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**BEFORE THE
SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS**

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Good morning, Chairman Carper, Ranking Member Capito, and Members of the Committee. It is good to be with you again. I am Radhika Fox and I have the great honor of serving as the Assistant Administrator for Water at the U.S. Environmental Protection Agency (EPA). I want to start my remarks simply by saying: **THANK YOU**. It is thanks to your bipartisan leadership and President Biden's vision, that I join you today to provide an update on EPA's implementation of the \$50 billion in water investments made available through the Bipartisan Infrastructure Law (BIL). I look forward to sharing the transformational work that EPA is doing to strengthen communities and make water cleaner and safer for people in every district, town, and city across the country.

I also want to take a moment to express my profound gratitude to the incredible career staff in the EPA's Office of Water, and in our Regional Water Divisions. Their dedication, technical expertise, and hard work are delivering on the Bipartisan Infrastructure Law's promise to the American people.

The President says we are building a better America from the bottom up and the middle out. Water is a crucial pillar to achieving that vision. In the Office of Water, we tackle the infrastructure you can't see, but always use. Senators, you all know how essential water is—and the historic investment of BIL is exactly what America needs to reverse decades of underinvestment, disinvestment, and neglect. Aging water systems dot our counties and states. Many of them are still addressing 20th-century challenges, some even using 19th century pipes, while striving to meet the frontier issues that will define the 21st century, from climate change to PFAS. We've seen this confluence of stressors play out acutely in places like Jackson, MS, where just last summer extreme weather pushed a delicate system, exacerbated by age and underinvestment, passed its breaking point—leaving thousands of families

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without drinking water for months. This is why this administration is making historic investments to prevent these crises in the future.

I am proud to sit before you today to give you an account of our progress in BIL's first year. First, let me start with the State Revolving Funds (SRF)—Congress appropriated \$43 billion over five years to five distinct programs within the Drinking Water and Clean Water State Revolving Funds, also known as the SRFs. In March 2022 – just four months after the President signed the BIL into law – EPA issued our BIL SRF Implementation Memo. This document established key priorities—providing flexibility for states to meet local water needs, increasing investment in disadvantaged communities, making rapid progress on lead service line replacement, addressing PFAS and emerging contaminants, advancing resilience and innovation, and supporting manufacturers and creating good-paying jobs across the water workforce.

It provided important clarity around Congress' intent that states direct nearly half of BIL SRF supplemental funding appropriated as additional subsidy to communities that meet their states' affordability criteria. The memo also included recommendations to states on factors to consider when updating their definitions of disadvantaged communities under the Safe Drinking Water Act and Clean Water Act, and we are thrilled that so far more than half of states have updated their definitions, or begun to do so, to reflect the unique economic and social hardships faced by their communities.

Now getting from BIL being signed into law to capitalizing state SRFs is all about a robust partnership between EPA and the states. We have engaged states at every step in the process. We met with every state's infrastructure or environmental secretary early in the process to identify priorities and anticipated challenges. We engaged states in crafting the Implementation Memo. We've held extensive in-person trainings from California to Kansas to Massachusetts, hosted technical webinars, developed FAQs, and supported states as they developed their intended use plans.

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In May and August we released implementation instructions for Tribes and territories, who received critical set-asides of funding through the BIL, and got to work ensuring that communities from the Navajo Nation to the Santa Croces tribe, from the Virgin Islands to American Samoa, get their fair share of BIL funds.

I want to take a moment to focus on the lead program. The science is clear: there is no safe level of exposure to lead, especially for children. And there are still between 6 to 10 million lead service lines serving homes in America. That means we need to get every inch of lead pipe out of the ground to protect the millions of people who still fear the water that comes out of their tap – or wonder if they should. To that end, we released additional *Guidance on Developing Lead Service Line Inventories* in August 2022, and we are working to harmonize our infrastructure investments with our regulatory work, like the Lead and Copper Rule Improvements. I want to thank Vice President Harris for her leadership and deep personal commitment to this issue.

In our first year of implementation, I am delighted that 47 states have been awarded at least one capitalization grant from the five pots of BIL SRF funding, totaling just under \$5 billion in FY22 funds – more than \$1.5 billion each to the supplemental SRFs and more than \$1.2 billion through the lead service line replacement program. Let's break down what that means for communities.

Because of the BIL's drinking water and clean water supplemental SRF funds, communities like Sierra Vista RV Park in Arizona will be able to remove arsenic and nitrates from their drinking water. The Warm Springs Indian Reservation in Oregon will finally be able to build a modern drinking water treatment plant. Sussex County, Delaware will connect hundreds of homes on septic systems in Slaughter Beach to a regional sewer system, protecting nearby marshes along the pristine Delaware Bay.

Because of the BIL's Lead Service Line Replacement funds, Pittsburgh, PA will eliminate nearly 1,000 lead lines in low-income areas and homes with young children. Through the BIL's SRF emerging contaminant funds, the town of Darlington, SC will be able to extend municipal drinking water service to

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126 people currently served by private wells that are contaminated by PFAS, and the utility serving Dalton, GA will start a pilot project to remove and destroy PFAS from their wastewater. These are just a handful of the thousands of projects the BIL SRFs will fund. So, again, I say **THANK YOU**. This is the impact of the President's vision, your bipartisan leadership, and the EPA's steadfast commitment to stewarding these resources for the benefit of the American people.

The BIL also established the new Emerging Contaminants in Small or Disadvantaged Communities grant program designed specifically to address emerging contaminants, like PFAS and perchlorate, in drinking water in small, rural, and disadvantaged communities. Just a few weeks ago Administrator Regan announced the availability of the first \$2 billion in funds to states, territories, and DC, through an allotment formula. Communities will be able to test for contaminants, design and implement treatment solutions to remove them, and access technical assistance and workforce development opportunities—ensuring that every eligible community reaps the full benefits of this program.

EPA has also been working with all deliberate speed to implement the nearly \$2 billion that Congress appropriated to a range of EPA's place-based programs that support conservation, restoration, and infrastructure programs to protect some of America's most treasured waters, from the Chesapeake Bay to the Mississippi River, from the Gulf of Mexico to San Francisco Bay. BIL funds are transformational for EPA's 12 Geographic Programs and 28 National Estuary Programs, which together received more than \$1.8 billion in the BIL. The certainty of multi-year funds is allowing them to take on larger projects than ever before, and is accelerating work that would have taken years longer without this injection of resources.

In February 2022, for example, President Biden was joined by leaders from Congress and States participating in the Great Lakes Restoration Initiative in announcing that the \$1 billion in BIL funds to this program would be used to help close 22 of the remaining 25 Areas of Concern in the Great Lakes – accelerating the removal of legacy pollution, making lands and water safe for residents and aquatic life,

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and increasing economic development and access to parks and green space in places from downtown to Detroit, Mi to Milwaukee, WI to Indiana's Grand Calumet River.

In the Chesapeake Bay, Geo Program resources will support the town of Berlin, MD to complete stormwater improvements that have been the town's top infrastructure priority for years, as impacts of climate change and undersized infrastructure have threatened homes and business with flooding. In California, the Santa Monica National Estuary Program will leverage BIL resources protect the iconic Santa Monica Pier, a pillar of the communities cultural and economic landscape, by building natural infrastructure that will improve water quality, provide habitat for fish and birds, and enhance the community's landscape.

Consistent with the authority granted by Congress, EPA is waiving non-federal cost-share for these programs to help advance projects in disadvantaged communities – who too often are left waiting at the door because they can't access other matching funds. Each Geo and NEP is also developing equity strategies to better understand where there are disadvantaged communities in their watersheds, what their needs are, and how to ensure that every community can benefit from these funds.

Working collaboratively, EPA and SRF programs can make progress towards Justice40, which aims to ensure that federal agencies deliver at least 40% of benefits from certain investments to disadvantaged communities. As part of so many of these programs, I also want to report that EPA is making significant progress to advance President Biden's Justice40 Initiative, which sets the goal that 40 percent of the overall benefits from certain Federal investments flow to disadvantaged communities. EPA is working hard to help implement the BIL water programs that are also Justice40 covered programs to help implement Congress's important recognition of the need for significant benefits to reach communities who are overburdened by pollution and underinvestment.

We are also thrilled that Congress, for the first time, provided significant funds to advance the goals of the Gulf Hypoxia Task Force, which aims to improve water quality in the 12 states along the

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Mississippi-Atchafalaya River Basin and to reduce the size of the hypoxic zone in the Gulf of Mexico. Senators, let me tell you—I have rarely seen a program and group of partners—the states in the basin, with Tribes, farmers, universities, local communities, and other stakeholders – get established so quickly.

Nearly all state grants have been awarded, and we are excited for projects on the ground to get moving. In the Cache River Watershed in Arkansas, the state is using these funds to construct strategic ditches that will both reduce nutrient runoff from agricultural lands and mitigate flooding that impacts homes in the town of Rector, in Clay County. In Mississippi, the state will use these funds to better track nutrient reduction and conservation efforts and their impacts across the state, helping to target resources from not just this program but from EPA’s 319 Nonpoint Source Reduction Program and many others to have maximum impact.

I’ll also highlight our progress implementing a smaller but important provision of the BIL, our Class VI Underground Injection Control permitting program, which addresses underground carbon sequestration projects. President Biden and Congress have high expectations for EPA to deliver on climate change mitigation infrastructure and to safeguard the well-being of the communities where that infrastructure is located. EPA is taking important steps to implement the \$50 million Congress appropriated to EPA to support states in applying for primacy in Class VI permitting, and \$25 million to support EPA’s internal permitting approval process.

We’ve had open and consistent lines of communication with states, tribes, and territories to ensure that their feedback is incorporated at every step of the way as this program is developed, and this January the Agency invited them to submit letters of intent to indicate their interest in participating. These grants will be awarded non-competitively and with no match requirement, but as a threshold requirement to receive grant funding, we plan to require states to integrate environmental justice concerns into their implementation. This will create a framework for states to include environmental justice planning in their program activities. We expect to begin accepting applications in Spring 2023, and to make awards by the end the year.

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Senators, alongside our investment in water infrastructure, the EPA is standing up a robust technical assistance program to ensure that every community across rural, urban and suburban America has a fair shot at accessing Bipartisan Infrastructure Law funding. At the EPA, we recognize that investment in water infrastructure has been uneven, and that too many communities lack the capacity to access federal funding resources. We want to change the odds for communities who have too often been left behind—from rural areas like McDowell County, WV in Appalachia; to the Deep South in places such as Lowndes County, Alabama; from Lynchburg South Carolina on the East Coast to the Makah Tribe in Washington on the West Coast; and many communities in between.

Our expanded technical assistance effort in the Office of Water provides hands-on support to help communities assess their water infrastructure needs, identify potential solutions, and develop funding applications. This is how we change the odds for communities who have been counted out for too long.

We announced 29 Environmental Finance Centers to receive \$150 million in TA grants – using both BIL and non-BIL funding – over the next five years. Sixteen of them will focus exclusively on providing BIL TA services directly to communities. In partnership with USDA, we launched the Closing the Wastewater Access Gap initiative, to provide direct TA to communities with chronic lack of access to basic sanitation, and we're on the ground piloting initiatives in 11 communities across 6 states, from West Virginia to Mississippi to New Mexico, and in tribal nations. Our Lead Service Line Accelerators, announced in January with Vice President Harris, are piloting partnership programs with four states – Pennsylvania, Connecticut, New Jersey, and Wisconsin – that will work with 40 communities to build roadmaps for completing lead service line inventories, community engagement, and funding applications for BIL SRF lead funds.

This is just the start, and as we learn from these pilot programs and early TA efforts, this is the work that will allow communities across the country see the benefits of the tough votes you take and difficult decisions you all make on their behalf. With this work we are making sure that resources are going to places with the most need. I view the capacity building of our internal and external technical

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assistance efforts as central to the legacy that the Bipartisan Infrastructure Law will deliver for the American People

I am also proud of the Office of Water's leadership and contributions to cultivating domestic manufacturing through implementation of the Build America Buy America Act, which Congress passed as part of the Bipartisan Infrastructure Law. This law is a transformational opportunity to build a resilient supply chain, and to catalyze new and sustained investment in American manufacturing jobs and businesses. The Office of Water has nearly a decade of experience implementing the American Iron and Steel domestic preference program. We have leveraged this experience to ensure both that EPA's funding recipients follow this new set of requirements while also providing appropriate on-ramps through public interest waivers, as allowed under the statute. Moving forward, we are undertaking extensive outreach with co-funding agencies, states, grantees, and manufacturers. And we are expanding our already robust industry research program to identify sourcing bottlenecks in the water sector and appropriate strategies to mitigate them.

Looking back on what EPA and states, have accomplished in standing up implementation of this unprecedented set of investments, in just a relatively short amount of time, I am struck by the speed of implementation. This effort requires building new capacity at every level – at EPA HQ and in our Regions, in state agencies, in communities, and in technical assistance providers. That work isn't just rolling – it's racing. We know that as more state IUPs finish their comment periods and become eligible to receive their capitalization grants, and as new programs like the SRF lead and emerging contaminants programs build their project pipelines, the pace of getting money out the door and into projects will accelerate. As we do so, we'll continue to learn, to track progress, and to steward every dollar this Congress has given to the American people with the care and consideration you expect—and as if the projects they fund were to benefit our homes in our towns, in our states. Because they do. These resources are lifting all of us, together.

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I want to end where I began and that is with a sincere THANK YOU. The commitment of this committee, the leadership of President Biden, and the expertise of EPA's career staff have taken us one step closer to the future where our waters are fishable and swimmable, and where every person living in the United States of America can trust that the water that comes out of the tap is safe to drink.

Thank you for the opportunity to testify before you today, and I look forward to our discussion.