

The National Human Rights to Water and Sanitation Coalition (“Coalition”) submits the following issues for consideration by the U.S. Environmental Protection Agency in connection with the June 2, 2016 Drinking Water NGO Meeting, and in furtherance of our ongoing initiative to obtain Federal recognition and promulgation of nationwide standards to achieve universal, equal access to safe, affordable, and adequate water and sanitation. As a coalition of more than 125 non-profit organizations, community groups, academic and legal experts, scientists, and affected communities and individuals working for equal access to water and sanitation in the United States, we welcome the EPA’s initiative to develop a National Action Plan on safe drinking water, but we are concerned about a **lack of transparency and affected communities’ inclusion** at this stage of the Plan’s development, as well as the omission of several critical issues.

As you are aware, thousands of residents in cities and regions across the U.S., including: Flint, Detroit, Philadelphia, Boston, Baltimore, Shell Bluff (GA), Salinas (CA), San Joaquin Valley (CA), Lowndes County (AL) and the Navajo Nation are under great hardship from large-scale drinking water contamination, unaffordable water shutoffs and inadequate sewerage services. Local, state, regional and tribal governments do not have the capacity to address the scale and scope of these crises. The EPA’s call for a National Action Plan on safe drinking water and underground water sources is greatly needed to support and coordinate efforts at all levels of government and private partnerships.

Coalition members have reviewed the briefing papers and agenda for the June 2 meeting. We offer the following comments and suggestions, partially in response to discussion questions included in the briefing papers, and partially in response to significant other questions, which have not been included in the briefing papers. Ultimately, we believe **the Plan will lack legitimacy and effectiveness if not developed in close collaboration with communities** that lack equal access to safe, affordable, and adequate water and sanitation, and it should be shaped in response to their needs and input.

1. **The Plan Should Focus on Enforcement.** Recognizing compliance with EPA clean water requirements as “challenges” to public health and local economies minimizes the significant violations and failures that continue to occur, despite clear federal requirements. Rather than merely encourage compliance with statutory and regulatory mandates, EPA must instead critically inquire whether states and local governments are appropriately enforcing the SDWA and, if they are not, identify enforcement responses. The EPA should commit to enforcing SDWA to protect the health and welfare of all communities. Voluntary and superficial compliance with SDWA requirements on the terms and conditions that states, municipalities and utility operators are willing to craft for themselves will continue to result in unacceptable public health outcomes.

2. **The Plan Must Include Robust Affordability Standards.** We appreciate the EPA’s acknowledgement that affordability is a concern not only for distressed communities (who may have difficulty financing significant infrastructure repairs), but also for individual low-income households whose water bills increasingly represent a large and disproportionate percentage of available income. We are greatly concerned, however, to see the EPA’s reference to its “Customer Assistance Program (CAP) Compendium” as a resource for water system operators.

The CAP Compendium was assembled without any consultation or input from experts and advocates directly involved in representing the interests of low-income individuals and communities. Those experts and advocates would attest that the vast majority of existing water assistance programs are inadequate and self-defeating as they address water payment problems as short-term problems. Instead, best practices should be based upon water affordability programs that reference the EPA's two percent (2%) water/wastewater burden for low income households. We submit that the EPA should broaden participation in discussions bearing upon water affordability to include low-income and environmental justice advocates, as there is a wide gulf between the information available from water utilities and their membership organizations and coalitions, on the one hand, and the actual current needs and experiences of low-income families for affordable access to safe, life-essential water and sanitation service, on the other hand.

3. **Affected Communities Must Have Sustained, Meaningful Input.** One of environmental justice's guiding principles is that communities speak for themselves. To that end, the EPA should undertake a community engagement strategy to obtain direct input from members of affected communities. Members of distressed communities and households lack the resources to engage with the EPA in Washington, DC, and oftentimes do not know about state and local stakeholder meetings due to the EPA's heavy reliance on electronic communication which limits their reach. Instead, we believe the EPA should commence a nationwide tour, convening regional meetings and visits to distressed communities and neighborhoods, to understand the actual impact of unaffordable, unsafe, and inaccessible drinking water. The concerns of the most vulnerable populations, those most likely to live without safe drinking water and threatened underground water sources, should be the cornerstone in formulating a National Action Plan.

4. **The Plan Should Cover Source Water Protection.** SDWA does not apply exclusively to public water systems. It also applies equally to underground sources of drinking water, relied upon by roughly 50% of the U.S. for potable water. Based upon the agenda for the June 2 meeting, the EPA appears focused almost exclusively on public water systems. The Coalition submits that the EPA must dedicate equal resources and attention to ensuring safe groundwater is available for the millions of Americans who rely upon it.

We stand ready to contribute to the Plan and the process leading to its development, and we call upon the EPA to ensure that this process is transparent, inclusive, and focused on the issues of primary concern to communities that lack safe, affordable, and adequate drinking water and sanitation. Towards that end and again, **we urge the EPA to conduct a nationwide tour of such communities to gather input, share information, and develop the Plan in a genuinely collaborative manner** that reflects the needs and priorities of this country's most vulnerable communities.

For further information or to engage with the Coalition, please contact:

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