Writing Sample:

DATE: April 27, 2021
TO: Senator Tom Carper, Chairman of the Senate Committee on Environment and Public Works
FROM: Kyle Smith
SUBJECT: Mitigating water contamination in communities of color

Low-income communities and communities of color are disproportionately impacted by environmental injustices including water contamination. Currently, the Environmental Protection Agency (EPA) is the federal entity tasked with regulating drinking water in the US. However, the agency's limited resources, sluggish response to updating the list of toxic chemicals that must be monitored and regulated, and overburdened workload make it difficult for the EPA to prevent and mitigate water contamination, especially for vulnerable communities. The US Senate Committee on Environment and Public Works has jurisdiction over many areas of environmental policy including water pollution and the environmental effects of toxic substances (US Senate Committee on Environment and Public Works n.d.). Chairman Carper should hold hearings and markups on legislation during the 117th Congress that address unsafe drinking water in the US.

Status Quo

Millions of people are exposed to unsafe drinking water in the US every year (Centers for Disease Control and Prevention n.d.). In many instances, Americans are unaware that they are drinking unsafe water because the limits set by the EPA are "too high," the contaminants are "unregulated," or "their drinking water source is too small to fit under EPA regulations" (The Environmental Working Group [EWG] 2019). One of the most high-profile incidents of water contamination in recent memory occurred in Flint, Michigan. In 2014, residents of Flint were harmed by the local government's decision to switch their water source (Kennedy 2016). The city's aging pipes and new water source allowed lead to seep into the water system and resulted in a host of health issues for city residents (Kennedy 2016).

Under the authority of the Safe Water Drinking Act (SWDA), the EPA works with federal, state, local, and tribal entities to monitor compliance with the standards outlined in the law (EPA 2016). The EPA's and states' primary means of monitoring public water system compliance with the SWDA is the review and evaluation of water samples collected by public water systems (EPA 2016). When results indicate that a contaminant or pollutant is present at a level that exceeds legal standards, states and the EPA work with public water systems to take corrective actions to remove the contaminants and notify consumers (EPA 2016).

The challenge that the EPA faces when it comes to enforcing the SWDA stems from the time when drinking water standards were set and the type of framework that was established for monitoring current and emerging drinking water contaminants (Wittenberg 2019). In 1996, Congress removed the regulatory schedule from the SWDA and created requirements that were designed to help the EPA target priority toxins in its regulations (Wittenberg 2019). The requirements that the EPA must satisfy before regulating a new toxin often delay the process since regulation can occur only after the toxin has been found in drinking water (Wittenberg 2019). Furthermore, after the EPA decides to examine whether a chemical is worth regulating, it can still take years under the SWDA to set a standard for the toxin (Wittenberg 2019).

Community-based organizations, non-governmental organizations (NGOs), and research think tanks each have an impact on policy-making in the area of safe water drinking standards.

Grassroots environmental justice organizations are able to quickly mobilize individuals in the community through retail politics like door-knocking campaigns to push local governments to act. NGOs like Human Rights Watch are able to speak directly with community members and gather accounts from witnesses to detail the extent to which environmental injustices like water contamination have impacted marginalized communities. Research think tanks like the Center for American Progress can provide data and statistics that further illustrate the severity of the water contamination issue in the US.

There are also interest groups with significant influence that oppose efforts to mitigate water contamination threats or actively pollute waterways to reduce their firm's costs. The oil and gas industries have significant resources and have been able to stymie environmental protection legislation and regulation for decades. Water utility and chemical companies often push back against any attempt by the EPA to regulate a chemical because new regulations generally increase these companies' compliance and monitoring costs (Wittenberg 2019).

Alternative Policy

Congress must pass legislation that addresses the issue of unsafe drinking water on several fronts and the EPA must develop a new regulatory approach. First, Congress should allocate funds to the EPA to allow the agency to undertake more rigorous analyses of contaminants. Current evaluations show that the agency requires more resources to be able to adequately analyze contaminants before they become widespread (EWG 2019). Additionally, the EPA must examine the effects of contaminants in children as well as adults given that a child's sensitivity to toxins can vary from those of an adult (EWG 2019). Second, the EPA must develop a streamlined or fast-track regulatory strategy that reduces the amount of time required before the agency is able to take preventative actions. It takes years for the EPA to develop and publish new drinking water standards during which time the public could remain exposed to harmful contaminants. Third, Congress should direct funds to states and localities to modernize America's water infrastructure. It is important for drinking water sources as well as the systems and infrastructure that bring this water into the homes of millions to be properly regulated.

Benefits

The adoption of these three policies could reduce the number of adverse health consequences such as gastrointestinal illnesses and nervous system or reproductive effects that result from drinking unsafe water. A research team at the University of Maryland in partnership with the American Society of Civil Engineers (ASCE) found that annual costs to households in the US will be "seven times higher in 20 years than they are now" if water infrastructure continues to deteriorate (ASCE 2020; Water World 2020). However, the report finds that if Congress allocates funds towards water infrastructure, US GDP "would grow by $4.5 trillion in 20 years," and add 800,000 new jobs (ASCE 2020; Water World 2020). These investments will save lives and livelihoods. The Senate has the opportunity to lead the charge to create policies that ensure safe drinking water for all Americans, especially those living in under-resourced communities.

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