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Reforming the United States Drinking Water Standards: Subcommittee on Environment and Climate Change/U.S. House Committee on Energy & Commerce Hearing

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The Subcommittee on Environment and Climate Change (“Subcommittee”) of the United States House Committee on Energy & Commerce held a hearing on July 28, 2020, titled:

There’s Something in the Water: Reforming our Nation’s Drinking Water Standards

The focus of the hearing was an examination of the requirements and implementation of the standard setting provisions in Section 1412(b) of the Safe Drinking Water Act (“SDWA”).

Congress’s principal objective in enactment of the SDWA was ensuring the protection of drinking water. The tools to accomplish this task are a standard setting process for drinking water administered by the United States Environmental Protection Agency (“EPA”). Such drinking water standards have two primary components:

- Maximum contaminant level goal
- Maximum contaminant level or treatment technique

A July 23rd memorandum to the Subcommittee members and staff from the Committee on Energy & Commerce staff notes that national drinking water standards have been set for more than 90 contaminants or contaminant groups. It further states that the SDWA requires that EPA review and, as necessary, revise existing drinking water standards every six years. However, the memorandum notes that the revision process “takes considerably longer than that.” Concern is expressed that relatively few additional drinking water standards have been established since the last substantial amendments to the SDWA in 1996.

The witnesses testifying at the July 28th hearing included:

Shellie Chard

Director, Water Quality Division

Oklahoma Department of Environmental Quality

On behalf of Association of State Drinking Water Administrators

Six themes in the written statement include:

1. EPA must set standards in a reasonable timeframe, using sound science and in collaboration with the states
2. EPA must consider the availability of, and help develop, appropriate test methods, laboratory capacity, treatment technologies, and capacity of the federal and state data systems.
3. EPA must consider the differences in water system characteristics based on geography, population served, affordability, and source water
4. EPA must be clear in its regulatory framework
5. EPA must consider the need for workforce training and assist the sector in achieving a sustainable workforce
6. Funding for Public Water Supply Supervision (PWSS) and EPA Programs must be increased

Diane VanDe Hei

Chief Executive Officer

Association of Metropolitan Water Agencies

Ms. VanDe Hei's written statement describes areas needing improvement to include:

- Need to explore ways to hold EPA to SDWA statutory deadlines as long as there is sufficient opportunity to consider all appropriate science and maintain transparency
- Consider ways to make drinking water regulations more understandable to the public
- Clarity needed in regards to EPA's authority to develop non-enforceable, non-regulatory Health Advisories
- Encourage water systems to explore partnerships
- Review opportunities to align other statutes with SDWA to reduce public health risks through enhanced source water protection
- Review whether legislative changes to the Toxic Substance Control Act are necessary to ensure impacts on drinking water sources are being fully considered as EPA examines new and existing chemicals for use
- Assist community water systems in addressing new and emerging challenges
- Concern expressed about SDWA amendments that would push communities toward a particular treatment method

Mae Wu

Senior Director, Health and Food, Healthy People and Thriving Communities Program

Natural Resources Defense Council

- Discussion of EPA's failure to regulate the chemical perchlorate
- Similar concern expressed with per- and polyfluoroalkyl substances
- Contends that SDWA Contaminant Candidate List has become a cover to do nothing in practice
- Urgent threats to drinking water need to be addressed
- Retain the SDWA feasibility analysis but eliminate cost-benefit
- Vulnerable populations are left unprotected

A link to the Subcommittee memorandum and the three witnesses' written statement can be found below:

https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/Briefing%20Memo_ECC%20Hearing_2020.07.28.pdf (Memorandum)

https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/Witness%20Testimony_07.28.20_Chard.pdf (Testimony of Shellie Chard)

https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/Witness%20Testimony_07.28.20_VanDe%20Hei.pdf (Testimony of Diane VanDe Hei)

https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/Witness%20Testimony_07.28.20_Wu.pdf (Testimony of Mae Wu)