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Water Sector Chemical Shortages/Public Water Systems - Public Owned Treatment Works: U.S. Environmental Protection Agency Addresses Safe Drinking Water Act Option

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The United States Environmental Protection Agency (“EPA”) issued a document referencing supply chain issues for water treatment chemicals that public water systems (“PWSs”) and public owned treatment works (“POTWs”) may be experiencing for water treatment chemicals.

The EPA document discusses potential relief that a PWS or POTW may seek under Section 1441 of the Safe Drinking Water Act (“SDWA”) or the Defense Production Act (“DPA”).

The EPA publication notes that Section 1441 of the SDWA authorizes the United States Department of Commerce to:

... issue an order to a vendor to provide the necessary amount of the chemical or substance to a PWS or POTW.

The EPA document outlines the six steps it states should be undertaken to use Section 1441 of the SDWA. The document includes the links to the following EPA publications:

- Frequently Asked Questions about Section 1441 of the Safe Drinking Water Act
- How to Use the Defense Production Act

The EPA document also provides the information necessary for a PWS or POTW to submit an application for a certification of need that would serve to request that EPA act expeditiously on an application. Included is a fillable PDF which can be used by a PWS or POTW to submit an application for a certification of need.

SDWA § 1441(a) enables a PWS or POTW to apply to the EPA Administrator for a certificate of need when the amount of a “chemical or substance necessary to effectively treat such water is not reasonably available” or “will not be so available when required.”

In the event EPA issues a certification it will forward it to the United States Department of Commerce Undersecretary for Business and Industrial Security for implementation.

A link to the relevant documents can be found [here](#).

