
Water utility managers and operators take their responsibilities as public health stewards very seriously. As such, they are committed to maintaining water quality, while protecting the physical assets and resources needed to maintain utility operations.

Over the past several years water systems have taken significant steps to protect their critical facilities and secure necessary treatment chemicals. However, as Congress prepares to review drinking water facility security regulations in 2009, we believe that your administration should support local decision-making when it comes to treatment practices, particularly disinfection. Such decisions are based on local conditions and needs that are best understood by local experts. Allowing the directives of distant federal officials to supplant sound, locally based decisions could create the potential for unforeseen security and water quality vulnerabilities.

We are concerned about proposals that would empower the federal government to force local water systems to adopt so-called “inherently safer technologies” (IST) that are perceived by some as superior alternatives to utilities’ chosen disinfection methods. We believe that broad IST mandates from the federal government would fail to recognize the complex process that each utility conducts to choose the best water treatment method, based on numerous locally unique factors. These factors include characteristics of source waters, plant location and size, climate and ambient temperatures, treatment chemical availability, and other variables that may not be readily apparent to those unfamiliar with the operations of an individual utility. Consequently, if a utility were forced to adopt a less-effective water treatment option, there could be degradation of water quality or other risk trade-offs that could undermine public health and disaster preparedness.

In addition, we believe that an effective and comprehensive water security program should reflect the following principles:

- Federal officials should not have expansive authority to close drinking water plants for non-compliance with certain regulatory guidelines. While we agree that genuine security and public health vulnerabilities must be quickly addressed, the suspension of drinking water service introduces significant new risks to public sanitation, health, and fire protection. Adequate regulations and procedures currently exist to address instances where water itself may be a hazard, so we urge you to reject new federal authority to order water systems to shut down.

- Congress should avoid the establishment of duplicative water security programs overseen by both the Environmental Protection Agency and the Department of Homeland Security. Having more than one federal agency possess authority over water security would impair the ability of drinking water systems to fulfill their missions, because simultaneous compliance with multiple regulations could be difficult or even impossible. You should ensure that one agency continues to have oversight of the physical security of water utilities, but without having the authority to interfere with local water treatment methods.
• Some new water security programs propose the collection of data from water providers. Given the sensitive nature of water security information, it is critical that this information be explicitly exempt from disclosure under public information or “sunshine” laws. Likewise, federal, state and local agencies must take all internal precautions to prevent the inappropriate disclosure of water system information.

• Providing safe water is a local public service, and therefore any new federal security requirements should be accompanied by federal funding assistance. Such assistance could be targeted to help utilities update existing vulnerability assessments or implement other physical security or water treatment enhancements that the utility determines will increase security without compromising public health. Otherwise, new security requirements will amount to unfunded federal mandates on local utilities at a time when water treatment facilities are facing hundreds of billions of dollars worth of needs for other high-priority infrastructure projects.

Recommendations: Work with Congress to ensure that:
• New chemical facility security legislation does not force water utilities to change processes, such as disinfection, to adopt what some may perceive are “inherently safer technologies;”
• Federal officials are not given authority to order water utilities to shut down;
• Drinking water utilities are not regulated by different federal agencies simultaneously;
• Sensitive data regarding water utilities is protected; and
• New federal security mandates is accompanied by federal assistance.

The American Water Works Association. AWWA represents the full spectrum of water utilities, from the smallest to the largest and both municipal and investor owned. Its utility members serve safe drinking water to over 80 percent of the American population. It is headquartered in Denver with an office in Washington, DC. Contact Tom Curtis at 202-628-8303 or visit www.awwa.org.

The Association of Metropolitan Water Agencies. AMWA is an organization of the largest publicly owned drinking water systems in the United States. AMWA’s membership serves more than 130 million Americans with drinking water from Alaska to Puerto Rico. It is headquartered in Washington, DC. Contact Diane VanDe Hei at 202-331-2820 or visit www.amwa.net.

The National Association of Water Companies. NAWC represents all aspects of the private water service industry. The range of its members’ business includes ownership of regulated drinking water and wastewater utilities and the many forms of public-private partnerships and management contract arrangements. Contact Peter Cook at 202-833-8383 or visit www.nawc.org.

The National Rural Water Association. NRWA represents over 26,000 water and wastewater utilities serving small and rural communities. It is headquartered in Duncan, Oklahoma with an office in Washington, DC. Contact Mike Keegan at 202-742-4416 or visit www.nrwa.org.