TESTIMONY OF RADHIKA FOX
PRINCIPAL, NORTH STAR STRATEGY
AND FORMER ASSISTANT ADMINISTRATOR FOR WATER U.S. ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

NOVEMBER 20, 2024

Good morning, Chairman Carper, Ranking Member Capito, and members of the committee. It is my honor to appear before this committee again. I wanted to begin by appreciating the leadership of this committee and its members on the important subject of safe drinking water. Ranking Member Capito, it has been a pleasure working with you on a range of issues from PFAS to infrastructure investment, and I thank you for your leadership. And I'm grateful to have the opportunity to thank Senator Carper for his years of service to his state, to his country, to the institution of the United States Senate, and to the environment of our nation. I speak often about the important work that is done by public servants, and the impact they can and do make every day. Senator Carper, your work has been an outstanding example of this service. Thank you.

It is a privilege to join you today as we recognize 50 years of significant progress in our nation's commitment to safe drinking water and the health of our families, our communities, our businesses, and our nation.

Clean and safe drinking water is essential. From the moment we wake up in the morning and brew a cup of coffee, to the moment before bed when we brush our teeth, we need safe drinking water. We rely on water from our taps for cooking, washing, and bathing. Each day, Americans drink more than one billion glasses of tap water. Water truly is life.

Before the Safe Drinking Water Act was established in 1974, there were few national enforceable rules or requirements governing the safety of life's most essential resource. Drinking water standards set in 1962 regulated 28 substances, but a survey conducted by the Public Health Service in 1969 showed that only 60 percent of the systems surveyed were delivering water that met those standards. Over half of the treatment facilities surveyed had major deficiencies involving disinfection, clarification, or pressure in the distribution system. We lacked the authority, science, technology, infrastructure, and funding to properly address the problems.

As a result, the water that Americans relied on was full of dangerous and harmful substances. It carried discarded chemicals, pesticides, fertilizers, and human waste. There was no national requirement to test for these substances, and no recourse if any were found. It was a recipe for pollution in our water and high rates of disease in children and adults alike. And for far too long, it was simply the way things were.

It was in the face of this alarming reality that in 1974, Congress took bold action—and established the Safe Drinking Water Act to limit the levels of contaminants in our drinking water and protect public health. The Act was a game changer. It transformed our expectation that when we turn on the tap to pour a glass of water, we should trust that it will be safe because the Congress of the United States established a national floor of protection for all people in America. Today, it continues to safeguard water in communities across the nation. It has saved lives and created jobs. And over the course of the last 50 years, it has set a standard for the way we care for one another and make progress as a nation.

I want to highlight just a few impacts the SDWA has had since its inception. First and foremost, it has improved water quality at the tap. The SDWA empowered the Environmental Protection Agency (EPA) to set national standards for our drinking water for a wide range of harmful pollutants like lead, arsenic, and nitrates. This ensured that drinking water systems had nationwide, consistent, enforceable criteria to meet, which significantly reduced contamination levels and improved water safety. As a result of this federal legislation, we've seen more uniform protection of the American people. The EPA, through its implementation of SDWA, has saved lives, prolonged lives, and prevented diseases for countless Americans.

The United States is blessed with diverse and abundant sources of drinking water. Recognizing the imperative to steward that inheritance, SDWA protected the rivers, lakes, and aquifers that are the sources of our drinking water. Through programs like the Source Water Assessment Program, communities have been able to identify and eliminate risks to their drinking water sources, leading to better-prepared water systems, reducing pollution risks, and reducing treatment costs. As a result, we're not just creating cleaner drinking water; we're ensuring a cleaner environment for all.

At the same time, the law has increased monitoring and compliance requirements. The Act required regular testing and monitoring of public water systems for contaminants, ensuring that potential health risks could

be identified and addressed quickly. This monitoring framework has helped identify and control emerging contaminants, allowing for quicker action on new potential threats.

Meanwhile, the SDWA has helped to generate funding for essential infrastructure improvements. In the 1996 SDWA Amendments, Congress established the Drinking Water State Revolving Fund (DWSRF) to to provide affordable financial assistance for water system improvements that communities desperately needed to protect public health. This funding has enabled communities to upgrade infrastructure, reduce contamination, and ensure safer drinking water, especially for small and rural communities with limited resources.

Of course, this law hasn't just imposed essential rules; it has ensured transparency, and brought everyday Americans into the conversation by establishing critical public awareness and right-to-know provisions. The SDWA requires water systems to provide consumers with annual reports that disclose the quality of their drinking water, what contaminants may be present and at what levels, and known potential health impacts.

These are just a few of the groundbreaking provisions that the SDWA has ushered into practice. Together, they have strengthened drinking water safety, improved infrastructure, and empowered communities to manage water quality proactively. And most importantly, they have had a positive impact on millions of Americans' lives. Thanks to the Safe Drinking Water Act, the United States enjoys some of the most reliable and safest supplies of drinking water in the world. More than 300 million people depend on 50,000 community water systems across the country for safe, reliable water every day. Over 91 percent of the population supplied by community water systems receives drinking water that meets all health-based standards.

Beyond the incredible health and environmental outcomes that can be traced back to the passage of the Safe Drinking Water Act, this law has established the foundation that our modern civilization is built on. The American economy runs on clean water. Without it, our restaurants, hotels, hospitals, office buildings, manufacturing plants, and schools cannot survive. When we invest in water, America wins. For every $1 billion we invest in our water infrastructure, we create more than 15,000 jobs.

As the members of this Committee know, I had the great honor of serving as the Assistant Administrator for Water at the EPA from January 2021 to February 2024. It was an incredible honor to work closely with this

Committee to take additional critical steps to drive the next 50 years progress in ensuring clean and safe drinking water for every American. Let me highlight some of these accomplishments.

The Bipartisan Infrastructure Law allotted more than $50 billion towards our water infrastructure—an investment that will drive better health outcomes for generations. To date, EPA has announced over $30 billion of Bipartisan Infrastructure Law funding and has awarded more than $21 billion of this for water projects across the country to states, Tribes and territories, place-based programs, and more. As a result, more than 1,200 communities have "broken ground" on critical water projects supported by the Bipartisan Infrastructure Law. We are at the beginning of an infrastructure decade; serving as the tip of the spear for an approach that will see these dollars driven to local communities that will feel the economic benefits for generations to come.

Of course, it's not enough to make funding available. We also have to make it accessible to the communities that need it. That's why during my time at the EPA we established 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. EPA's WaterTA program is now helping 3,500 communities—places like McDowell Country, West Virginia, Lowndes County, Alabama, Lynchburg, South Carolina, the Makah Tribe in Washington State build their technical, financial, and managerial capacity.

At the same time, EPA has made solid progress on the regulatory front. Just last month, the EPA announced the final Lead and Copper Rule Improvements (LCRI), which will strengthen regulations to further protect communities from lead exposure in drinking water. The LCRI builds on prior updates by mandating the replacement of lead service lines in 10 years, introduces a more stringent action level for lead, requires increased monitoring, quicker intervention, and greater public transparency on lead levels and the status of lead line replacements. Finally, a decade after the Flint Water Crisis, the American people have a lead and copper rule that is truly protective.

The EPA has also taken action to address emerging contaminants like per-and polyfluoroalkyl substances, known as PFAs—or "forever chemicals." Exposure to PFAS has been linked to cancer, impacts to the liver and heart, and immune and developmental damage to infants and children. The EPA issued a national, legally enforceable drinking water standard that will reduce PFAS exposure for approximately 100 million people,

prevent thousands of deaths, and reduce tens of thousands of serious illnesses. The national drinking water standards established this year have their roots in bipartisan agreement and action, stemming from decades of tragic PFAS pollution in communities across America, like Parkersburg, West Virginia.

While we have made significant progress in the last 50 years, our work is not done until every single American has clean, safe, reliable, and affordable drinking water. As we look to the future, I believe we should be focused on five core priorities.

First, we must further invest in water infrastructure. I want to applaud this committee for your leadership in the construction of major provisions in the Bipartisan Infrastructure Law—but an investment like this shouldn't be "once in a generation." Drinking water infrastructure requires regular maintenance, repairs, and replacement. EPA estimates that the United States has $384 billion in drinking water infrastructure needs over the next 20 years to say nothing of complimentary needs on the clean water side. We need to continue to invest in a system that protects families, enables business, and leads the world. And, as Congress and other institutions increase funding for infrastructure, it is imperative that they provide resources to support the training and deployment of construction and operations workers who are needed to build and maintain water systems for generations to come.

Second, we must modernize water management by rapidly accelerating the adoption of digital tools. Despite accelerated growth in technology developments over the past 50 years, water utilities have traditionally been slow to adopt new intelligent water solutions. We have the technology today to rapidly modernize water infrastructure, improve water quality, achieve efficiencies in operation, and advance resilience to climate change and cyber-threats. The federal government has an important role in helping utilities to understand the significant benefits of using intelligent water solutions across the water sector—by raising awareness, providing greater technical assistance, and offering a mix of funding and incentives.

Third, we need to enable the strengthening of the water utility sector through consolidation. I understand this is a controversial, and in some places an unpopular concept. I have worked with water systems of all sizes and capacities and share in the deep belief that water is inherently local. Yet, there are approximately 50,000 community water systems in the United States. Most of them are small, serving fewer than 500 people. Many smaller or fragmented systems struggle to meet regulatory standards, manage costs, and maintain infrastructure,

leading to higher risks of contamination, service disruptions, and costly repairs. Consolidation can enable water utilities to address investment gaps; achieve predictable, consistent revenue; build a strong and sustainable workforce; address affordability and environmental justice; provide a stronger basis for local economic growth; support better operational resilience; provide the capacity to meet modern treatment standards; and leverage innovation opportunities in the water sector more readily. However, for utility consolidation to be effective, it must be equitable and guided by the goal of delivering real improvements for the community.

Fourth, we have to adapt drinking water policy and investments in ways that help communities weather the "water whiplash." Water whiplash describes the abrupt shifts between extreme weather patterns—like severe droughts followed by intense floods—that are increasingly common due to climate change. To manage through such uncertainty, communities and policymakers can invest in more resilient infrastructure, better reservoir and groundwater management, flood-resistant designs, and improving water storage during wet periods to prepare for droughts. Policy solutions include adopting flexible water use regulations, enhancing conservation practices, and expanding water recycling and reuse programs. Together, these strategies can help mitigate the disruptive effects of water whiplash.

Finally, across all that we do we must have an unwavering focus on supporting underserved and disadvantaged communities. We need to address disparities in access to safe, affordable, and reliable drinking water in this country. One in three Americans say they struggle to pay their water bills. What good is having clean water if you can't afford to drink it? That's why we need to establish a permanent water assistance program that can help families struggling to pay their water bills. We know that this committee established a pilot program in the Bipartisan Infrastructure Law, and hope this is a program that Congress will fund, and expand and make permanent nationwide, in the near future.

The Safe Drinking Water Act was an extraordinary accomplishment. It set the stage for decades of progress. It has also laid the foundation for the unfinished work we still have to do to ensure every American has access to safe drinking water. And, it's proof that we can do big things when we come together as a nation.

The safe drinking water that most Americans enjoy today, would not have been possible through voluntary action by individual water utilities or companies. It couldn't have been accomplished by communities

and states working independently. We could never have developed and scaled a nationwide effort to test, protect, and improve our drinking water without the leadership and the reach of the federal government. And we could not have carried out the ongoing implementation of the Safe Drinking Water Act without the dedication of federal workers who work daily to ensure it is effectively applied.

At a time when the American public is skeptical of the government's ability to take positive action and improve their lives, the Safe Drinking Water Act is an example of the essential work that our government can and must do to stand up for our well-being. It's a demonstration of the most basic mission of our government: to safeguard the rights and interests of its people. And it's a reminder of the power the federal government has to serve the public interest.

The bottom line is this: We can do big things. We can achieve extraordinary progress. With action from Congress, with the courage of our public servants, and with the confidence of our people, we can create the safer, healthier, and more just society that all Americans deserve.

As we look back on the last half-century, and look forward to the next, I hope that will be our lesson—and our goal. Thank you for the opportunity to speak with you today. I look forward to the discussion.