

Jackson, Mississippi Drinking Water: U.S. Environmental Protection Agency Office of Inspector General Report



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The United States Environmental Protection Agency (“EPA”) Office of Inspector General (“OIG”) issued an August 12th report titled:

State Program Deficiencies and Inadequate EPA Oversight of State Enforcement Contributed to the Drinking Water Crisis in Jackson, Mississippi (“Report”).

OIG states that it conducted an evaluation to examine EPA’s response in oversight related to drinking water (i.e., Safe Drinking Water Act [“SDWA”]) contamination in Jackson, Mississippi.

The stated objective was to:

...determine the circumstances of, and the EPA’s response to, compliance with the Safe Drinking Water Act at the City of Jackson’s community water system.

The Mississippi State Department of Health (“MSDH”) has primacy for the implementation and enforcement of the SDWA for public water systems in Mississippi.

The state is therefore responsible for:

- Conducting sanitary surveys to assess a water system’s capability to treat and deliver drinking water.
- When violations are found, they are required to be entered quarterly into the Safe Drinking Water Information System.

OIG determined in its Report that the MSDH:

- Did not consistently enforce the SDWA or provide adequate oversight for the Jackson public water system.
- Does not have implementation procedures for its compliance and enforcement program.
- Did not take formal enforcement actions to compel Jackson to comply with the SDWA.

EPA was found to have been unaware of the extent of issues at Jackson until it conducted an on-site inspection of the system in February 2020.

The OIG Report also concluded:

- MSDH’s sanitary surveys and inspections obscured Jackson’s capacity challenges and SDWA noncompliance.
- Inadequate MSDH oversight impeded the EPA’s awareness of Jackson’s SDWA violations.

The Report also determined that EPA in overseeing the delegated Mississippi agency, did not uphold its oversight responsibility to require the state to implement enforcement procedures.

OIG makes seven recommendations in the Report to EPA:

- Assess MSDH's sanitary survey program.
- Develop a methodology to verify the adequacy of sanitary surveys conducted by the MSDH.
- Verify that MSDH has procedures to ensure water systems report compliance monitoring data to the state and that the Mississippi Public Health Laboratory has appropriate procedures.
- Train MSDH personnel on the Safe Drinking Water Information System/state version software.
- Evaluate whether MSDH is implementing procedures for the enforcement of drinking water regulations.
- Update EPA guidance manual and training guide to include a sanitary survey checklist and a process for states to alert EPA of public water systems with systemic issues that individually may not rise to the level of significant deficiency.
- Develop guidance on the applicability and use of the SDWA Section 1442(b) grant authority to address public health in an emergency situation.

EPA is stated to have agreed with OIG's seven recommendations.

A copy of the Report can be downloaded [here](#).