



December 31, 2024

Ms. Deohn Ferris, Esq.
Director, Office of Policy, Partnerships, and Program Development
Office of Environmental Justice and External Civil Rights
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20004

Re: Docket ID No. EPA-HQ-OEJECR-2024-0147-0010 WHEJAC; Notification of Virtual Public Meeting

Submitted electronically

Dear Ms. Deohn Ferris, Esq., and White House Environmental Justice Advisory Council:

The Association of Metropolitan Water Agencies (AMWA) is pleased to have the opportunity to provide comments on the progress and priorities of the White House Environmental Justice Advisory Council (WHEJAC). AMWA is an organization of the largest publicly owned drinking water systems in the United States. Members serve over 100,000 customers and collectively provide clean drinking water to over 160 million people. As large public water agencies, AMWA utilities are focused on ensuring the long-term sustainability of their utilities by serving their diverse customer bases with clean, affordable drinking water.

AMWA supports federal agencies’ continuing emphasis on establishing Environmental Justice (EJ) priorities based on science and data and is pleased to provide the following feedback related to the WHEJAC’s charge questions regarding both how and in which areas federal government policies, programs, and initiatives been most effective in advancing environmental justice and topics that the WHEJAC and the federal government should prioritize and focus on to further advance environmental justice. Our letter addresses both questions below.

Charge Question: *How and in which areas have federal government policies, programs, and initiatives been most effective in advancing environmental justice and making a positive difference in communities in recent years?*

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The temporary Low Income Household Water Assistance Program (LIHWAP)¹ at the Health and Human Services (HHS) was one of the most impactful programs to benefit local communities. In 2021, Congress established LIHWAP as a temporary program in response to the COVID-19 public health emergency, and the program's funding expired at the end of Fiscal Year 2023. The LIHWAP program provided funds to assist low-income households with paying their drinking water and wastewater bills. The program provided grants to states, the District of Columbia, US territories, and federally and state-recognized Tribes.

At its completion, LIHWAP had proven to be a valuable resource to the nation's millions² of households struggling to afford their water bills. According to a final impact report from HHS³, the program aided 1,535,838 households. LIHWAP funds prevented 923,583 disconnections, restored water services 101,687 times, and reduced 1,120,417 water bills for customers struggling to pay them. Furthermore, some of the nation's most vulnerable households received benefits. 56% of households that received LIHWAP funds had vulnerable population members, defined as households with at least one member of the household who was disabled, aged 60 years or older, or aged five years and under. Additionally, 59% of households that received LIHWAP funds during the program's lifespan had incomes at or below 75% of the federal poverty level. All the while, the program ensured that water systems still received funding to continue to pay for crucial operations and maintenance that protect public health and the environment.

The LIHWAP program helped maintain essential assistance for at-risk households and ensured that drinking water providers continued to receive financial support for their critical functions. The program also provided Congress with additional data about its potential as a model for a permanent low-income water assistance program and helped the federal government, states, and local water systems develop best practices for delivering aid to eligible households in a timely and efficient manner. AMWA believes this program was one of the most beneficial federal programs for water systems and low-income customers of the last several years.

***Charge Question:** Are there topics or areas that the WHEJAC and the federal government should prioritize or focus on in the coming years to further advance environmental justice and ensure all communities have access to clean air, clean water, and a healthy environment?*

The federal government should work to establish a permanent federal low-income household water assistance program to further ensure that vulnerable households have access to affordable drinking, storm, and wastewater services. WHEJAC, EPA, and other federal entities

¹ Department of Health and Human Services (HHS): Office of Community Services (OCS). (December 20, 2024.) Low Income Household Water Assistance Program (LIHWAP). <https://www.acf.hhs.gov/ocs/programs/lihwap>.

² United State Environmental Protection Agency (USEPA). (December 2024). Water Affordability Needs Assessment: Report to Congress. <https://www.epa.gov/system/files/documents/2024-12/water-affordability-needs-assessment.pdf>.

³ HHS OCS. (January 2025). LIHWAP Implementation and Impact Final Report. https://www.acf.hhs.gov/sites/default/files/documents/ocs/DRAFT_LIHWAP-Implementation-Final-Report.pdf.

must consider concerns about water affordability in the United States and how these disproportionately affect low-income households. American water infrastructure requires billions of dollars in investments to maintain adequate infrastructure, prepare for risks from cyber incidents and future extreme weather events, and protect public health. EPA's 7th Drinking Water Infrastructure Needs Survey and Assessment report⁴ to Congress estimated that drinking water systems alone will need \$625 billion to replace pipes, upgrade treatment plants, improve storage tanks, and enhance other critical assets to ensure the public health, safety, and economic well-being of communities. These costs will ultimately be passed on to all ratepayers but will be felt most severely by those at the lower end of the income scale.

The impact of rising rates on the most economically vulnerable is why AMWA strongly supports the creation of a permanent, federal water assistance program to benefit low-income households and urges WHEJAC to consider this topic in future years. Many reports from across the water sector have documented how households across the nation are struggling to afford crucial water services. For example, EPA recently published a water affordability needs survey², which found that between 12.1 to 19.2 million households lack access to affordable drinking and wastewater services, which EPA defined as households spending between 3% and 4.5% of household income on water services. In 2023, AMWA was one of five water sector organizations to release a landmark report⁵ on policy options to consider when developing a federal low-income water customer assistance program. This report also estimated water burdens and similarly found that up to 21.3 million household nationwide may have trouble paying their water and wastewater bills using a 4.5% household income metric. **In light of these affordability concerns, AMWA encourages WHEJAC to support the establishment of a permanent LIHWAP program and help coordinate interagency development in its implementation.**

The success of the temporary HHS LIHWAP program can serve as a model for any permanent low-income water ratepayer assistance. In three fiscal years, HHS provided over 1.5 million low-income customers with water assistance, demonstrating the agency's ability to quickly stand up and operate a program. AMWA recognizes that several states were very successful at quickly standing up LIHWAP, promoting the program to eligible households, and working with water systems to apply the funds to the correct accounts. We believe the WHEJAC can learn from the program's successes and duplicate those best practices across the country if a new permanent program is established in another agency.

EPA has been authorized to run a pilot assistance program, which the agency can now pursue after developing the water affordability needs assessment. The Drinking Water and Wastewater Infrastructure Act (DWWIA) of 2021 established the Rural and Low-Income Water Assistance Pilot Program at EPA. The program authorizes the agency to award up to 40 grants to support

⁴ EPA. (September 2023). Drinking Water Infrastructure Needs Survey and Assessment 7th Report to Congress. https://www.epa.gov/system/files/documents/2023-09/Seventh%20DWINSAs_September2023_Final.pdf

⁵ Low-Income Water Customer Assistance Program Assessment. (April 20, 2023).

<https://www.amwa.net/publication/low-income-water-customer-assistance-program-assessment>

municipally operated water and wastewater affordability programs across the country through direct aid to eligible households, lifeline rates, bill discounts, and other hardship provisions. DWWIA requires EPA to conduct a needs assessment on the prevalence of local governments with water service providers that serve a disproportionate number of households with qualifying need and providers that have taken on high levels of debt due to customer nonpayment before the pilot program can be developed. While AMWA believes LIHWAP is the most effective model for a permanent low-income federal water assistance program, we urge the WHEJAC to work with EPA to review the report's findings and understand how EPA's development and implementation of a pilot low-income water customer assistance program could also help address the nation's water affordability needs.

Additionally, **WHEJAC should urge the President to request funding in his FY26 budget for LIHWAP that is separate and independent from LIHEAP.** While the HHS LIHWAP program funding expired at the end of FY23, the need for low-income water ratepayer aid did not disappear. AMWA supports the establishment of a permanent Low-Income Household Water Assistance Program at HHS as the best mechanism to address this need, and believes that a presidential endorsement of continued LIHWAP funding would represent a critical next step toward this goal.

AMWA thanks WHEJAC for the opportunity to provide comment on these charges. If you have any questions about this letter, please contact Jessica Evans, AMWA's senior manager of government affairs and sustainability policy at evans@amwa.net.

Sincerely,



Thomas Dobbins
Chief Executive Officer
Association of Metropolitan Water Agencies

cc: Bruno Pigott, EPA Office of Water