



May 15, 2017

Re: Docket ID: EPA-HQ-OA-2017-0190, Evaluation of Existing Regulations

Dear Members of EPA's Regulatory Reform Task Force:

The Association of Metropolitan Water Agencies (AMWA) is an organization representing CEOs and general managers of the largest publicly owned drinking water utilities in the United States. The drinking water sector plays a critical role in ensuring public health across the country, and as a result, drinking water utilities are subject to numerous regulations to ensure they meet their public health mandate. Under such an extensive regulatory regime, there is always room for improving and streamlining of regulations that will cut burden. However, changes to complex regulatory regimes must be undertaken with careful analyses and consideration of unintended consequences – and any changes based on recommendations to the newly established Regulatory Reform Task Force must be made within this context.

Fortunately, the Safe Drinking Water Act (SDWA) includes a provision that provides for rigorous review and analyses of existing national primary drinking water regulations (NPDWRs) on a recurring basis. Under SDWA, EPA is required to review each NPDWR at least once every six years and make appropriate revisions. This review looks at new data and technological advancements and requires robust analyses to ensure that any revisions maintain or strengthen public health protection in accordance with SDWA's anti-backsliding provisions. Any revisions to NPDWRs considered by the Regulatory Reform Task Force must be evaluated with equal rigor. Thus, AMWA recommends that instead of duplicating the NPDWR review process, the task force instead should actively participate in the Six-Year Review process. This would include ensuring that the proper resources are made available for EPA to carry out its responsibilities to review and revise regulations as already required under the SDWA.

The thorough, scientific reviews and analyses necessary to support the six-year review process require a significant commitment of time and resources. It would be inappropriate to recommend a list of specific regulations that could be repealed or modified without developing robust cost-benefit data to justify the proposed changes. Thus, the short timeframe given for proposing items for task force consideration is inadequate to provide the detailed recommendations – and more important, the supporting analyses – for regulatory changes. AMWA recommends that the task force establish a process for continuing, robust consultation on potential regulatory change moving forward. For NPDWRs that process should also be within the context of existing six-year review requirements, but reviews under other statutes and authorities should be equally rigorous.

Outside the context of the SDWA and six-year review process, changes in many other regulations, both at EPA and other federal agencies, have the potential to directly or indirectly impact water supplies and drinking water utilities' operations. AMWA and its member utilities are very concerned about modifications to such regulations that may

result in unintended consequences for the water sector. There must be a component of any review of regulatory revisions to assess potential impacts on the nation's valuable water resources and specifically, drinking water sources. The goal of burden reduction should not simply lead to the shifting of burdens to the drinking water sector, or any other stakeholders.

As an example, any regulatory change leading to reductions in the amount of review or oversight of a chemical, its uses or manufacturing processes must be evaluated with respect to potential impacts on the environment, and water supplies in particular. Both emerging contaminants and increased occurrence of known contaminants are major concerns for drinking water utilities, and any decreased vigilance in keeping them out of water supplies can result in significant new burdens on public water systems that must install technologies and processes necessary to remove them from drinking water provided to consumers. This is in addition the increased direct environmental and public health risks – and associated burdens - that such increases in contaminant occurrence may cause.

AMWA and its member drinking water utilities have historically been strong supporters of efficiency and cost-effectiveness when regulation is necessary, and will continue this support in the future. However, given the drinking water sector's public health mandate, as well as the critical role clean water supplies play in supporting a wide spectrum of economic activity, we strongly recommend that the regulatory reform task forces for all federal agencies approach regulatory changes cautiously, and avoid outcomes that merely shift burdens from one sector to another.

We look forward to further engagement on this process as it moves forward. If you have any questions, please contact either myself or Scott Biernat (biernat@amwa.net), AMWA Director of Regulatory Affairs.

Sincerely,

A handwritten signature in blue ink that reads "Diane VanDe Hei".

Diane VanDe Hei
Chief Executive Officer