

ONE HUNDRED FOURTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115
Majority (202) 225-2927
Minority (202) 225-3641

June 30, 2016

The Honorable Fred Upton
Chairman
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable John Shimkus
Chairman
Subcommittee on Environment and the Economy
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Upton and Chairman Shimkus:

We write to request that you convene hearings on the Safe Drinking Water Act to explore the need for amendments to this landmark public health law, which has not been updated in twenty years. Hearings should explore the Environmental Protection Agency's (EPA) ability to set health protective drinking water standards under the 1996 amendments, measures to address lead exposure in communities and schools, drinking water facility security, the need to repair and replace deteriorating drinking water infrastructure, and the use of Safe Drinking Water Revolving Loan Funds.

Through public and private conversations, we have repeatedly urged you to hold hearings and to work with us to reauthorize the Safe Drinking Water State Revolving Loan Fund (SRF) and address other shortcomings in the Safe Drinking Water Act. Although we have managed to work together on two small drinking water issues, large and pressing issues remain. Drinking water systems across the country are facing crumbling infrastructure, water main breaks, source water contamination, shut-downs, as well as drought and other threats from climate change. Drinking water consumers across the country are facing exposure to lead, perchlorate, Perfluorooctanoic Acid (PFOA), and other chemicals that are not regulated, or not effectively regulated, under the Act.

We worked cooperatively with you and other members of the Subcommittee on H.R. 212, the Drinking Water Protection Act and H.R. 2853, the Grassroots Rural and Small Community Water Systems Assistance Act. Those bills will begin to address harmful algal blooms and the need for more and better technical assistance for small systems. Throughout those efforts, we were encouraged that our Committee's ability to find common ground on these drinking water issues would lead us to address the broader, more difficult issues that our states and communities are facing with respect to drinking water infrastructure.

In the last Congress, we worked cooperatively with you and other members of the Subcommittee to authorize chemical facility anti-terrorism standards that excluded drinking water systems. At the time, you promised to work with us to address security standards for drinking water systems.

Unfortunately, those promises have failed to yield any meaningful action, even in the face of some of the most noteworthy failures of our drinking water protection system in decades. Left unaddressed, these problems are only getting worse. While we recognize the challenges of providing additional resources, we have pointed out many times that Congress' continued refusal to provide sufficient resources to repair and upgrade drinking water infrastructure is not saving any money. In fact, it is actually resulting in extremely high costs in terms of both human health and finances.

Nowhere is this more obvious than in the case of Flint, Michigan, where people suffered enormously due to a series of errors that were initiated to save money. However, while Flint may be the most infamous recent example, the problem is hardly confined to one area. In fact, as we write, tests reveal problems in our own House: drinking water in the Cannon House Office Building tested for lead levels above the EPA standard resulting in all drinking water sources and office-provided water filtration units in that building being turned off. Moreover, a report released this week by the Natural Resources Defense Council, shows that in 2015, over 18 million people were served by 5,363 community water systems that exceeded the action level under EPA's Lead and Copper Rule.¹

Lead is hardly the only threat to our communities posed by unsafe drinking water. For example, PFOA has been found in drinking water in numerous communities in more than half of the states including New York, New Jersey, and Michigan. EPA recently revised the drinking water advisory for PFOA and the related chemical Perfluorooctane Sulfonate (PFOS) in response to concerns about the increasing number of reports of these contaminants in drinking water supplies and their potential health effects. But these advisories are not binding regulations and do not guarantee safe drinking water for the affected communities.

The need to act has been clear for months and time is quickly running out. We are now nearing the end of the 114th Congress. With little time left, the Subcommittee must take

¹ Natural Resources Defense Council, *What's In Your Water? Flint and Beyond* (June 28, 2016) (www.nrdc.org/resources/whats-your-water-flint-and-beyond).

The Honorable Fred Upton
The Honorable Ed Whitfield
June 30, 2016
Page 3

meaningful steps to provide the additional resources and tools that state and local governments need to ensure the public is provided with clean, safe drinking water. Safe drinking water is essential to every human, social and economic activity every day. We cannot afford to ignore the problem any longer. We urge you to hold hearings and bring comprehensive legislation before the Subcommittee and then the full Committee to address this national crisis.

Thank you for your consideration and attention to our request.

Sincerely,



Frank Pallone, Jr.
Ranking Member



Paul D. Tonko
Ranking Member
Subcommittee on Environment and
The Economy