TESTIMONY OF
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BEFORE THE
SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
SUBCOMMITTEE ON WATER AND WILDLIFE, REGARDING
S. 571, GREAT LAKES WATER PROTECTION ACT;
S. 1202, SAFEGUARDING AMERICA'S FUTURE AND ENVIRONMENT ACT;
S. 1232, GREAT LAKES ECOLOGICAL AND ECONOMIC PROTECTION ACT; AND
S. 2225, THE SMART WATER RESOURCE MANAGEMENT CONSERVATION AND EFFICIENCY ACT

July 16, 2014

Good afternoon, Chairman Cardin, Ranking Member Boozman, and members of the Subcommittee. I am Michael H. Shapiro, the Principal Deputy Assistant Administrator of the Office of Water at the U.S. Environmental Protection Agency (EPA). Thank you for the opportunity to discuss the EPA's work to protect our nation's waters and several pieces of proposed legislation that would impact the agency's programs. The Administration has not taken a position on these pieces of legislation, but I am pleased to describe the EPA's current work relevant to the overall issues that these bills would address.

My testimony today will focus on three primary themes. First, I will describe the EPA's collaborative work to restore the Great Lakes, and how that work would be affected by S. 571 (the Great Lakes Water Protection Act) and S. 1232 (the Great Lakes Ecological and Economic Protection Act). Second, I will describe our work to promote water efficiency through the WaterSense program, and how it relates to S. 2225, the Smart Water Resource Management Conservation and Efficiency Act. Third, I will describe the EPA's work on climate change adaptation and water, and the potential effects of S. 1202,

Safeguarding America's Future and Environment Act, on the agency's programs.

Great Lakes: S. 571 and S. 1232

Interagency Great Lakes Restoration Initiative

The EPA is in a unique position in providing testimony on S. 571, the Great Lakes Water Protection Act and S. 1232, the Great Lakes Ecological and Economic Protection Act, because the agency manages the Great Lakes Interagency Task Force of 11 federal departments per presidential executive order.[1] Chaired by EPA Administrator McCarthy, the Task Force coordinates the Great Lakes Restoration Initiative (GLRI). As of its most recent Report to Congress and the President, the Task Force is meeting or exceeding most of its annual measures of progress for Great Lakes restoration.[2]

It is tempting to think of protecting and restoring the Great Lakes as a regional issue. But it is anything but that. With some 95 percent of the nation's and 20 percent of the Earth's fresh surface water, protecting and restoring the Great Lakes is a national and even international imperative. The Great Lakes are one of the key reasons why so much of the nation's industry is concentrated in the Midwest, represent a significant tourist attraction, and provide basic drinking water needs to a significant fraction of the U.S. population. As such, Congress has always helped lead the way on policy to ensure the nation takes care of the Great Lakes so the Great Lakes can continue to take care of the nation.

S. 571 – Great Lakes Water Protection Act

The EPA agrees with the purpose of the legislation to reduce wastewater overflows to the Great Lakes. However, fully eliminating such overflows may be challenging for Great Lakes communities that are

[1] See http://www.epa.gov/greatlakes/iatf/eo.html.
[2] See http://greatlakesrestoration.us/pdfs/glri-fy2012-report-to-congress.pdf.

already facing extensive water and wastewater infrastructure challenges. The EPA has previously reviewed similar legislative language and provided technical assistance that we believe would have accomplished the intent of using the money collected from fines to help fund treatment plant upgrades for plants that discharge into the Great Lakes. This language was not incorporated into S. 571 (or the 2013 House bill, H.R. 1185). We would also be interested in working with the Committee to clarify some of the provisions of S. 571 to ensure that, if enacted, these provisions would be fully consistent with the EPA's existing bypass regulations.

S. 1232 – Great Lakes Ecological and Economic Protection Act

The EPA strongly supports the goals of the legislation, to specifically authorize the Great Lakes Restoration Initiative, which has helped accelerate greatly the restoration and protection of the Great Lakes ecosystem. One important factor in the success of the GLRI has been the ability to adapt to changing needs and priorities. EPA believes it is advisable for the legislation to direct the agencies to re-assess the focus areas on a five-year basis to ensure they are updated to reflect the most pressing needs of the Great Lakes. The legislation would provide statutory recognition for the Interagency Task Force.[3] It would also create a statutory foundation for the Great Lakes Advisory Board,[4] an independent panel of experts to provide advice to the Task Force on priority-setting and implementation of the GLRI. This independent assessment of the effectiveness of the GLRI is an important assurance that states, cities, tribes, academia, civic organizations, and businesses are engaged and helping to ensure the effective management of the GLRI. The bill also recognizes that the Great Lakes are shared with Canada by acknowledging the U.S.-Canada Great Lakes Water Quality Agreement and the Great Lakes

[3] See footnote 1.

[4] See http://glri.us/advisory/index.html. The Board has only been established administratively by EPA under the Federal Advisory Committee Act at this time.

Regional Collaboration Strategy, a plan adopted by dozens of government, academic, business and civic leaders in 2005. The bill prohibits the GLRI from funding any water infrastructure activity (other than certain green infrastructure projects) implemented using SRF funds. The bill also authorizes appropriations for remediation of sediment contamination in areas of concern in the Great Lakes, and the Great Lakes National Program Office. These purposes are consistent with the EPA's ongoing work.

Water Efficiency: S. 2225

Too often we take for granted a system that provides clean and safe water: from the drinking water that automatically appears when we turn on our taps or take a shower, to the water found in our local watersheds where we live, work, and play. But water is not a limitless resource. A May 2014 report from the Government Accountability Office noted that 40 out of 50 state water managers expect water shortages under average conditions in some portion of their state over the next decade.[5] Many communities across the nation are facing difficult challenges in meeting their water resource needs, whether it is due to aging infrastructure, population growth, or the serious drought we are currently seeing in California and other parts of the southwest.

The EPA is working to raise awareness and foster the understanding that water is a valuable resource that should be used wisely. In 2006, we launched WaterSense, an innovative partnership program that helps American consumers, businesses, and governments make smart water choices that save water, energy, and money, without compromising performance, by looking for the WaterSense label. Products with the WaterSense label use at least 20 percent less water and perform as well as—or better

[5] See http://www.gao.gov/products/GAO-14-430

than—conventional models. To earn the label, products must be independently certified by a third party to meet EPA's criteria for efficiency and performance. WaterSense has promoted innovation in manufacturing and its distinctive approach has been identified as a key strength by many stakeholders.

Through 2013, we estimate the program has saved more than 757 billion gallons of water, an amount equal to the water needed to supply all the homes in the United States for 26 days. Every gallon saved also saves energy associated with pumping, treating and heating water. The program also estimates that it has saved consumers $14.2 billion in water and energy bills.[6] Ever since the first WaterSense labeled toilets hit store shelves in 2007, more and more product types have earned the WaterSense label, and the total number of WaterSense labeled models has continued to grow. Currently, more than 12,900 products have earned the WaterSense label, including toilets, faucets, showerheads, and irrigation controllers. The WaterSense program has more than 1,550 partners, which include manufacturers, retailers, water utilities, government and non-profit groups across the country, who are helping the program spread the word about water efficiency.

The EPA's WaterSense program is not the only program focused on managing our water resources more efficiently. The EPA's sustainable infrastructure efforts look more broadly at water efficiency and asset management and many states and utility managers are stepping forward to identify innovative strategies and promote tools for water efficiency on the supply side. Making water distribution more efficient will not only save water and reduce costs, but it will save energy and significantly improve sustainability and increase capital available for infrastructure investment.

[6] See http://www.epa.gov/watersense/about_us/index.html#accomp

S. 2225 would create a smart water resource management pilot program managed by the Department of Energy, which would award grants for innovative solutions to increase water and energy efficiency. WaterSense and our other programs are also looking towards innovative solutions and we are currently coordinating with the Department of Energy on water and energy efficiency program efforts. The legislation would not create any new responsibilities for the EPA, and the Administration is still reviewing the bill.

Climate Adaptation and Water: S. 1202

Water resources are important to both society and ecosystems. We depend on a reliable, clean supply of drinking water to sustain our health. We also need water for agriculture, energy production, navigation, recreation, and manufacturing. Many of these uses put pressure on water resources, stresses that are likely to be exacerbated by a changing climate. In many areas, climate change is likely to increase water demand while shrinking water supplies. This shifting balance would challenge water resource managers to simultaneously meet the needs of growing communities, sensitive aquatic and terrestrial ecosystems, farmers, ranchers, energy producers, and manufacturers. In some areas, water shortages will be less of a problem than increases in runoff, flooding, or sea level rise. These effects can reduce the quality of water and can damage the infrastructure that we use to transport and deliver water.

Climate change is challenging our assumptions about water resources. As climate change warms the atmosphere and alters the hydrological cycle, we will continue to witness changes to the amount, timing, form, and intensity of precipitation and the flow of water in watersheds, as well as the quality of aquatic, marine, and terrestrial environments. These changes are also likely to affect how we manage natural resources, including the programs designed to protect the quality of water resources

and public health and safety.

The EPA recently released a *Policy Statement on Climate Change Adaptation* and each of the major EPA programs and regional offices have drafted more detailed climate change adaptation implementation plans.[7] For the National Water Program, our climate change adaptation actions build on the strategic directions outlined in the *National Water Program 2012 Strategy: Response to Climate Change*, which sets out long-term goals and specific actions that are the EPA's contributions to national efforts to prepare for, and build resilience to, the impacts of a changing climate on water resources.[8] The EPA National Water Program is working with state, tribal, and local governments, as well as other partners to implement actions that address the challenges posed by a changing climate.

S. 1202 would create an Interagency Natural Resources Climate Change Adaptation Panel, which would include the EPA Administrator, to help coordinate development and implementation of the *National Fish, Wildlife, and Plants Climate Adaptation Strategy*. The EPA would also be required, along with other agencies included on the Panel, to develop and update a natural resources adaptation plan in support of the *Strategy*. Water quality and watersheds are essential components of protecting not only aquatic ecosystems, but terrestrial systems as well. With this understanding, the National Water Program worked with other Federal agencies to develop the *Strategy* and is participating in its implementation.

Conclusion

Once again, Chairman Cardin, Ranking Member Boozman, and Members of the Subcommittee, thank

[7] See http://www.epa.gov/climatechange/impacts-adaptation/fed-programs.html
[8] See http://water.epa.gov/scitech/climatechange/2012-National-Water-Program-Strategy.cfm

you for the opportunity to discuss the EPA's work in these areas and the potential impacts of the legislation you are considering today. I look forward to answering any questions you may have.