

Association of State Drinking Water Administrators

**WRITTEN AND ORAL TESTIMONY OF JUNE SWALLOW
BEFORE HOUSE ENERGY & COMMERCE COMMITTEE SUBCOMMITTEES:
ENVIRONMENT & ECONOMY AND HEALTH
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Who We Are

My name is June Swallow. I'm the administrator of Rhode Island's drinking water program and President of the Association of State Drinking Water Administrators (ASDWA). ASDWA represents the women and men in the 50 states, territories, D.C., and the Navajo Nation who are responsible for administering the requirements of the Safe Drinking Water Act (SDWA) within their jurisdictions. I also served on the National Drinking Water Advisory Council's (NDWAC) working group that recommended long term changes to the federal Lead and Copper Rule. Those recommendations were forwarded to the EPA Administrator in December, 2015. Regarding the events of the past several months, I will primarily focus on lessons learned and the path forward.

Reflections on Flint; Lessons Learned

Flint was something of a "perfect storm" and we don't believe there are exactly comparable situations in other parts of the country. But it did expose vulnerabilities in our collective approach to providing safe drinking water that we very much want to shore up. We will learn the lessons of Flint and apply them across the country – so that we restore peoples' trust and, most importantly, help ensure safe drinking water at the tap for everyone.

Steps being Taken in the Near, Medium, and Longer Term

Deputy Assistant Administrator's Beauvais' letter to the 50 state commissioners provides a good overall template for our collective *near and medium* term actions: We want to ensure that water systems are implementing (and states are overseeing) the current rule optimally and as intended. Where further guidance and clarifications are needed, those gaps need to be filled as

quickly as possible. We will also work with our water systems to go *above and beyond* what the rule requires, such as transparently sharing information and sample results -- while working on long term rule changes that will further solidify some of those “above and beyond” steps.

For the ***long term***, we support the recommendations of the NDWAC – the most important of which is to get the lead out: removing entire lead service lines and installing lead-free plumbing components. To accomplish that lofty, but, I believe, attainable goal, we need a national effort involving Federal, state, and local players -- as well as some non-traditional partners, such as the real estate community. We also support the other key NDWAC recommendations including, establishing a household action level for lead, setting up a lead information clearinghouse, and providing greater overall transparency and timeliness in sharing sampling results with customers. We encourage EPA to move the revisions forward as quickly as possible and will actively assist on these important issues.

It's Not Just Lead – There are Many Other Challenges

We urge the committee, as it considers this matter and possible actions, to be mindful of the fact that implementing the SDWA is akin to playing 3-dimensional chess: rule requirements for the 90+ regulated contaminants must be met all of the time at all 155,000 water systems that states oversee -- most of which are small.. And we (EPA, states, and utilities) must also be mindful of a host of new and emerging threats from which we need to keep the public safe: such as perfluorinated compounds, hexavalent chromium, perchlorate, and algal toxins – to name but a few. As critically important as the challenge of addressing lead in drinking water is -- we may not shift all of our time, attention, and resources -- thus creating other vulnerabilities.

The Multi-Barrier Approach

We also need to be mindful of what we call the multi-barrier – source-to-tap – approach to our collective task. To best protect public health, the sources of drinking water need to first be protected through a variety of statutes, authorities, and programs -- including the authorities provided under the Clean Water Act as well as USDA’s various programs. Surface and ground

waters used by water treatment facilities need to be adequately protected from point and nonpoint sources of pollution.

The Criticality of Partnerships: State-EPA and the State-Utility

And, we're most successful in our collective efforts when EPA, states, and local governments work together in partnership -- respecting and fulfilling our various roles and responsibilities. States remain firmly committed to these partnerships: we believe they've been mutually beneficial and essential to our collective efforts to protect public health.

Support for both Physical and Human Infrastructure; What Congress Can Do

Finally, I'd like to mention the importance of support for both physical and "human infrastructure." You're well aware of the issue of aging drinking water infrastructure -- including lead service lines -- and the costs and challenges of replacement. We appreciate the various bills that are seeking to address this need. Managers of state drinking water revolving loan fund programs stand ready to help in that task. But, there's also a human infrastructure shortfall in states of which you need to be aware. State drinking water programs need far greater support than they receive now. Congressional support for the principal Federal appropriation for state drinking water programs -- the PWSS grant -- has been level funded at about \$2 million per state per year for the past decade. To address increasing responsibilities and assure adequate oversight, at least twice that amount is needed for states.

In summary, we are eager to apply the lessons learned from Flint, while being vigilant about all of the other challenges associated with providing safe drinking water at the tap, in collaboration with our Federal and local partners -- and with Congressional support.