

National Rural Water Association

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TO: **Chairman Rogers and Ranking Member Sabo**
House Appropriations Subcommittee on Homeland Security
Chairwoman Collins and Ranking Senator Lieberman
Senate Committee on Homeland Security and Governmental Affairs
Chairman Gregg and Ranking Senator Byrd
Senate Appropriations Subcommittee on Homeland Security
Chairman Inhofe and Ranking Senator Jeffords
Senate Committee on Environment and Public Works

FROM: Mike Keegan & John Montgomery

DATE: May 18, 2006

RE: Small Community Regulation Under Chemical Safety Legislation

Rural America needs your help. On behalf of the over 25,000 small and rural communities in the National Rural Water Association, we are writing to urge you to exempt small and rural community drinking water and wastewater supplies from any legislation attempting to regulate security in the chemical industry - including S. 2145 and the amendment in the fiscal 2007 Homeland Security appropriations bill that would require minimum security standards for chemical facilities.

Small communities' water and wastewater utilities routinely use chemicals to treat/disinfect drinking water and wastewater to promote public health and protect the environment. However, small and rural community water supplies are self-governing, non-profit organizations, they are not businesses, and have no incentive not to take all security actions possible. They are fundamentally different from chemical businesses. A list of over 50,000 small communities (many governed by local volunteers, teachers, mayors, doctors, retired citizens, farmers, etc.) that would be open to new regulations and new civil penalties under these legislative proposals is available at: www.ruralwater.org/seclist.txt.

Advancing security in small communities is more of a RESOURCE problem than a REGULATORY problem. Every small community faces unlimited challenges and needs - with limited financial, administrative, and technical resources -- and they need to ensure these resources are most effectively allocated. Successful security plans rely on local responsibility. Without the support of local people, no amount of regulations will secure these communities chemical facilities. Only local experts (water managers, police, mayors, councils, city managers, long-term community leaders, etc.) can identify the most pressing vulnerabilities in any community and the most effective security plans. Some vulnerabilities can be as specific as where an extra set of keys is hanging in the office - and the possibilities are infinite. Local government should have the primary role and responsibility of ensuring security in their communities and the federal government should promote and assist with security measures.

Most all wastewater supplies in the country have already adopted security plans to protect their chemical facilities without a federal mandate. The federal government should not be given authority to preempt locally tailored plans with uniform plans - and especially without a finding that any local plan is deficient.

Please consider the approach in the recently introduced Senate bill, S. 2781, to enhance the security of wastewater treatment works by Chairman Inhofe. This bill prioritizes funding, technical assistance, education, and federal resources - the most effective methods for the federal government to protect small wastewater systems without overburdening the capabilities and resources of small local government. The problem that occurs under the alternative regulatory approach is that it forces the adoption of uniform standards that result in the unintended consequence of forcing many communities to spend limited resources on actions that don't improve their security at the expense of more important security actions - that are unique to their communities.

We would be grateful for your support in exempting local governments new regulatory legislation to regulate the chemical industry. Thank you for considering the exceptional circumstances of small communities. Please contact us with any questions.

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Senate Committee on Environment and Public Works

FROM: Mike Keegan & John Montgomery

DATE: September 13, 2006

RE: Small Community Regulation Under Chemical Safety Legislation

On behalf of the over 25,000 small and rural communities in the National Rural Water Association, we are writing to urge you to support the proposed consensus language (Sec. 540) for chemical facility security. This language has the support of key authorizers and meets the stated requirements of the White House and the Department of Homeland Security.

Rural and small communities support the proposed language, which recognizes that small communities are self-governing, non-profit organizations, and have no incentive not to take all security actions possible. Small communities' water and wastewater utilities routinely use chemicals to treat/disinfect drinking water and wastewater to promote public health and protect the environment. However, they are fundamentally different from businesses. The proposed consensus language recognizes that most all wastewater supplies in the country have already adopted security plans to protect their chemical facilities – and that best national policy for enhancing the security of wastewater and water supplies in local communities relies on local responsibility for taking action that are unique to their communities.

We would be grateful for your support in exempting local governments new regulatory legislation to regulate the chemical security. Thank you for considering the exceptional circumstances of small communities. Please contact us with any questions.