



**American Water Works  
Association**

## **Legislative Alert**

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The Authoritative Resource for Safe Drinking Water<sup>SM</sup>

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### ***LEGISLATIVE ALERT***

**TO: AWWA Leadership  
All Utilities**

**FROM: AWWA Government Affairs Office**

**DATE: October 12, 2009**

<b>Who:</b>	<b>AWWA Utility Members, Government Affairs contacts</b>
<b>What:</b>	<b>Contact members of Congress to preserve local choice of chemicals and water treatment methods.</b>
<b>Focus:</b>	<b>House Subcommittee on Energy &amp; Environment</b>
<b>When:</b>	<b>Immediately</b>

The House Subcommittee on Energy and Environment will on Wednesday conduct a “markup” hearing on HR3258, the Drinking Water System Security Act. This is the bill that would create a new chemical security program for drinking water utilities. We still have outstanding concerns over this bill, primarily over provisions that would place the final decision on what chemicals and processes a water utility could use with state officials, or the U.S. Environmental Protection Agency if the state fails to make a decision. A “markup” is a hearing in which a committee or subcommittee accepts or rejects amendments and then votes to send bill language either a full committee or the full House.

While the committee has made some improvements to the bill due to concerns you all have expressed, these provisions, under the section titled “Methods to Reduce the Consequences of an Chemical Release from an Intentional Act” remain a concern. We understand that some amendments to address our concerns will likely be offered.

AWWA members are urged to call, fax or e-mail their members of Congress immediately to say that water treatment choices must be made locally. A draft letter is attached.

Here are the members of the House Subcommittee Energy and Environment:

Rep. Mike Ross (D–Ark.)	Rep. G.K. Butterfield (D–N.C.)
Rep. John Shadegg (R–Ariz.)	Rep. Frank Pallone Jr. (D–N.J.)
Rep. Doris Matsui (D–Calif.)	Rep. Eliot L. Engel (D–N.Y.)
Rep. Jerry McNerney (D–Calif.)	Rep. John Sullivan (R–Okla.)
Rep. Lois Capps (D–Calif.)	Rep. Greg Walden (R–Ore.)
Rep. Jane Harman (D–Calif.)	Rep. Mike Doyle (D–Pa.)
Rep. Mary Bono Mack (R–Calif.)	Rep. Joe Pitts (R–Pa.)
Rep. Cliff Stearns (R–Fla.)	Rep. Ralph M. Hall (R–Texas)
Rep. John Shimkus (R–Ill.)	Rep. Charlie Gonzalez (D–Texas)
Rep. Baron P. Hill (D–Ind.)	Rep. Michael C. Burgess (R–Texas)
Rep. Ed Whitfield (R–Ky.)	Rep. Gene Green (D–Texas)
Rep. Steve Scalise (R–La.)	Rep. Jim Matheson (D–Utah)
Rep. Charlie Melancon (D–La.)	Rep. Rick Boucher (D–Va.)
Rep. Edward J. Markey (D–Mass.) Chair	Rep. Peter Welch (D–Vt.)
Rep. Fred Upton (R–Mich.) Ranking Minority Member	Rep. Jay Inslee (D–Wash.)
Rep. John D. Dingell (D–Mich.)	Rep. Tammy Baldwin (D–Wis.)
Rep. Roy Blunt (R–Mo.)	

You can find contact information for members of the House at [www.house.gov](http://www.house.gov) or you can contact Tommy Holmes in the AWWA Government Affairs Office at (202) 326-6128 or at [tholmes@awwa.org](mailto:tholmes@awwa.org).

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October 12, 2009

The Honorable Xxxxx, XXXXXXXX,  
U.S. House of Representatives

Dear Representative Xxxxxxxx,

As the House Subcommittee on Energy and Environment prepares to mark up HR3258, I ask you to support amendment of the bill to preserve the ability of communities to make their own decisions regarding the treatment of local drinking water. I have first-hand, on-the-ground experience in this as a provider of safe water to XX,XXX people in your district.

In HR3258 there are provisions titled "Methods to Reduce the Consequences of a Chemical Release from an Intentional Act." These provisions would place the final decision on which materials – primarily disinfectants – or processes a drinking water utility may use with state drinking water primacy agencies.

Drinking water utilities tailor their treatment and distribution processes according to regulatory obligations (such as the federal requirement to use chlorine in some form and to achieve certain levels of disinfection), to critical variations in source water characteristics (such as temperatures, pH, pathogens, etc.), and to other local factors (such as delivery options for disinfectant chemicals, the need to maintain reserve supplies in the event of supply interruption, spatial limitations at the plant site, local ambient temperatures that affect the "shelf life" of chemicals and the attendant chemical degradation and breakdown products, etc.

We also ask that you support amendments that would

- strengthen criminal penalties for disclosure of sensitive information to make them similar to such penalties under the Bioterrorism Act of 2002;
- prevent discovery of sensitive information through civil suits filed via Safe Drinking Water Act citizen suit provisions; and
- provide an appeals process for utilities in case amendments to preserve local decisionmaking are defeated.

We look forward to hearing from you on this issue, and offer the expertise of our staff to further discuss how water utilities choose the materials and processes that we use to provide safe and sufficient water to the people in our community.

Sincerely,