



ASSOCIATION OF  
METROPOLITAN  
WATER AGENCIES

January 23, 2008

The Honorable Bennie Thompson  
Chairman  
Committee on Homeland Security  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Peter King  
Ranking Member  
Committee on Homeland Security  
U.S. House of Representatives  
Washington, DC 20515

Dear Representatives:

As the Homeland Security Committee begins its consideration of the “Chemical Facility Anti-Terrorism Act of 2008,” the Association of Metropolitan Water Agencies (AMWA) welcomes the opportunity to offer its input on this important legislation.

As the representatives of public drinking water agencies that supply water to 127 million Americans, AMWA urges the Committee to recognize the expertise and responsibility of local water supply professionals to make determinations on how to best protect public health and water quality in their communities.

We believe that the security of drinking water facilities should not be addressed in the context of this draft legislation. Public water treatment plants are fundamentally different from for-profit chemical manufacturing facilities that the bill primarily seeks to regulate. Water systems do not manufacture chemicals, but use them in the treatment process because they are necessary to meet the water quality requirements of the Safe Drinking Water Act and the Clean Water Act. This ensures that the water is safe for their customers to drink.

AMWA also has serious concerns about provisions in the bill that would allow DHS to direct a public water facility to abandon its chosen water treatment methods. Local water professionals and community leaders, who are familiar with their region’s unique climate, geography, and source water quality are best suited to determine appropriate water treatment processes.

Because our members’ storage and use of treatment chemicals is heavily regulated at the federal level by EPA and at the state and local levels, it would be problematic for DHS to impose additional and possibly contradictory rules on water plants. As experienced by other countries, the unintended consequences of being denied access to primary treatment chemicals for water can result in widespread death and disease from cholera and other serious health threats.

Another section of the draft bill would allow DHS to shut down a public water facility for noncompliance with a federal chemical security rule. I can think of almost no reason for a drinking water system that is delivering safe water to be shut down, even temporarily. Clearly, such a provision is impractical, as it would have a devastating effect on public and environmental health and local emergency

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**Diane VanDe Hei**  
*Executive Director*

preparedness, not to mention public confidence in their water.

Finally, you should be aware that public water utility managers have taken the lead in assessing and securing their facilities over the past few years. For example:

- All large drinking water systems have prepared, conducted, and submitted vulnerability assessments to EPA. Utilities have also prepared emergency response plans and regularly update these documents as part of a continuing reassessment of their facilities' vulnerabilities and security.
- The water sector has undertaken extensive training and technical assistance efforts on homeland security, has worked with DHS to organize the Water Sector Coordinating Council, has organized and operates the WaterISAC Water Security Network, and is developing standards for physical security upgrades using the American National Standards Institute (ANSI) standards development process.
- Water utilities comply with the Clean Air Act's Risk Management Program and are required to maintain emergency response plans for natural disasters and terrorism incidents.
- Public water systems are subject to extensive regulation under the Safe Drinking Water Act, the Clean Water Act, the Clean Air Act, the Emergency Planning and Community Right to Know Act, the Public Health Protection and Bioterrorism Preparedness and Response Act, OSHA standards, and various state and local regulations, to ensure the safe management of hazardous chemicals.

Given these ongoing security efforts and the clear differences between public drinking water facilities and for-profit chemical manufacturing plants, I do not believe it practical to cover each under the same regulatory scheme. Therefore, I ask that you maintain protections in existing law that prevent the federal government from interfering with local choice in water treatment methods.

Thank you for your consideration, and I look forward to working with you on this important issue.

Sincerely,



Diane VanDe Hei  
Executive Director

cc: Committee Members