Home Park the initial EPA emergency order was focused on the well filtration system, yet it took a community group, an outside group to test the distribution system where they found that arsenic remained in the water pipes as well despite the EPA order saying it was okay to drink that water.

Section 1431 of the Safe Drinking Water Act gives the EPA broad authority to implement remedies to fix an unsafe system. Dr. McLain, a situation like Oasis or other places where the contamination point is a well, does EPA have the ability to ensure that a contaminant hasn't built up in the distribution system?

Dr. McLain. Thank you for the question, and I would be happy to talk to my colleagues who are implementing the enforcement provisions of our statute. We do have many tools available to us.

Mr. Ruiz. Okay. Well, I am looking forward to working with you, the EPA, your colleagues, and the enforcement tools, and those that know how to clear a system from contaminants because this is a problem identified in my district that is systemic and could be eliminated with this provision in my bill.

So I appreciate it, and I yield back my time.

Mr. Tonko. The gentleman yields back.

The chair now recognizes the gentleman from Texas, Representative Crenshaw. You are recognized for 5 minutes, please.

Mr. Crenshaw. Thank you, Mr. Chairman. Thank you all for being here.

Look, I think the clean drinking water and making sure that lead is not infused with lead drinking water is certainly something we can agree on. As usual though, we find ourselves scratching our heads at the proposals in order to fix a specific problem.

You know, we look at the price tag on this, \$45 billion, and I have to wonder why we don't start out with a smaller amount and make sure that the policy being put in place is actually going to work, and I have a lot of doubts that it will.

I mean, what we are talking about is the vast majority in private homes where older private homes, where lead pipes might still exist, and it is difficult to get to this stuff. And I am not so sure that the incentives being created here will work. I don't think there is a lot of guardrails in place.

So the first question for Ms. McLain is, how do we know where all the lead lines are in America? How do we know which ones to replace?

Dr. McLain. Thank you for the question. We do have estimates on the numbers of lead service lines in the country, 6 million to 10 million lead service lines across the country, and that information is really held at a local level. So different communities have different levels of understanding of the lead service lines that they might have in their system and --

Mr. Crenshaw. It sounds like we don't know, and, I mean, that is the short answer. I know EPA does have an assessment coming out, but this bill doesn't even require that this money be spent on what EPA identifies, does it?

Dr. McLain. Thank you for the question. The water systems have information on lead service lines in their system, and EPA works to provide guidance to systems to identify --

Mr. Crenshaw. That would be news to a lot of local authorities who we have been speaking to about this bill. It is extremely difficult to know where these lead pipes

are. You have to -- now, what would happen, I am assuming, is that this money would be used to pay engineering companies vast amounts of money to go survey neighborhoods and see where the lead is.

I would assume that would be the case. But here is the problem when we are talking about guardrails: Is there anything in this bill that would stop limitless and endless surveys and wasting all that money?

Dr. McLain. There are a number of systems that have unknown service lines, and there is guidance that the EPA can provide, that States can provide to help the systems find those lead service lines and understand where they are most likely and --

Mr. Crenshaw. That wasn't my question.

Dr. McLain. -- we can take a look at them.

Mr. Crenshaw. That wasn't my question at all. The question is how you stop endless surveys and wasting this money.

The other thing about this bill is, you know, how do we prioritize? Are any Americans being left out of this? How do we prioritize where we look and how lead service line replacement actually gets sought out? How does this bill do that?

Dr. McLain. We are happy to provide technical assistance to your office on the specific details of the legislation being considered.

Mr. Crenshaw. Why don't you do it right now? Do you not know what is in the legislation? Do you not know how this bill prioritizes it?

Dr. McLain. I --

Mr. Crenshaw. This is a hearing on this specific bill and this specific provision in the bill.

Dr. McLain. Yes. I have come prepared to talk about the provisions in the bill, but when you -- but not at the very, very specific level of detail in consideration. I am

happy to --

Mr. Crenshaw. Well, I do know the answers to the questions I am asking. I am surprised you don't. And the reality is, is that there is nothing in this bill that prioritizes communities with the highest lead readings or homes in the oldest housing stocks, which would obviously make the most sense if we are trying to use the money correctly. Again, we are just talking about guardrails, right, here, and please come more prepared to speak about these.

The other issue is -- I see in this is flexibility. So is there anything in this bill that would allow some flexibility? For instance, you have old homes that aren't going to be around much longer. This is the most likely place where you might have lead in the home. There is other ways, scientifically proven ways, much cheaper ways, say putting an epoxy coating on those pipes, to fix the problem without doing a \$20,000 remodeling of the home. Does this bill allow for that kind of flexibility?

Mr. Crenshaw. Not prepared or what? What is the problem?

Dr. McLain. My understanding of the bill is that it is a lead service line removal program, and lead service lines are important to remove because they can be a significant source of lead to the people living in the home that is served by lead service lines.

Mr. Crenshaw. All right. I am out of time.

Thank you, Mr. Chairman. I yield back.

Mr. Tonko. The gentleman yields back.

The chair now recognizes the gentleman from California, Representative Peters. You are recognized for 5 minutes, please.

Mr. Peters. Hey, Dr. McLain. This former EPA employee very much appreciates the work you do. I understand you probably don't know the details of every bit of proposed legislation, and I appreciate you being here today to tell us your perspectives in

general from your position with respect to drinking water, and I thank you for that, and I know you will get back to the committee if they have additional questions.

I have some questions about resiliency. In California we are facing several simultaneous threats: Droughts are getting more severe, snowpack levels are decreasing, temperatures are rising, wildfires are getting more intense. We are on the front lines of the climate crisis, and for many people in California and many Americans, climate stress is often felt as water stress.

According to the 2020 U.N. water development report, climate change will lead to further water stress in regions across the globe, negatively affect water quality, and threaten safely managed water and sanitation infrastructure. My questions for you are, what steps is the Agency taking to predict general water availability in the future considering increasingly severe drought from climate change?

Dr. McLain. Thank you for the question. We work closely with other Federal agencies on data on climate-driven impacts to our water. And as you mentioned, there can be significant impacts both on the quality and on the quantity of the water that we know we are experiencing, and we --

Mr. Peters. So you work with other agencies, but how are you going to ensure working with EPA that our water infrastructure is resilient to climate impacts? Specifically, is EPA or is someone devoting resources to modeling to ensure our water is safe as climate impacts increase?

Dr. McLain. Yes, we are working very hard to understand the climate impacts that are faced -- that our water utilities face. And we have a lot of guidance in addressing drought as well as floods because the resiliency. There is also issues with too much water, too little water.

Mr. Peters. Well --

Dr. McLain. There are a number of resiliency --

Mr. Peters. -- if I wanted to find -- if I wanted to talk to the person in the Federal Government who is in charge of the modeling to understand what changes we are going to face as a nation and also geographically, who would I talk to? Is that in your department, or is that someone else? Is that in another department you are working with?

Dr. McLain. Yes, that is in other parts of the EPA as well as in other agencies and the Federal Government. It is a collaborative efforts, and we would be happy to get back to you with more specific information on the modeling that you are looking for.

Mr. Peters. I would like to understand that. You know, my concern is that if everyone is doing it, no one is doing it. And so I would expect you to know that today, but I would like to know who is responsible for modeling that so that the Federal Government is making sure that we are providing localities with this information, but also that we are aware as a nation of what is going on. So I appreciate you getting back to me on that.

In San Diego, we have a serious water supply issue, and one constant solution is to significantly increase the amount of recycled water including blackwater. San Diego's currently implementing the Pure Water Program, which aims to use water recycling and reused technology. We are going to produce 83 million gallons of purified drinking water per day rather than discharging usable freshwater into the ocean.

My question for you is, how could EPA provide incentives or do these incentives exist to other coastal and riverine communities to invest in aggressive water recycling including blackwater recycling?

Dr. McLain. Yeah, water reuse is an important tool that is available to utilities, and EPA provides information to utilities and works with States to help utilities assess

some of these technologies. And we have financing tools, as you are aware of, that are available to help support the investment in those technologies if systems choose to implement them.

Mr. Peters. Can you briefly describe for me what those financing tools are that exist today and whether we need more, if you have an opinion on that?

Dr. McLain. Our existing tools right now that are the State revolving funds, we have the Clean Water and Drinking Water State Revolving Fund which both come into play here with the reuse technologies that you are talking about, as well as the Water Infrastructure Improvement Act Loan Program, which is an important resource for low-interest financing. And we have a number of grant programs available from the EPA, so we have those financing tools to use.

Mr. Peters. Just let me -- I am running out of time, Dr. McLain. But do you think we are sufficiently resourced to support the needs around the country or do we need more resources?

Dr. McLain. The infrastructure needs across the country are great. For drinking water alone, we estimate over \$470 billion need.

Mr. Peters. Okay. Well, I appreciate that. And Mr. Chairman, I yield back.

Mr. Tonko. The gentleman yields back.

The chair now recognizes the gentlelady from California, Representative Barragan. You are recognized for 5 minutes, please.

Ms. Barragan. Well, thank you, Chair Tonko, for holding this important hearing on the CLEAN Future Act and drinking water legislation that can help ensure every community in America has clean and affordable drinking water.

Dr. McLain, thank you for being here with us today.

In 2018, the Sativa water system in my district, in Compton, California, had issues

with brown water, affordability, debt, and outdated infrastructure. It had to be taken over by the county. This is an issue for many small urban and rural water systems in California and throughout the country that can struggle with meeting both affordability and water quality standards.

Can you talk about how the EPA works with water systems over issues of consolidation and if there is any Federal policy guidance or funding to help facilitate these when necessary?

Dr. McLain. Thank you for the question. Yes, as you say, there are many systems that struggle with providing safe drinking water, and EPA is there with technical assistance programs so that systems can have the capacity from a technical and managerial and financial standpoint to operate those systems.

Sometimes one of the options that is the right decision for that locality is to consolidate with another system. And we have a program at EPA, our partnership program, that provides resources to local communities that want to use that option for addressing their difficulties at their system, and we work with their States very closely in this.

Ms. Barragan. Thank you. A recent report from the Natural Resources Defense Council showed that 186 million Americans drank water from systems with lead levels exceeding the level of one part per billion, which is recommended by the American Academy of Pediatrics to protect children from lead in school water. For over 61 million Americans, this level exceeds five parts per million. The city of Los Angeles was one of the most affected systems.

How important is the proposed American Jobs Plan proposed \$45 billion investment for replacing all lead service pipes throughout the country to reducing lead in the water?

Dr. McLain. Thank you for the question. Lead is a neurotoxin, and it is very, very dangerous to be exposed to lead in drinking water for children and for adults. We know that when the lead service lines are in a home, those lead service lines are the most significant -- can be the most significant source of lead to the home, and so removing lead service lines is a way to permanently remove that source of lead but that can be a potential risk to the people in the homes.

Ms. Barragan. Thank you. And my last question builds upon what Representative Peters just asked you. As the climate gets warmer and we see more extreme weather events, this will impact our water supplies and availability. Nearly three quarters of California is in extreme drought. It is critical that water utilities are planning for what changes they will face now rather than reacting after they happen.

Does the EPA provide any technical or financial support for water utilities to create climate adaptation plans so they can be prepared to meet the needs of their customers?

Dr. McLain. Thank you. Yes, we do. We provide -- we have a climate water program for utilities to understand, plan, assess their systems, plan what they need to do and to help them implement those plans. We have financial programs in place so that they can put the money where they need it to increase the resiliency of their system against climate-driven changes.

Ms. Barragan. Well, thank you for that. And thank you, Dr. McLain, for your leadership. I am looking forward to working with you to make sure we are cleaning up our drinking water, because regardless of your ZIP code, every child deserves clean drinking water, every American deserves clean drinking water, and we know that water is life.

And with that, Mr. Chairman, I yield back.

Mr. Tonko. The gentlelady yields back.

The chair now recognizes the gentleman from Virginia, Representative McEachin. You are recognized for 5 minutes, please, and thank you for your work on the environment.

Mr. McEachin. And thank you, Mr. Chairman.

As has been said many times already today, everyone needs and deserves ready access to safe drinking water, but in many areas that right is under threat with Americans facing uncertainty about how they will meet one of life's most basic requirements. Most of Virginia's public water systems are 70 years old, and the EPA says we need to invest \$8.1 billion over the next 20 years to maintain health and safety standards.

As ASCE writes, inaction could result in degraded water service or quality violations, health issues, and higher cost in the future. Legacy infrastructure laden with lead is most likely found in low-income communities, communities with older stock, and communities of color, and these infrastructure issues can leech toxins into drinking water. With inaction in this area, we will have long-term health impacts particularly for our children.

As we continue to see the impacts of climate change, these investments in water infrastructure will prove crucial. For saltwater threatening our Nation's aquifers and those who rely on them for clean water, we will need to invest in the necessary infrastructure and services to ensure clean water access for those impacted.

Ms. McLain, thank you so very much for being here today. I am sorry, Dr. McLain, thank you so very much for being here today. With the initiative taking effect in July, how does the EPA plan to work with communities to ensure that their needs are being addressed and the funds are reaching communities with the greatest needs?

Dr. McLain. Thank you for the question. Reliable access to safe water is so important from a health and an economic standpoint, as you say.

And we are working very hard to make sure that the programs that we have under the Safe Drinking Water Act are working to provide the funds where they are needed in underserved communities through those disadvantaged communities programs in the State Revolving Fund as well as in the grant programs that Congress has provided for small and disadvantaged communities. These are a really important source of money for communities that have some of these great infrastructure needs.

Mr. McEachin. You know, Dr. McLain, many of the communities where water infrastructure projects are required suffer from under employment. Will the EPA be in a position to work to ensure that infrastructure projects benefit low-income workers and workers of color?

Dr. McLain. Thank you for the question. The construction to provide modernization of infrastructure and new treatment, those projects bring jobs and it is an important aspect of the programs and for the local economies.

Mr. McEachin. Dr. McLain, I don't know that this has been asked before, but in a general sense -- well, let me describe the problem very quickly.

As I already said, Virginia has got old, old, old, old infrastructure, and throughout my district in many cases folks don't know where the lines are, the water lines are until they break. That is because they were kept in the courthouse. The courthouse burned down way back when, and nobody has got copies of the records.

How can EPA help that type of locality locate the lines so that they can be in a position to repair and replace them?

Dr. McLain. Thank you for the question. Yes, there are systems that know they have lead service lines but don't have a lot of information on where they are, and they

have -- we call those unknown lead -- unknown -- sorry, unknown service lines, and we do provide guidance, and we are continuing to provide guidance to the States and to systems on ways to examine the service line both from the utility perspective and for homeowners. We have videos and documents available to help the systems.

Mr. McEachin. And then real quickly, does that guidance have any money associated with it at this point, or do we need to provide it?

Dr. McLain. Thank you for the question. We do have technical assistance programs where this could fit in, where a system could receive technical assistance and in this type of work.

Mr. McEachin. Thank you. Mr. Chairman, I apologize. I owe you 12 seconds.

Mr. Tonko. You do not. But anyhow, it is great to have heard from you.

And the gentleman yields back.

The chair now recognizes the gentlelady from Delaware, Representative Blunt Rochester. You have 5 minutes to ask questions, please.

Ms. Blunt Rochester. Thank you so much, Mr. Chairman and Ranking Member, for calling this hearing.

And thank you, Dr. McLain, for your testimony.

As was said, every person in this country, regardless of race, income, or ZIP code deserves the right to clean, reliable, and safe drinking water and sanitation services, which is why last week I introduced H.R. 3293, the bipartisan Low-Income Water Customer Assistance Programs Act. And I want to give special recognition to my fellow committee member, Representative Debbie Dingell, for her help and hard work on this bill.

This legislation would establish a permanent program at EPA to help utility companies assist low-income households with their drinking water and wastewater bills.

It would also ensure that utilities have the necessary funding to make crucial upgrades to our aging drinking water and wastewater infrastructure.

This is an unprecedented time and many families, particularly low-income families, are struggling to pay their utility bills. The ongoing public health crisis has heightened the importance and the important role of clean water that it plays in our society in keeping communities safe and healthy. As we emerge from the ongoing health crisis, we need to work together to ensure that all Americans have access to safe and affordable water utilities.

I would also like to state that I have letters of support for my bill, including from the American Society of Civil Engineers and U.S. Water Alliance and others and ask the chair for unanimous consent to have them entered into the record.

Mr. Tonko. Yeah. Representative Blunt Rochester, we will be doing that at the end of the hearing, but certainly.

Ms. Blunt Rochester. Thank you.

You spoke to the public health standards, Dr. McLain, during Chairman Pallone's questioning, and we have seen how vital clean water is during a pandemic also, in particular. How can a low-income water customer assistance program, like the one outlined in my legislation, help low-income communities maintain critical water and wastewater infrastructure networks as well as meet public health standards?

Dr. McLain. Thank you for the question. Water affordability is a real challenge across the country, and reliable access to water is very important for public health and we have seen the COVID-19 pandemic really deepen these two problems.

And it is very important for people to have access to continuous water supply, especially in a crisis like the COVID-19 pandemic has been. And we support the efforts that utilities and local governments and State governments took during the pandemic to

ensure continuous access to water.

Because we know the devastating impacts that can happen when their access -- when people don't have access to water, which we saw, for example, in the winter storms in Texas and in Jackson, Mississippi. And we are -- oh, okay.

RPTR DEAN

EDTR HUMKE

[1:35 p.m.]

Ms. Blunt Rochester. I was just going to say, I know you were helpful as Congress provided funding, the \$1.1 billion for emergency low-income household water and wastewater affordability program to be managed by the Department of HHS. Can you tell us, given EPA's history of helping set this up, does EPA have the capacity to quickly and effectively stand up and implement the permanent nationwide program outlined in my legislation?

And as a follow up, can you speak to your experience, EPA's experience in administering drinking water grant programs and assessing the affordability of drinking water standards.

Dr. McLain. Thank you for the question. We are working closely with the Department of Health and Human Services as they implement the low-income household affordability program that has been established. And we are working with them and learning from them. We have a long track record of implementing financing programs and funding programs, including the grant programs to help communities that need assistance with water infrastructure related issues. And if Congress enacts such a legislation, we would be prepared to work on that. And we are happy to give you technical assistance in partnership with the Department of Health and Human Services.

Ms. Blunt Rochester. Great. And I just to follow up two of my colleagues, Peters and Barragan also talked about climate change, and just the frequency of storms making our infrastructure upgrades even more costly. How would long-term investments in water affordability programs contribute to resiliency of these

communities?

And I see my time has run out. But, Mr. Chairman, that is a question I have for the witness. And we can submit that for the record.

Thank you, Mr. Chairman. I see you are manipulate --

Mr. Tonko. Yes. You are most welcome. If the witness wanted to just quickly answer, she could.

Ms. Blunt Rochester. Great.

Mr. Tonko. She can please.

Dr. McLain. Thank you. Yes. Utilities have also been struggling as well as individual homeowners. So having programs available for utilities to help them maintain and operate their systems can also be an important factor.

Ms. Blunt Rochester. Great. Thank you so much, Mr. Chairman, for your indulgence. And I yield back.

Mr. Tonko. Always, always.

Thank you. The gentlelady yields back.

The chair now recognizes the gentleman from Florida, Representative Soto.

Thank you so much for joining us. You have 5 minutes, please.

Mr. Soto. Thank you, Mr. Chairman.

It is clear that the American Jobs Plan will help address safe and ample drinking water for Central Florida and across the Nation. We have experienced 20 percent growth in the region just in the last 10 years. And I represent over 930,000 constituents, the sixth most of any congressional district. Some areas we need new drinking water infrastructure to handle this growth. Other areas we need repairs like Orlando and St. Cloud where the infrastructure is aging. Other areas it is about affordability. We recently had an apartment complex, Caribbean Isles, that faced an unscrupulous landlord

and now individuals are faced trying to afford their water.

In Polk County, in our rural agriculture areas, they are running out of water. And then add threats like climate change, intensifying hurricanes, rising seas, with salt water intrusion into our water systems, even cyber attacks. And we understand that risk and resiliency is critical.

Just over in Tampa Bay, an Oldsmar city worker noticed something odd on his remote work computer one afternoon in February. Large amounts of sodium hydroxide, used in cleaning supplies, was increased in the city's water treatment system. The worker quickly took action. What had happened? There was almost a hack in that water system in Tampa Bay that would have poisoned thousands of residents.

So I want to focus my questions on the importance of risking resiliency programs for water systems. Section 1433 from the Safe Drinking Water Act was created through bipartisan work on this committee. It requires water systems to assess and address their vulnerabilities to extreme weather and climate change, as well as intentional acts, like the Oldsmar water system cyber attack. The work of this program is far from over. And I am happy to see several bills before us in this committee, including the CLEAN Future Act and the AQUA Act of 2021 which would double the funding available to help water systems address these vulnerabilities.

Dr. McLain, what is the status of EPA's implementation of this program? I know the deadlines of the program have been phased in. So how much progress have we been able to make so far?

Dr. McLain. Thank you for the question. The resiliency of our water systems is a critical need, both from the natural disaster standpoint, as well as from the cybersecurity standpoint. And the risk assessment and resiliency program established under AWIA has been an important program and requiring systems to do risk and

resiliency assessments, and imagine emergency response plans based on those assessments.

We have seen very good compliance with the mandates put in place. So far the dates have passed for the largest water system and for the medium water systems for the risk assessment plans. And we have seen very good compliance. And we are already seeing risk assessments come in for the smallest water systems. And the deadline for that is in another month.

Mr. Soto. Thank you, Dr. McLain. These water systems are developing vulnerability plans. How much money has gone out the door so far once we have reached the implementation stage of the program?

Dr. McLain. The -- under AWIA, the program is a mandate for systems to develop the assessments and the plans. We have financing available under our State Revolving Funds and other programs for systems that want to make changes to their systems based on the plans that they have put in place.

Mr. Soto. Well, thank you, Dr. McLain. [Inaudible] supplement your answer. We will amount that [inaudible] go far on the implementation stage of the program. I know the committee, that would be helpful for us.

What other tools has EPA made available to water systems to help them adapt to climate change and address cybersecurity?

Dr. McLain. Thank you for the question. We have a number of tools available for systems to address climate change. As I mentioned earlier, we have a specific technical assistance program creating resilient water utilities. And we also have funding and financing programs available to help make those changes.

With respect to cybersecurity, we have a specific cybersecurity program where we provide best practices and guidance to our water sector. And we do this in

collaboration with the water sector on measures that utilities can take to increase their countermeasures against cyber attacks. And this is a voluntary program.

Mr. Soto. Thank you. My time has expired.

Mr. Tonko. The gentleman yields back.

And The chair now recognizes the gentleman from Arizona. Representative O'Halleran, you are recognized for 5 minutes, please.

Mr. O'Halleran. Thank you, Chairman Tonko. I appreciate that. I would also like to thank Dr. McLain for joining us today.

EPA is one of these agencies that over the last 4-1/2 years I have had the distinct honor to work with because I have so much work in my district to be able to address your issues. And as you can imagine, access to clean drinking water is a very important issue for families in Arizona. This is especially true in rural and Tribal areas where water infrastructure is lacking.

An estimated one in six households in the Navajo Nation do not have water piped to their homes. You will find the same story in other Tribal lands in Arizona and throughout the southwest. Over 100,000 homes on Tribal lands lack access to running water and adequate sanitation infrastructure. It is an outrage that so many communities still lack access to clean, reliable drinking water here in the United States.

Adding to these problems are environmental hazards on Tribal lands that contaminate some sources of water. Addressing these problems requires attention and coordination across Federal agencies.

First of all, doctor, I would like to ask you in comparison to how much work is needed to be done, just with your priorities and how you are funding is, what percentage do you think you can meet of the ongoing need versus the ongoing funding?

Dr. McLain. Thank you for your question. I don't think I have a percentage for

you today, but I am in agreement with you about the long-standing challenges in Indian Country and the significant infrastructure needs.

We know that there are many Native American households that do not have access to basic plumbing for wastewater and for drinking water. And we do work closely with Indian Health Services and other Federal agencies to partner with Tribes to make improvements, particularly on this access issue, which as you mentioned is very important. Just last year, we were able to use the small and disadvantaged grant program as provided by Congress to help make progress on this access issue in Tribal lands.

Mr. O'Halleran. I thank you, Dr. McLain.

Can you tell us more about that role that you played in addressing those areas to get access?

Dr. McLain. Yes. Thank you. So the Small and Disadvantaged Communities Grant Program that I was just mentioning provided by Congress and has as a priority underserved communities with lacking access. And this most in 2020 we used the funds appropriated by Congress to address those access means needs in Tribal lands. And we have been announcing the awards as we have been making them over the past few months. Very excited to have the ability to put that program in place.

And we work with our other financing programs very closely under the State Revolving Fund with the money set aside for Tribal lands to address access and water quality issues in collaboration with Indian Health Services, both for the Tribal Nations and for Alaska Native villages.

Mr. O'Halleran. Thank you. The last question I have is Administrator Regan was here last month. These Superfund sites of uranium mines up on Navajo, a tremendous amount of them, these Superfund sites impact the availability of clean

drinking water for thousands of residents. Can you tell us how the Departments within the EPA coordinates with each other and officials on the ground to keep clean drinking water a priority?

Dr. McLain. Yes, thank you. I know that the President has prioritized a cleanup of mines. And EPA definitely works within EPA across our authorities to address important drinking water issues, contamination of drinking water that can happen, for example how a Superfund site is an important mitigation measure for improving the quality of drinking water in a locality.

Mr. O'Halleran. Mr. Chairman, I yield and thank you, Dr. McLain.

Mr. Tonko. Thank you. The gentleman yields back.

The chair now recognizes the Representative from Texas. The gentleman has asked to wave on to the subcommittee. And so the chair recognizes Dr. Burgess for 5 minutes, please. Thank you.

Mr. Burgess. Thank you, Chairman Tonko.

I just want to say at the outset I don't want to get in a long debate about this, but it strikes me as unusual earlier in the questioning when Mr. Johnson had his line of questioning restricted. This is a committee that has often enjoyed a wide ranging jurisdiction. And it just seem to me for a Member to be able to question an agency personnel does not seem unreasonable. So I just register that discomfort with the restriction placed upon Mr. Johnson's line of questioning.

So I do have a question on section 621, the enhancing underground injection controls for enhanced oil recovery. It seems like this is creating a new class of underground injection wells for this enhanced oil recovery. This uses carbon dioxide to more easily extract the crude oil.

So Dr. McLain, are current enhanced oil recovery activities already regulated

under the EPA's Underground Injection Control Program?

Dr. McLain. Thank you for that question. At this time, we regulate the sequestration of carbon dioxide under the class VI UIC program and under the class II program there are provisions for sequestration of carbon dioxide with enhanced oil recovery. Yes.

Mr. Burgess. So is the EPA able or unable to safely regulate enhanced oil recovery under current law?

Dr. McLain. We are enacting the statute as it is written today. And we will be prepared to work with Congress as you consider changes to those programs. We are happy to provide specific technical assistance.

Mr. Burgess. And we are grateful for the technical assistance, but in order to give the fundamental question are we able or unable to regulate, safely regulate, enhanced oil recovery under current law?

Dr. McLain. We are in partnership with the States. And we are implementing the Underground Injection Control Program to protect underground sources of drinking water. And we are doing this today across all of the well classes.

Mr. Burgess. Well again, it just begs the question has the EPA failed to protect groundwater near enhanced oil recovery activity?

Dr. McLain. I don't have any -- I don't have any information on that topic.

Mr. Burgess. It just makes you ask the question of why would a new regulation be necessary for enhanced oil recovery if the EPA is adequately protecting groundwater near oil recovery activity.

Let me just ask a question because this is a little bit unrelated, but it does -- we had a week of winter in February in Texas. And it resulted in some lack of water in some locations. And then Hurricane Harvey a couple of years ago, a solar problem down in

the Houston area. And what strikes me is that dialysis centers always seem to be terribly adversely affected by these types of events.

Is there anything that you do in conjunction with other parts of the Department of Health Department and Human Services to ensure that dialysis centers have access to the type of water resources that they need during the time of crisis?

Dr. McLain. Thank you for that question.

There are critical infrastructure like the healthcare -- like healthcare that are dependent on water. It is very important in an emergency situation for those facilities to have access to water available to them.

And we do work under the emergency response system in the U.S. with the State and the local emergency responders to help them understand that the water sector is critical in response in terms of getting it stood up right away and ensuring connections to those facilities that need it most.

Mr. Burgess. Yeah. Of course typically those patients cannot wait --

Dr. McLain. Yes.

Mr. Burgess. -- what is more than a day or 2 with interruption in their process. And the type of water that is required is obviously highly purified and pretty professionalized. It is worth paying some attention to because it does seem to crop up from time to time.

Thank you, Mr. Tonko. Thank you for hearing my criticism at the beginning. And I will yield back.

Mr. Tonko. The gentleman yields back.

I believe that completes the list of our colleagues who chose to question the witness at today's subcommittee hearing. And I do thank our witness for joining us.

I remind members that pursuant to committee rules they have 10 business days in

which to submit additional questions. And we would ask that they be answered by our witness. And to respond promptly please to any such questions that you may received.

Before we adjourn, we have had a request for several documents to be included in the record.

So I request unanimous consent to enter the following documents into the record, a report from Environment America Research and Policy Center, and U.S. PIRG Education Fund entitled get the lead out and ensuring safe drinking water for children at schools.

A blog post from Environment America Research and Policy Center entitled no more pipe dreams, EPA must order removal of all lead service lines.

A letter from 62 organizations to former assistant administrator Ross, U.S. Environmental Protection Agency on revisions to lead and copper national primary drinking water regulations.

A letter from the Association of Metropolitan Water Agencies. And the National Association of Clean Water Agencies to support -- in support of H.R. 3293, the Low Income Water Customer Assistance Program Act of 2021.

A report from New York League of Conservation Voters Education Fund, entitled 5 is the new 15.

A case for reducing the action level for lead in New York State's public school drinking water program from 15 parts per billion to 5 parts per billion.

A letter from the America Water Works Association, Association of Metropolitan Water Agencies, National Association of Water Companies, and the National Rural Water Association.

A letter from the US Water Alliance in support of H.R. 3293, the Low Income Water Customer Assistance Program Act of 2021.

A letter from the American Society of Civil Engineers in support of H.R. 3293, the

Low Income Water Customer Assistance Programs Act of 2021.

A letter from the Great Lakes in Saint Lawrence City's Initiatives Major's Commission on Water Equity in support of H.R. 3293, the Low Income Water Customer Assistance Programs Act of 2021.

A statement from Representative Veronica Escobar.

A letter from the Water Equity and Climate Resilience Caucus in support of H.R. 3293, the Low Income Water Customer Assistance Program Act of 2021.

A letter from Green Latinos in support of H.R. 3293, the Low Income Water Customer Assistance Program Act of 2021.

A letter from the Water Design-Build Council.

A statement from Representative Rashida Tlaib.

A fact sheet from the American Exploration and Production Council on H.R. 1512, the CLEAN Future Act.

A fact sheet from the American Exploration and Production Council on the Safe Drinking Water Act.

An article from Chemical & Engineering News, entitled there is no need to control PFAS as a class industry scientists say.

A letter from the Independent Petroleum Association of America.

A letter from the Ground Water Protection Council.

A letter from the Interstate Oil and Gas Compact Commission.

A resolution from the Interstate Oil and Gas Compact Commission, entitled urging the Federal Government to work with States in the spirit of cooperative Federalism during review of our Federal fossil fuels program.

A resolution from the Interstate Oil and Gas Compact Commission, entitled pertaining to the CLEAN Future Act and any substantially similar legislation or policies.

An article from Americans for Tax Reform entitled CLEAN Future Act lays groundwork for back door ban.

So those are the requests.

Do I hear any objection?

Mr. McKinley. No objection.

Mr. Tonko. So without objection, so ordered.

[The information follows:]

***** COMMITTEE INSERT *****

Mr. Tonko. With that, the committee is adjourned.

And I thank everyone for their cooperation and we are adjourned.

[Whereupon, at 1:59 p.m., the subcommittee was adjourned.]