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The Authoritative Resource on Safe Water<sup>SM</sup>

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## *Washington D.C. Report*

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**July 29, 2010**

### **Senate Committee OK's Chemical Bill Excluding Water Utilities**

The Senate Committee on Homeland Security and Government Affairs on Wednesday unanimously approved legislation to extend the current chemical facility security program – which excludes water utilities – for another three years. However, committee chair Sen. Joseph Lieberman, D-Conn., said during the hearing that he hoped to eventually modify the program to include water utilities and ports, possibly on the Senate floor.

The vote came on an amendment in the form of a substitute offered by ranking Republican Sen. Susan Collins, R-Maine. Lieberman had called up H.R. 2868, the chemical security bill passed last November by the House of Representatives. H.R. 2868 does create a new chemical security program for water utilities. Collins' amendment substituted her own legislative language for all of that that was in the House bill. Now the Collins bill may be considered by the full Senate, and Senator Lieberman may offer an amendment on the floor to add requirements for water and wastewater utilities.

### **Environment Panel Discusses Chemical Security Program for Water**

Later that same day, the Senate Committee on Environment and Public Works held an oversight hearing on the issue of chemical security at drinking water and wastewater treatment utilities. Last week Sen. Frank Lautenberg, chair of the Superfund, Toxics, and Environmental Health Subcommittee, introduced legislation (S. 3598) to create a new chemical security program at water and wastewater utilities. This bill largely mirrors H.R. 2868. For details, see the AWWA Washington DC Report of July 23.

Although the Environment Committee hearing was technically on the issue of chemical security at drinking water and wastewater plants, it was geared toward building a case for the Lautenberg bill and the concept of "inherently safer technology" or IST. Two of the panelists were from the "Blue Green Coalition" – a group seeking to reduce or eliminate chlorine gas in the water sector – and another was president of MIOX, a New Mexico company that produces equipment for on-site generation of hypochlorite and advanced mixed oxidants. The minority was allowed to call one witness, Ben Grumbles, currently head of the Arizona Department of Environmental Protection and former Assistant Administrator for Water at EPA. Toward the end of the hearing, Lautenberg asked why any water utility would still be using gaseous chlorine.

It is unclear how the Lautenberg bill will fit in with Senate process on chemical security legislation this year. As stated above, the Committee on Homeland Security has already reported out its bill, and that could be called up on the Senate floor at any time. We believe members of the House will not be happy with the Collins legislation if a House-Senate conference committee comes about and a legislative standoff would not be surprising. The most likely scenario is still for the current chemical

security program – which excludes water utilities – to be continued as is for another year via a rider on DHS's annual appropriations bill.

**Still, members of AWWA, particularly those who are using gaseous chlorine, are urged to contact their Senators to explain why it is important that the choice of disinfectant remain a local decision not subject to second guessing by federal or state authorities. It is particularly important to reach members of the Senate Committee on Environment and Public Works. Time is of the essence on this matter!**

As always, please contact your AW WA Washington Office if you have questions or comments.