



September 21, 2022

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

The Honorable John Katko  
Ranking Member  
Committee on Homeland Security  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Chairman Thompson and Ranking Member Katko:

The Association of Metropolitan Water Agencies (AMWA) appreciates the opportunity to submit this statement for the record of today’s hearing on “Critical Infrastructure Preparedness and Resilience: A Focus on Water.” AMWA’s members provide quality drinking water to more than 160 million Americans from coast to coast, and we strongly urge Congress to provide these water systems with the resources they need to maintain preparedness and resilience in the face of a wide range of threats.

In particular, AMWA has three water utility preparedness and resilience priorities that it would like to share with the Committee today: help drinking water and wastewater systems participate in WaterISAC, support funding for new water utility resilience programs authorized in the Infrastructure Investment and Jobs Act of 2021 and avoid imposing inflexible security mandates on water systems.

### **Aid participation in WaterISAC**

The Water Information Sharing and Analysis Center, or WaterISAC, was established in 2002 with seed money from the federal government and subsequent congressional appropriations. One of two dozen other ISACs operating across critical infrastructure sectors, WaterISAC annually issues hundreds of advisories, maintains a portal for water utility members and hosts webinars and threat briefings. The center also receives incident reports and conducts threat analyses to help water and wastewater utilities stay ahead of the threat curve. AMWA has a management agreement through which it operates WaterISAC on behalf of the water sector.

WaterISAC currently counts among its members water and wastewater utilities that serve about 60% of the U.S. population. The center is currently funded exclusively through member dues, and although these dues are structured on a sliding scale based on system size, they can be unaffordable to some smaller water systems. At present, only about 400 of the nation’s nearly 50,000 community water systems and 16,000 wastewater systems are paying WaterISAC members that enjoy full access to all the nonprofit’s threat and vulnerability alerts, subject matter expertise, and other information. Lacking access to these essential resources could provide detrimental to a water system in a time of crisis.

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In response, Congress should consider creating a new program that would help drinking water and wastewater systems cover costs associated with maintaining full participation in WaterISAC. For a model, Congress could look to provisions enacted as part of Section 40125(c) of the Infrastructure Investment and Jobs Act of 2021. This section is intended to improve the cybersecurity of bulk power systems and would authorize \$250 million over five years to support several priorities, including efforts “to expand industry participation in [Electricity]-ISAC,” the Electricity Information Sharing and Analysis Center, WaterISAC’s counterpart for the electricity sector. AMWA therefore urges Congress to explore establishing a similar program aimed at increasing participation in WaterISAC.

### **Fund new drinking water and wastewater resilience programs authorized in the Infrastructure Investment and Jobs Act of 2021**

Though they are outside of the jurisdiction of this Committee, all members of Congress should recognize the importance of two new EPA programs authorized in the Infrastructure Investment and Jobs Act of 2021 with the goal of helping drinking water and wastewater systems build resilience to a range of climate, extreme weather, and cyber-related threats.

First, the law authorized \$250 million over five years for a new Midsize and Large Drinking Water System Resilience and Sustainability Program. The program will offer grant assistance to public water systems that serve communities of 10,000 or more people to support projects to increase resilience to natural hazards and extreme weather events, or to reduce cybersecurity vulnerabilities.

Specific types of projects eligible for grant assistance through the program include:

- Water conservation or enhancement of water-use efficiency;
- Modification or relocation of existing drinking water infrastructure at risk of significant impairment by natural hazards or extreme weather events;
- Design or construction of new or modified desalination facilities that serve existing communities;
- Water supply enhancement through watershed management or source water protection;
- Enhancement of energy efficiency or the use or generation of renewable energy in the conveyance or treatment of drinking water;
- Development or implementation of other measures to increase the water system’s resilience to natural hazards and extreme weather events, or to reduce its cybersecurity vulnerabilities;
- Conservation of water or enhancement of water supply through water reuse measures; and
- Formation of regional water partnerships to collaboratively address documented water shortages.

Another section of the Infrastructure Investment and Jobs Act authorized \$125 million over five years to for a similar program to help communities increase the resiliency of their wastewater systems. However, for these programs to get to work helping drinking water and wastewater systems pay for these projects, Congress must appropriate funding – something that hasn’t happened to date. AMWA strongly urges all members of Congress to come together behind these programs and support their full funding through future appropriations legislation.

### **Avoid imposing inflexible security mandates or regulations**

As the Committee considers a path forward for proposals related to water systems' critical infrastructure resilience, AMWA encourages you to refrain from proposing mandates or regulations that would require water systems to adopt specific or inflexible security measures. Particularly in the area of cybersecurity, water systems should be encouraged to review cyber best practices and guidelines for protecting information technology and industrial control systems, and to address any cybersecurity vulnerabilities that are identified. However, the federal government should not dictate the adoption of particular cyber defense mechanisms for water treatment facilities. These mandated measures could quickly become outdated, thereby leaving water systems with suboptimal levels of preparedness while remaining in compliance with the mandated standard.

Finally, any new or expanded federal security requirements should be accompanied by federal funding assistance that helps utilities update threat assessments or implement other physical security or water treatment process enhancements that the utility determines will increase security without compromising public health. Otherwise, new security evaluations or requirements will amount to unfunded federal mandates on local governments at a time when water treatment facilities are facing hundreds of billions of dollars in other priority infrastructure projects.

Again, AMWA greatly appreciates the opportunity to submit these comments for the record of today's hearing. We are grateful that the Committee is giving the issue of water system preparedness and resilience the attention it deserves, and we and our members are eager to work with you and all members of Congress on legislation that will address the priorities we have shared. Feel free to contact Dan Hartnett, AMWA's Chief Advocacy Officer, if you have any questions.

Sincerely,



Tom Dobbins  
Chief Executive Officer