

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5320

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## AN ACT

To amend the Safe Drinking Water Act to increase assistance for States, water systems, and disadvantaged communities; to encourage good financial and environmental management of water systems; to strengthen the Environmental Protection Agency's ability to enforce the requirements of the Act; to reduce lead in drinking water; to strengthen the endocrine disruptor screening program; and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REF-**  
 4 **ERENCES.**

5 (a) **SHORT TITLE.**—This Act may be cited as the  
 6 “Assistance, Quality, and Affordability Act of 2010”.

7 (b) **TABLE OF CONTENTS.**—The table of contents of  
 8 this Act is as follows:

- Sec. 1. Short title; table of contents; references.
- Sec. 2. Technical assistance for small public water systems.
- Sec. 3. Prevailing wages.
- Sec. 4. Use of funds.
- Sec. 5. Requirements for use of American materials.
- Sec. 6. Data on variances, exemptions, and persistent violations.
- Sec. 7. Assistance for restructuring.
- Sec. 8. Priority and weight of applications.
- Sec. 9. Disadvantaged communities.
- Sec. 10. Administration of State loan funds.
- Sec. 11. State revolving loan funds for American Samoa, Northern Mariana Is-  
lands, Guam, and the Virgin Islands.
- Sec. 12. Authorization of appropriations.
- Sec. 13. Negotiation of contracts.
- Sec. 14. Affordability of new standards.
- Sec. 15. Focus on lifecycle costs.
- Sec. 16. Enforcement.
- Sec. 17. Reducing lead in drinking water.
- Sec. 18. Endocrine disruptor screening program.
- Sec. 19. Presence of pharmaceuticals and personal care products in sources of  
drinking water.
- Sec. 20. Electronic reporting of compliance monitoring data to the Adminis-  
trator.
- Sec. 21. Budgetary effects.

9 (c) **REFERENCES.**—Except as otherwise specified,  
 10 whenever in this Act an amendment is expressed in terms  
 11 of an amendment to a section or other provision, the ref-  
 12 erence shall be considered to be made to a section or other  
 13 provision of the Safe Drinking Water Act (42 U.S.C. 300f  
 14 et seq.).

1 **SEC. 2. TECHNICAL ASSISTANCE FOR SMALL PUBLIC**  
2 **WATER SYSTEMS.**

3 Subsection (e) of section 1442 (42 U.S.C. 300j-1(e))  
4 is amended to read as follows:

5 “(e) TECHNICAL ASSISTANCE.—

6 “(1) IN GENERAL.—The Administrator, directly  
7 or through grants or cooperative agreements with  
8 nonprofit organizations, may provide technical as-  
9 sistance to small public water systems to enable such  
10 systems to achieve and maintain compliance with ap-  
11 plicable national primary drinking water regulations.

12 “(2) TYPES OF ASSISTANCE.—Technical assist-  
13 ance under paragraph (1) may include onsite tech-  
14 nical assistance and compliance assistance; circuit-  
15 rider and multi-State regional technical assistance  
16 programs; training; assistance with implementing  
17 source water protection programs; assistance with  
18 increasing water or energy efficiency; assistance with  
19 designing, installing, or operating sustainable energy  
20 infrastructure to produce or capture sustainable en-  
21 ergy on site or through water transport; assistance  
22 with developing technical, financial, and managerial  
23 capacity; assistance with long-term infrastructure  
24 planning; assistance with applying for funds from a  
25 State loan fund under section 1452; and assistance

1 with implementation of monitoring plans, rules, reg-  
2 ulations, and water security enhancements.

3 “(3) PRIORITY.—In providing assistance under  
4 this subsection, the Administrator shall give priority  
5 to assistance that will promote compliance with na-  
6 tional primary drinking water standards, public  
7 health protection, and long-term sustainability of  
8 small public water systems. In awarding grants and  
9 cooperative assistance under paragraph (1) to non-  
10 profit organizations, the Administrator shall (subject  
11 to the preceding sentence) give greater weight to  
12 nonprofit organizations that, as determined by the  
13 Administrator, are most qualified and most effective  
14 and that, as determined by the Administrator using  
15 information where available, are providing the types  
16 of technical assistance that are preferred by small  
17 public water systems.

18 “(4) COMPETITIVE PROCEDURES.—It is the  
19 presumption of Congress that any award of assist-  
20 ance under this subsection will be awarded using  
21 competitive procedures based on merit. If assistance  
22 is awarded under this subsection using procedures  
23 other than competitive procedures, the Adminis-  
24 trator shall submit to the Congress, within 90 days

1 of the award decision, a report explaining why com-  
2 petitive procedures were not used.

3 “(5) FUNDING.—

4 “(A) AUTHORIZATION OF APPROPRIA-  
5 TIONS.—There is authorized to be appropriated  
6 to carry out this subsection \$20,000,000 for  
7 each of fiscal years 2011 through 2015.

8 “(B) PROHIBITION ON EARMARKS.—No  
9 funds made available under this subsection may  
10 be used to carry out a provision or report lan-  
11 guage included primarily at the request of a  
12 Member, Delegate, Resident Commissioner, or  
13 Senator providing, authorizing, or recom-  
14 mending a specific amount of discretionary  
15 budget authority, credit authority, or other  
16 spending authority for a contract, loan, loan  
17 guarantee, grant, loan authority, or other ex-  
18 penditure with or to an entity, or targeted to a  
19 specific State, locality, or congressional district,  
20 other than through a statutory or administra-  
21 tive formula-driven or competitive award proc-  
22 ess.

23 “(C) LOBBYING EXPENSES.—No portion of  
24 any State loan fund established under section  
25 1452 and no portion of any funds made avail-

1           able under this subsection may be used for lob-  
2           bying expenses.

3           “(D) INDIAN TRIBES.—Of the total  
4           amount made available under this section for  
5           each fiscal year, 3 percent shall be used for  
6           technical assistance to public water systems  
7           owned or operated by Indian Tribes.”.

8 **SEC. 3. PREVAILING WAGES.**

9           Subsection (e) of section 1450 (42 U.S.C. 300j-9)  
10 is amended to read as follows:

11           “(e) LABOR STANDARDS.—

12           “(1) IN GENERAL.—The Administrator shall  
13           take such action as the Administrator determines to  
14           be necessary to ensure that each laborer and me-  
15           chanic employed by a contractor or subcontractor in  
16           connection with a construction project financed, in  
17           whole or in part, by a grant, loan, loan guarantee,  
18           refinancing, or any other form of financial assistance  
19           provided under this title (including assistance pro-  
20           vided by a State loan fund established under section  
21           1452) is paid wages at a rate of not less than the  
22           wages prevailing for the same type of work on simi-  
23           lar construction in the immediate locality, as deter-  
24           mined by the Secretary of Labor in accordance with

1 subchapter IV of chapter 31 of title 40, United  
2 States Code.

3 “(2) AUTHORITY OF SECRETARY OF LABOR.—  
4 With respect to the labor standards specified in this  
5 subsection, the Secretary of Labor shall have the au-  
6 thority and functions established in Reorganization  
7 Plan Numbered 14 of 1950 (5 U.S.C. App.) and sec-  
8 tion 3145 of title 40, United States Code.”.

9 **SEC. 4. USE OF FUNDS.**

10 Section 1452(a)(2) (42 U.S.C. 300j-12(a)(2)) is  
11 amended—

12 (1) by striking “Except as otherwise” and in-  
13 serting the following:

14 “(A) IN GENERAL.—Except as otherwise”;

15 (2) by striking “, or as a source of reserve and  
16 security for leveraged loans, the proceeds of which  
17 are deposited in a State loan fund established under  
18 paragraph (1),”;

19 (3) by striking “Financial assistance under this  
20 section” and inserting the following:

21 “(B) PERMISSIBLE EXPENDITURES.—Fi-  
22 nancial assistance under this section”;

23 (4) by striking “The funds may also be used”  
24 and inserting the following:

1           “(D) CERTAIN LOANS.—Financial assist-  
2           ance under this section may also be used”;

3           (5) by striking “The funds shall not be used”  
4           and inserting the following:

5           “(E) LIMITATION.—Financial assistance  
6           under this section shall not be used”;

7           (6) by striking “Of the amount credited” and  
8           inserting the following:

9           “(F) SET-ASIDE.—Of the amount cred-  
10          ited”;

11          (7) in subparagraph (B) (as designated by  
12          paragraph (3)) by striking “(not” and inserting  
13          “(including expenditures for planning, design, siting,  
14          and associated preconstruction activities, for replac-  
15          ing or rehabilitating aging treatment, storage, or  
16          distribution facilities of public water systems, or for  
17          producing or capturing sustainable energy on site or  
18          through the transportation of water through the  
19          public water system, but not”;

20          (8) by inserting after such subparagraph (B)  
21          the following:

22          “(C) SALE OF BONDS.—If a State issues  
23          revenue or general obligation bonds to provide  
24          all or part of the State contribution required by  
25          subsection (e), and the proceeds of the sale of

1 such bonds will be deposited into the State loan  
2 fund—

3 “(i) financial assistance made avail-  
4 able under this section may be used by the  
5 State as security for payment of the prin-  
6 cipal and interest on such bonds; and

7 “(ii) interest earnings of the State  
8 loan fund may be used by the State as rev-  
9 enue for payment of the principal and in-  
10 terest on such bonds.

11 Except as provided in this subparagraph, nei-  
12 ther financial assistance made available under  
13 this section nor interest earnings of a State  
14 loan fund may be used by a State as security  
15 for or as revenue for the payment of the prin-  
16 cipal or interest on any bond, including any tax  
17 exempt or tax credit bond issued by a State or  
18 any political subdivision thereof.”.

19 **SEC. 5. REQUIREMENTS FOR USE OF AMERICAN MATE-**  
20 **RIALS.**

21 Section 1452(a) (42 U.S.C. 300j–12(a)) is amended  
22 by adding at the end the following new paragraph:

23 “(4) REQUIREMENTS FOR USE OF AMERICAN  
24 MATERIALS.—

1           “(A) IN GENERAL.—Notwithstanding any  
2 other provision of law, none of the funds made  
3 available by a State loan fund as authorized  
4 under this section may be used for a project for  
5 the construction, alteration, maintenance, or re-  
6 pair of a public water system unless the steel,  
7 iron, and manufactured goods used in such  
8 project are produced in the United States.

9           “(B) EXCEPTIONS.—Subparagraph (A)  
10 shall not apply in any case in which the Admin-  
11 istrator (in consultation with the Governor of  
12 the State) finds that—

13                   “(i) applying subparagraph (A) would  
14 be inconsistent with the public interest;

15                   “(ii) steel, iron, and manufactured  
16 goods are not produced in the United  
17 States in sufficient and reasonably avail-  
18 able quantities and of a satisfactory qual-  
19 ity; or

20                   “(iii) inclusion of steel, iron, and man-  
21 ufactured goods produced in the United  
22 States will increase the cost of the overall  
23 project by more than 25 percent.

24           “(C) PUBLIC NOTIFICATION AND WRITTEN  
25 JUSTIFICATION FOR WAIVER.—If the Adminis-

1           trator determines that it is necessary to waive  
2           the application of subparagraph (A) based on a  
3           finding under subparagraph (B), the Adminis-  
4           trator shall—

5                     “(i) not less than 15 days prior to  
6                     waiving application of subparagraph (A),  
7                     provide public notice and the opportunity  
8                     to comment on the Administrator’s intent  
9                     to issue such waiver; and

10                    “(ii) upon issuing such waiver, publish  
11                    in the Federal Register a detailed written  
12                    justification as to why the provision is  
13                    being waived.

14                    “(D) CONSISTENCY WITH INTERNATIONAL  
15                    AGREEMENTS.—This paragraph shall be applied  
16                    in a manner consistent with United States obli-  
17                    gations under international agreements.”.

18 **SEC. 6. DATA ON VARIANCES, EXEMPTIONS, AND PER-**  
19 **SISTENT VIOLATIONS.**

20           Section 1452(b)(2) (42 U.S.C. 300j–12(b)(2)) is  
21 amended—

22                   (1) in subparagraph (B), by striking “and” at  
23                   the end;

24                   (2) in subparagraph (C), by striking the period  
25                   at the end and inserting “; and”; and

1 (3) by adding at the end the following:

2 “(D) a list of all water systems within the  
3 State that have in effect an exemption or vari-  
4 ance for any national primary drinking water  
5 regulation or that are in persistent violation of  
6 the requirements for any maximum contami-  
7 nant level or treatment technique under a na-  
8 tional primary drinking water regulation, in-  
9 cluding identification of—

10 “(i) the national primary drinking  
11 water regulation in question for each such  
12 exemption, variance, or violation; and

13 “(ii) the date on which the exemption  
14 or variance came into effect or the viola-  
15 tion began.”.

16 **SEC. 7. ASSISTANCE FOR RESTRUCTURING.**

17 (a) DEFINITION.—Section 1401 (42 U.S.C. 300f) is  
18 amended by adding at the end the following:

19 “(17) RESTRUCTURING.—The term ‘restruc-  
20 turing’ means changes in operations (including own-  
21 ership, management, cooperative partnerships, joint  
22 purchasing arrangements, consolidation, and alter-  
23 native water supply).”.

24 (b) RESTRUCTURING.—Clause (ii) of section  
25 1452(a)(3)(B) (42 U.S.C. 300j–12(a)(3)(B)) is amended

1 by striking “changes in operations (including ownership,  
2 management, accounting, rates, maintenance, consolida-  
3 tion, alternative water supply, or other procedures)” and  
4 inserting “restructuring”.

5 **SEC. 8. PRIORITY AND WEIGHT OF APPLICATIONS.**

6 (a) PRIORITY.—Section 1452(b)(3) (42 U.S.C. 300j–  
7 12(b)(3)) is amended—

8 (1) in subparagraph (A)—

9 (A) in clause (ii), by striking “and” at the  
10 end;

11 (B) in clause (iii), by striking the period at  
12 the end and inserting “; and”; and

13 (C) by adding at the end the following:

14 “(iv) improve the ability of systems to  
15 protect human health and comply with the  
16 requirements of this title affordably in the  
17 future.”;

18 (2) by redesignating subparagraph (B) as sub-  
19 paragraph (D);

20 (3) by inserting after subparagraph (A) the fol-  
21 lowing:

22 “(B) AFFORDABILITY OF NEW STAND-  
23 ARDS.—For any year in which enforcement be-  
24 gins for a new national primary drinking water  
25 standard, each State that has entered into a

1 capitalization agreement pursuant to this sec-  
2 tion shall evaluate whether capital improve-  
3 ments required to meet the standard are afford-  
4 able for disadvantaged communities in the  
5 State. If the State finds that such capital im-  
6 provements do not meet affordability criteria  
7 for disadvantaged communities in the State, the  
8 State’s intended use plan shall provide that pri-  
9 ority for the use of funds for such year be given  
10 to public water systems affected by the stand-  
11 ard and serving disadvantaged communities.

12 “(C) WEIGHT GIVEN TO APPLICATIONS.—  
13 After determining priority under subparagraphs  
14 (A) and (B), an intended use plan shall provide  
15 that the State will give greater weight to an ap-  
16 plication for assistance if the application con-  
17 tains—

18 “(i) a description of measures under-  
19 taken by the system to improve the man-  
20 agement and financial stability of the sys-  
21 tem, which may include—

22 “(I) an inventory of assets, in-  
23 cluding a description of the condition  
24 of the assets;

1                   “(II) a schedule for replacement  
2                   of assets;

3                   “(III) an audit of water losses;

4                   “(IV) a financing plan that fac-  
5                   tors in all lifecycle costs indicating  
6                   sources of revenue from ratepayers,  
7                   grants, bonds, other loans, and other  
8                   sources to meet the costs; and

9                   “(V) a review of options for re-  
10                  structuring;

11                  “(ii) a demonstration of consistency  
12                  with State, regional, and municipal water-  
13                  shed plans;

14                  “(iii) a water conservation plan con-  
15                  sistent with guidelines developed for such  
16                  plans by the Administrator under section  
17                  1455(a); and

18                  “(iv) a description of measures under-  
19                  taken by the system to improve the effi-  
20                  ciency of the system or reduce the system’s  
21                  environmental impact, which may in-  
22                  clude—

23                          “(I) water efficiency or conserva-  
24                          tion, including the rehabilitation or re-  
25                          placement of existing leaking pipes;

1 “(II) use of reclaimed water;

2 “(III) actions to increase energy  
3 efficiency;

4 “(IV) actions to generate or cap-  
5 ture sustainable energy on site or  
6 through the transportation of water  
7 through the system;

8 “(V) actions to protect source  
9 water;

10 “(VI) actions to mitigate or pre-  
11 vent corrosion, including design, selec-  
12 tion of materials, selection of coating,  
13 and cathodic protection; and

14 “(VII) actions to reduce disinfec-  
15 tion byproducts.”; and

16 (4) in subparagraph (D) (as redesignated by  
17 paragraph (2)) by striking “periodically” and insert-  
18 ing “at least biennially”.

19 (b) GUIDANCE.—Section 1452 (42 U.S.C. 300j–12)  
20 is amended—

21 (1) by redesignating subsection (r) as sub-  
22 section (s); and

23 (2) by inserting after subsection (q) the fol-  
24 lowing:

1       “(r) **SMALL SYSTEM GUIDANCE.**—The Administrator  
 2 may provide guidance and, as appropriate, tools, meth-  
 3 odologies, or computer software, to assist small systems  
 4 in undertaking measures to improve the management, fi-  
 5 nancial stability, and efficiency of the system or reduce  
 6 the system’s environmental impact.”.

7 **SEC. 9. DISADVANTAGED COMMUNITIES.**

8       (a) **ASSISTANCE TO INCREASE COMPLIANCE.**—Sec-  
 9 tion 1452(b)(3) (42 U.S.C. 300j–12(b)(3)), as amended,  
 10 is further amended by adding at the end the following:

11               “(E) **ASSISTANCE TO INCREASE COMPLI-**  
 12               **ANCE.**—A State’s intended use plan shall pro-  
 13               vide that, of the funds received by the State  
 14               through a capitalization grant under this sec-  
 15               tion for a fiscal year, the State will, to the ex-  
 16               tent that there are sufficient eligible project ap-  
 17               plications, reserve not less than 6 percent to be  
 18               spent on assistance under subsection (d) to  
 19               public water systems included in the State’s  
 20               most recent list under paragraph (2)(D).”.

21       (b) **ASSISTANCE FOR DISADVANTAGED COMMU-**  
 22 **NITIES.**—Section 1452(d) (42 U.S.C. 300j–12(d)) is  
 23 amended—

24               (1) in paragraph (1), by adding at the end the  
 25               following: “Such additional subsidization shall di-

1 rectly and primarily benefit the disadvantaged com-  
2 munity.”; and

3 (2) in paragraph (3), by inserting “, or portion  
4 of a service area,” after “service area”.

5 (c) AFFORDABILITY CRITERIA.—Section 1452(d)(3)  
6 is amended by adding at the end: “Each State that has  
7 entered into a capitalization agreement pursuant to this  
8 section shall, in establishing affordability criteria, con-  
9 sider, solicit public comment on, and include as appro-  
10 priate—

11 “(A) the methods or criteria that the State  
12 will use to identify disadvantaged communities;

13 “(B) a description of the institutional, reg-  
14 ulatory, financial, tax, or legal factors at the  
15 Federal, State, or local level that affect identi-  
16 fied affordability criteria; and

17 “(C) a description of how the State will  
18 use the authorities and resources under this  
19 subsection to assist communities meeting the  
20 identified criteria.”.

21 **SEC. 10. ADMINISTRATION OF STATE LOAN FUNDS.**

22 Section 1452(g) (42 U.S.C. 300j–12(g)) is amend-  
23 ed—

24 (1) in paragraph (2)—

1           (A) in the first sentence, by striking “up  
2           to 4 percent of the funds allotted to the State  
3           under this section” and inserting “, for each  
4           fiscal year, an amount that does not exceed the  
5           sum of the amount of any fees collected by the  
6           State for use in covering reasonable costs of ad-  
7           ministration of programs under this section, re-  
8           gardless of the source, and an amount equal to  
9           the greatest of \$400,000,  $\frac{1}{5}$  of one percent of  
10          the current valuation of the State loan fund, or  
11          6 percent of all grant awards to the State loan  
12          fund under this section for the fiscal year.”;

13           (B) by striking “1419,” and all that fol-  
14          lows through “1993.” and inserting “1419.”;  
15          and

16           (C) in the matter following subparagraph  
17          (D), by striking “2 percent” and inserting “4  
18          percent”; and

19          (2) by adding at the end the following:

20          “(5) TRANSFER OF FUNDS.—

21           “(A) IN GENERAL.—The Governor of a  
22          State may—

23           “(i) reserve for any fiscal year not  
24          more than the lesser of—

1                   “(I) 33 percent of a capitaliza-  
2                   tion grant made under this section; or

3                   “(II) 33 percent of a capitaliza-  
4                   tion grant made under section 601 of  
5                   the Federal Water Pollution Control  
6                   Act; and

7                   “(ii) add the funds so reserved to any  
8                   funds provided to the State under this sec-  
9                   tion or section 601 of the Federal Water  
10                  Pollution Control Act.

11                  “(B) STATE MATCHING FUNDS.—Funds  
12                  reserved under this paragraph shall not be con-  
13                  sidered for purposes of calculating the amount  
14                  of a State contribution required by subsection  
15                  (e) of this section or section 602(b) of the Fed-  
16                  eral Water Pollution Control Act.”.

17 **SEC. 11. STATE REVOLVING LOAN FUNDS FOR AMERICAN**  
18                   **SAMOA, NORTHERN MARIANA ISLANDS,**  
19                   **GUAM, AND THE VIRGIN ISLANDS.**

20                  Section 1452(j) (42 U.S.C. 300j–12(j)) is amended  
21                  by striking “0.33 percent” and inserting “1 percent”.

22 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

23                  Subsection (m) of section 1452 (42 U.S.C. 300j–12)  
24                  is amended to read as follows:

25                  “(m) AUTHORIZATION OF APPROPRIATIONS.—

1           “(1) IN GENERAL.—There are authorized to be  
2           appropriated to carry out this section—

3                   “(A) \$1,400,000,000 for fiscal year 2011;

4                   “(B) \$1,600,000,000 for fiscal year 2012;

5                   and

6                   “(C) \$1,800,000,000 for fiscal year 2013.

7           “(2) AVAILABILITY.—Amounts made available  
8           pursuant to this subsection shall remain available  
9           until expended.

10           “(3) RESERVATION FOR NEEDS SURVEYS.—Of  
11           the amount made available under paragraph (1) to  
12           carry out this section for a fiscal year, the Adminis-  
13           trator may reserve not more than \$1,000,000 per  
14           year to pay the costs of conducting needs surveys  
15           under subsection (h).”.

16 **SEC. 13. NEGOTIATION OF CONTRACTS.**

17           Section 1452 (42 U.S.C. 300j–12), as amended, is  
18           further amended by adding at the end the following:

19           “(t) NEGOTIATION OF CONTRACTS.—For community  
20           water systems serving communities with populations of  
21           more than 10,000 individuals, a contract to be carried out  
22           using funds made available through a capitalization grant  
23           under this section for program management, construction  
24           management, feasibility studies, preliminary engineering,  
25           design, engineering, surveying, mapping, or architectural

1 or related services shall be negotiated in the same manner  
2 as—

3 “(1) a contract for architectural and engineer-  
4 ing services is negotiated under chapter 11 of title  
5 40, United States Code; or

6 “(2) a contract subject to an equivalent State  
7 or local qualifications-based requirement (as deter-  
8 mined by the Governor of the State).”.

9 **SEC. 14. AFFORDABILITY OF NEW STANDARDS.**

10 (a) TREATMENT TECHNOLOGIES FOR SMALL PUBLIC  
11 WATER SYSTEMS.—Clause (ii) of section 1412(b)(4)(E)  
12 (42 U.S.C. 300g-1(b)(4)(E)) is amended by adding at the  
13 end the following: “If no technology, treatment technique,  
14 or other means is included in a list under this subpara-  
15 graph for a category of small public water systems, the  
16 Administrator shall periodically review the list and supple-  
17 ment it when new technology becomes available.”.

18 (b) ASSISTANCE FOR DISADVANTAGED COMMU-  
19 NITIES.—

20 (1) IN GENERAL.—Subparagraph (E) of section  
21 1452(a)(1) (42 U.S.C. 300j-12(a)(1)) is amended—

22 (A) by striking “except that the Adminis-  
23 trator may reserve” and inserting “except  
24 that—

1           “(i) in any year in which enforcement  
2           of a new national primary drinking water  
3           standard begins, the Administrator may  
4           use the remaining amount to make grants  
5           to States whose public water systems are  
6           disproportionately affected by the new  
7           standard for the provision of assistance  
8           under subsection (d) to such public water  
9           systems;

10           “(ii) the Administrator may reserve”;

11           and

12           (B) by striking “and none of the funds re-  
13           allotted” and inserting “; and

14           “(iii) none of the funds reallocated”.

15           (2) ELIMINATION OF CERTAIN PROVISIONS.—

16           (A) Section 1412(b) (42 U.S.C. 300g-  
17           1(b)) is amended by striking paragraph (15).

18           (B) Section 1415 (42 U.S.C. 300g-4) is  
19           amended by striking subsection (e).

20           (3) CONFORMING AMENDMENT.—Subparagraph

21           (B) of section 1414(c)(1) (42 U.S.C. 300g-  
22           3(c)(1)(B)) is amended by striking “(a)(2), or (e)”  
23           and inserting “or (a)(2)”.

1 **SEC. 15. FOCUS ON LIFECYCLE COSTS.**

2 Section 1412(b)(4) (42 U.S.C. 300g-1(b)(4)) is  
3 amended—

4 (1) in subparagraph (D), by striking “taking  
5 cost into consideration” and inserting “taking  
6 lifecycle costs, including maintenance, replacement,  
7 and avoided costs, into consideration”; and

8 (2) in the matter preceding subclause (I) in  
9 subparagraph (E)(ii), by inserting “taking lifecycle  
10 costs, including maintenance, replacement, and  
11 avoided costs, into consideration,” after “as deter-  
12 mined by the Administrator in consultation with the  
13 States,”.

14 **SEC. 16. ENFORCEMENT.**

15 (a) **ADVICE AND TECHNICAL ASSISTANCE.**—Section  
16 1414 (42 U.S.C. 300g-3) is amended—

17 (1) in the matter following clause (ii) in sub-  
18 section (a)(1)(A), by striking “and provide such ad-  
19 vice and technical assistance to such State and pub-  
20 lic water system as may be appropriate to bring the  
21 system into compliance with the requirement by the  
22 earliest feasible time”; and

23 (2) in subsection (a)(1), by adding at the end  
24 the following:

25 “(C) At any time after providing notice of a violation  
26 to a State and public water system under subparagraph

1 (A), the Administrator may provide such advice and tech-  
2 nical assistance to such State and public water system as  
3 may be appropriate to bring the system into compliance  
4 with the requirement by the earliest feasible time. In de-  
5 ciding whether the provision of advice or technical assist-  
6 ance is appropriate, the Administrator may consider the  
7 potential for the violation to result in serious adverse ef-  
8 fects to human health, whether the violation has occurred  
9 continuously or frequently, and the effectiveness of past  
10 technical assistance efforts.”.

11 (b) ADDITIONAL INSPECTIONS.—

12 (1) IN GENERAL.—Section 1414 (42 U.S.C.  
13 300g-3) is amended—

14 (A) by redesignating subsections (d)  
15 through (i) as subsections (e) through (j), re-  
16 spectively; and

17 (B) by inserting after subsection (c) the  
18 following:

19 “(d) ADDITIONAL INSPECTIONS FOLLOWING VIOLA-  
20 TIONS.—

21 “(1) IN GENERAL.—The Administrator shall,  
22 by regulation, and after consultation with the States,  
23 prescribe the number, frequency, and type of addi-  
24 tional inspections to follow any violation requiring

1 notice under subsection (c). Regulations under this  
2 subsection shall—

3 “(A) take into account—

4 “(i) differences between violations  
5 that are intermittent or infrequent and vio-  
6 lations that are continuous or frequent;

7 “(ii) the seriousness of any potential  
8 adverse health effects that may be in-  
9 volved; and

10 “(iii) the number and severity of past  
11 violations by the public water system; and

12 “(B) specify procedures for inspections fol-  
13 lowing a violation by a public water system that  
14 has the potential to have serious adverse effects  
15 on human health as a result of short-term expo-  
16 sure.

17 “(2) STATE PRIMARY ENFORCEMENT RESPONSI-  
18 BILITY.—Nothing in this subsection shall be con-  
19 strued or applied to modify the requirements of sec-  
20 tion 1413.”.

21 (2) CONFORMING AMENDMENTS.—

22 (A) Subsections (a)(1)(B), (a)(2)(A), and  
23 (b) of section 1414 (42 U.S.C. 300g-3) are  
24 amended by striking “subsection (g)” each  
25 place it appears and inserting “subsection (h)”.

1 (B) Section 1448(a) is amended by strik-  
2 ing “1414(g)(3)(B)” and inserting  
3 “1414(h)(3)(B)”.

4 **SEC. 17. REDUCING LEAD IN DRINKING WATER.**

5 (a) IN GENERAL.—Section 1417 (42 U.S.C. 300g–  
6 6) is amended—

7 (1) by adding at the end of subsection (a) the  
8 following:

9 “(4) EXEMPTIONS.—The prohibitions in para-  
10 graphs (1) and (3) shall not apply to—

11 “(A) pipes, pipe fittings, plumbing fittings,  
12 or fixtures, including backflow preventers, that  
13 are used exclusively for nonpotable services  
14 such as manufacturing, industrial processing,  
15 irrigation, outdoor watering, or any other uses  
16 where the water is not anticipated to be used  
17 for human consumption; or

18 “(B) toilets, bidets, urinals, fill valves,  
19 flushometer valves, tub fillers, shower valves,  
20 service saddles, or water distribution main gate  
21 valves that are 2 inches in diameter or larger.”;  
22 and

23 (2) by amending subsection (d) to read as fol-  
24 lows:

25 “(d) DEFINITION OF LEAD FREE.—

1           “(1) IN GENERAL.—For the purposes of this  
2 section, the term ‘lead free’ means—

3           “(A) not containing more than 0.2 percent  
4 lead when used with respect to solder and flux;  
5 and

6           “(B) not more than a weighted average of  
7 0.25 percent lead when used with respect to the  
8 wetted surfaces of pipes, pipe fittings, plumbing  
9 fittings, and fixtures.

10          “(2) CALCULATION.—The weighted average  
11 lead content of a pipe, pipe fitting, plumbing fitting,  
12 or fixture shall be calculated by using the following  
13 formula: For each wetted component, the percentage  
14 of lead in the component shall be multiplied by the  
15 ratio of the wetted surface area of that component  
16 to the total wetted surface area of the entire product  
17 to arrive at the weighted percentage of lead of the  
18 component. The weighted percentage of lead of each  
19 wetted component shall be added together, and the  
20 sum of these weighted percentages shall constitute  
21 the weighted average lead content of the product.  
22 The lead content of the material used to produce  
23 wetted components shall be used to determine com-  
24 pliance with paragraph (1)(B). For lead content of

1 materials that are provided as a range, the max-  
2 imum content of the range shall be used.”.

3 (b) EFFECTIVE DATE.—The provisions of sub-  
4 sections (a)(4) and (d) of section 1417 of the Safe Drink-  
5 ing Water Act, as added by this section, apply beginning  
6 on the day that is 36 months after the date of the enact-  
7 ment of this Act.

8 **SEC. 18. ENDOCRINE DISRUPTOR SCREENING PROGRAM.**

9 Section 1457 (42 U.S.C. 300j-17) is amended to  
10 read as follows:

11 “ENDOCRINE DISRUPTOR SCREENING PROGRAM

12 “SEC. 1457. (a) TESTING OF SUBSTANCES.—

13 “(1) IN GENERAL.—In carrying out the screen-  
14 ing program under section 408(p) of the Federal  
15 Food, Drug, and Cosmetic Act, the Administrator  
16 shall provide for the testing of substances described  
17 in paragraph (2) in addition to the substances de-  
18 scribed in section 408(p)(3) of such Act.

19 “(2) COVERED SUBSTANCES.—A substance is  
20 subject to testing pursuant to paragraph (1) if—

21 “(A) the substance may be found in  
22 sources of drinking water; and

23 “(B) the Administrator determines that a  
24 substantial population may be exposed to such  
25 substance.

1           “(3) SUBSTANCES ALREADY SUBJECT TO TEST-  
2           ING.—Notwithstanding paragraph (2), a substance  
3           is not subject to testing pursuant to paragraph (1)  
4           if—

5                   “(A) the substance is already subject to  
6                   evaluation determined by the Administrator to  
7                   be equivalent to testing pursuant to paragraph  
8                   (1); or

9                   “(B) the Administrator has already deter-  
10                  mined the effect of the substance on the endo-  
11                  crine system.

12           “(4) SUBSTANCES DERIVED FROM DEGRADA-  
13           TION OR METABOLISM OF ANOTHER SUBSTANCE.—  
14           If a substance subject to testing pursuant to para-  
15           graph (1) (in this paragraph referred to as the ‘cov-  
16           ered substance’) is derived from the degradation or  
17           metabolism of another substance, or is used in or  
18           generated by the manufacture of another substance,  
19           the Administrator shall provide for such testing of  
20           the covered substance by the importer or manufac-  
21           turer of the other substance.

22           “(b) IDENTIFICATION AND TESTING OF ENDOCRINE  
23           DISRUPTING SUBSTANCES THAT MAY BE IN DRINKING  
24           WATER.—

1           “(1) IDENTIFICATION.—Not later than 1 year  
2 after the date of the enactment of the Assistance,  
3 Quality, and Affordability Act of 2010, after oppor-  
4 tunity for comment, the Administrator shall pub-  
5 lish—

6           “(A) a list of no fewer than 100 sub-  
7 stances for testing pursuant to subsection  
8 (a)(1) (in accordance with the schedule speci-  
9 fied in paragraph (3)); and

10           “(B) a plan for the identification of addi-  
11 tional substances for testing pursuant to sub-  
12 section (a)(1), and a schedule for issuing test  
13 orders for all such additional substances by not  
14 later than 10 years after the date of the enact-  
15 ment of the Assistance, Quality, and Afford-  
16 ability Act of 2010, with the goal of testing, at  
17 a minimum and consistent with subsection (a),  
18 all substances that have been placed on the  
19 Drinking Water Preliminary Contaminant Can-  
20 didate List published pursuant to section  
21 1412(b)(1)(B)(i).

22           In publishing the plan and schedule required by sub-  
23 paragraph (B), the Administrator shall obtain advice  
24 and direction from the Science Advisory Board.

1           “(2) PRIORITIZATION; CONSIDERATIONS.—In  
2 selecting substances for listing under paragraph  
3 (1)(A) or identification pursuant to the plan under  
4 paragraph (1)(B), the Administrator—

5           “(A) shall prioritize the selection of sub-  
6 stances that pose the greatest public health con-  
7 cern, using the best available science and taking  
8 into consideration (among other factors of pub-  
9 lic health concern) the effect of such substances  
10 on subgroups that comprise a meaningful por-  
11 tion of the general population (such as infants,  
12 children, pregnant women, the elderly, individ-  
13 uals with a history of serious illness, and other  
14 subpopulations) that are identifiable as being at  
15 greater risk of adverse health effects due to ex-  
16 posure to substances in drinking water; and

17           “(B) shall take into consideration—

18           “(i) available information on the ex-  
19 tent of potential public exposures to the  
20 substances through drinking water; and

21           “(ii) the Drinking Water Preliminary  
22 Contaminant Candidate List published  
23 pursuant to section 1412(b)(1)(B)(i).

1           “(3) SCHEDULE.—After publication of the list  
2 under paragraph (1)(A), the Administrator shall  
3 issue test orders for—

4           “(A) at least 25 substances on the list by  
5 the end of each year during the 4-year period  
6 following the date of the enactment of the As-  
7 sistance, Quality, and Affordability Act of 2010;  
8 and

9           “(B) all substances on the list by the end  
10 of such 4-year period.

11       “(c) TESTING PROTOCOL PROCESS.—

12           “(1) IN GENERAL.—Not later than 2 years  
13 after the date of the enactment of the Assistance,  
14 Quality, and Affordability Act of 2010, the Adminis-  
15 trator shall, after opportunity for comment, and  
16 after obtaining advice and direction from the Science  
17 Advisory Board, publish guidance on developing and  
18 updating protocols for testing of possible endocrine  
19 disruptors that may be found in sources of drinking  
20 water. The guidance shall specify—

21           “(A) the manner in which the Adminis-  
22 trator will evaluate and, where necessary, revise  
23 such protocols;

1           “(B) the manner in which the Adminis-  
2           trator will determine when testing of substances  
3           will be required; and

4           “(C) the procedures by which other sci-  
5           entifically relevant information can be used in  
6           lieu of some or all of the information that oth-  
7           erwise would be collected pursuant to testing  
8           under section 408(p) of the Federal Food,  
9           Drug, and Cosmetic Act.

10          “(2) MINIMUM CONTENTS.—The procedures  
11          specified pursuant to paragraph (1)(C) shall ensure  
12          that the Administrator may use information that is  
13          prepared or provided by any person (including a reg-  
14          istrant, manufacturer, or importer of a substance for  
15          which testing is required, and any other entity) and  
16          shall apply equally with respect to any such person.

17          “(3) AMENDMENTS.—The Administrator may,  
18          after opportunity for comment, and after obtaining  
19          advice and direction from the Science Advisory  
20          Board, amend any guidance published pursuant to  
21          this subsection.

22          “(d) REVISION OF TESTING PROTOCOLS.—Not later  
23          than 2 years after the date of the enactment of the Assist-  
24          ance, Quality, and Affordability Act of 2010, the Adminis-  
25          trator shall, after opportunity for comment, determine

1 whether sufficient scientific information has been devel-  
2 oped to warrant updating the screening protocols devel-  
3 oped under section 408(p) of the Federal Food, Drug, and  
4 Cosmetic Act for substances that may be found in sources  
5 of drinking water. Not later than 5 years after the date  
6 of the enactment of the Assistance, Quality, and Afford-  
7 ability Act of 2010 and every 3 years thereafter, the Ad-  
8 ministrator shall determine, consistent with the guidance  
9 published under subsection (c), whether to revise screening  
10 protocols under such section for substances that may be  
11 found in sources of drinking water based on significant  
12 improvements in the sensitivity, accuracy, reliability, re-  
13 producibility, or efficiency of such protocols, or a reduction  
14 in the number of animals required to conduct such proto-  
15 cols. Whenever the Administrator revises such a protocol,  
16 the Administrator shall also determine, after obtaining ad-  
17 vice and direction from the Science Advisory Board,  
18 whether any substance that has already been subjected to  
19 testing should be tested using the revised protocol.

20 “(e) VALID SCIENTIFIC DATA.—Any testing proto-  
21 cols pursuant to this section shall be designed to produce  
22 scientific results that are based on—

23 “(1) verifiable measurements with sufficiently  
24 small error rates;

1           “(2) well-controlled measurements whose inter-  
2           pretation is not confounded by extraneous influ-  
3           ences; and

4           “(3) results that are repeatable by independent  
5           scientists.

6           “(f) RESULTS OF TESTING.—

7           “(1) PUBLICATION OF DATA EVALUATION  
8           RECORDS.—Not later than 6 months after receipt of  
9           testing results for a substance that may be found in  
10          sources of drinking water, the Administrator shall  
11          prepare and, consistent with subsection (g), publish  
12          data evaluation records for such results in a publicly  
13          searchable database.

14          “(2) ADMINISTRATIVE ACTION.—Not later than  
15          6 months after receipt of test results that determine  
16          the endocrine-related effects caused by a substance  
17          that may be found in sources of drinking water, the  
18          Administrator shall—

19                  “(A) determine whether to take action re-  
20                  lated to the substance pursuant to the agency’s  
21                  statutory authority; and

22                  “(B) consistent with subsection (g), pub-  
23                  lish such determination in a publicly searchable  
24                  database.

1 Nothing in this section shall be construed to affect  
2 the Administrator’s authority to take action under  
3 other provisions of law.

4 “(3) STRUCTURED EVALUATION FRAME-  
5 WORK.—To assess the overall weight of the evidence  
6 and relevance to human health of results of testing  
7 for substances that may be found in sources of  
8 drinking water, the Administrator shall develop and  
9 use a structured evaluative framework consisting of  
10 science-based criteria, consistent with the protection  
11 of public health, for systematically evaluating endo-  
12 crine mode of action and for determining data rel-  
13 evance, quality, and reliability.

14 “(g) PUBLIC DATABASE.—Beginning not later than  
15 180 days after the date of the enactment of the Assist-  
16 ance, Quality, and Affordability Act of 2010 and con-  
17 sistent with section 552 of title 5, United States Code,  
18 the Administrator shall publish, in electronic format, a  
19 publicly searchable database that contains information re-  
20 garding the testing program. Not later than 30 days after  
21 the date on which the information becomes available, the  
22 Administrator shall ensure that, at a minimum, the data-  
23 base—

24 “(1) identifies the substances selected for test-  
25 ing under the program; and

1           “(2) includes the documents and information  
2           pertaining to the status of testing activities for each  
3           such substance, including test orders, deadlines for  
4           submission, the Environmental Protection Agency’s  
5           data evaluation records, any scientific information  
6           on which the Administrator based actions under sub-  
7           section (f), the Administrator’s determination under  
8           subsection (f) on whether action will be taken under  
9           other statutory authority, and the summary of  
10          chemical test results.

11          “(h) PETITION FOR INCLUSION OF A SUBSTANCE IN  
12          THE PROGRAM.—

13                 “(1) IN GENERAL.—Any person may submit a  
14                 petition to the Administrator to add a substance to  
15                 the list under subsection (b)(1)(A) or identify a sub-  
16                 stance pursuant to the plan under subsection  
17                 (b)(1)(B).

18                 “(2) SPECIFICATION OF FACTS.—Any petition  
19                 under paragraph (1) shall specify the facts that are  
20                 claimed to establish that an action described in  
21                 paragraph (1) is warranted.

22                 “(3) ADMINISTRATIVE ACTION.—Not later than  
23                 90 days after the filing of a petition described under  
24                 paragraph (1), the Administrator shall determine  
25                 whether the petition has established that an action

1 described in paragraph (1) is warranted and shall  
2 grant or deny the petition. If the Administrator  
3 grants such petition, the Administrator shall  
4 promptly add the substance to the list under sub-  
5 section (b)(1)(A) or identify the substance pursuant  
6 to the plan under subsection (b)(1)(B), as applica-  
7 ble. If the Administrator denies the petition, the Ad-  
8 ministrator shall publish the reasons for such denial  
9 in the Federal Register.

10 “(i) COORDINATION WITH OTHER FEDERAL AGEN-  
11 CIES.—After the Administrator—

12 “(1) requires testing of a substance that may  
13 be found in sources of drinking water, or

14 “(2) based in whole or in part on the results of  
15 testing of such a substance, takes action related to  
16 the substance pursuant to the agency’s statutory au-  
17 thority,

18 the Administrator shall give notice of such testing or ac-  
19 tion to Federal agencies which are authorized by other  
20 provisions of law to regulate the substance or products,  
21 materials, medications, processes, or practices that use the  
22 substance.

23 “(j) REPORTING REQUIREMENT.—Not later than 1  
24 year after the date of the enactment of the Assistance,  
25 Quality, and Affordability Act of 2010 and every 3 years

1 thereafter, the Administrator shall provide a report to the  
2 Committee on Energy and Commerce of the House of  
3 Representatives and the Committee on Environment and  
4 Public Works of the Senate that describes—

5           “(1) progress made in identifying and testing  
6 potential endocrine disruptors as well as plans for  
7 future activities;

8           “(2) any change in screening or testing method-  
9 ology and evaluation or criteria for evaluating sci-  
10 entifically relevant information;

11           “(3) actions taken to ensure communication  
12 and sharing of scientific information with other Fed-  
13 eral agencies and the public; and

14           “(4) any deviations from the plan or schedule  
15 published under subsection (b)(1)(B) as well as the  
16 reasons therefor.

17           “(k) TESTING CONSORTIA, COMPENSATION, AND  
18 COMPLIANCE.—

19           “(1) IN GENERAL.—Any person required by the  
20 Administrator to conduct testing of an endocrine  
21 disruptor that may be found in sources of drinking  
22 water may—

23           “(A) submit, on its own, data in response  
24 to an order for such testing; and

1           “(B) form (on a voluntary basis) a consor-  
2           tium in order to satisfy the requirements of one  
3           or more orders for such testing.

4           “(2) RELIANCE ON CONSORTIUM SUBMIS-  
5           SIONS.—Each member of a consortium described in  
6           paragraph (1)(B) shall have full rights to rely on all  
7           submissions of the consortium to satisfy the require-  
8           ments of any order for testing, but continues to be  
9           individually subject to such requirements.

10          “(3) SHARING OF COSTS.—

11           “(A) IN GENERAL.—Each member of a  
12           consortium described in paragraph (1)(B) shall  
13           share the applicable costs according to appro-  
14           priate arrangements established by the consor-  
15           tium members.

16           “(B) BINDING OFFER.—Whenever, to sat-  
17           isfy the requirements of one or more orders for  
18           testing, any person offers to form or join a con-  
19           sortium described in paragraph (1)(B), or of-  
20           fers compensation to a person that has already  
21           submitted data to the Administrator satisfying  
22           an order for testing, such offer shall constitute  
23           a binding offer to share an appropriate portion  
24           of the applicable costs.

1           “(C) APPLICABLE COSTS.—In this sub-  
2 section, the term ‘applicable costs’ includes the  
3 costs—

4                   “(i) incurred to generate and report  
5 information to comply with an order for  
6 testing; or

7                   “(ii) associated with the organization  
8 and administration of the consortium.

9           “(4) DISPUTE RESOLUTION.—

10                   “(A) IN GENERAL.—In the event of any  
11 dispute about an appropriate share or a fair  
12 method of determining an appropriate share of  
13 applicable costs of the testing requirements in  
14 a test order, any person involved in the dispute  
15 may initiate binding arbitration proceedings by  
16 requesting the Federal Mediation and Concilia-  
17 tion Service to appoint an arbitrator from the  
18 roster of arbitrators maintained by such Service  
19 or a hearing with a regional office of the Amer-  
20 ican Arbitration Association. A copy of the re-  
21 quest shall be sent to each person from whom  
22 the requesting party seeks compensation or who  
23 seeks compensation from that party.

24                   “(B) NO REVIEW OF FINDINGS AND DE-  
25 TERMINATION.—The findings and determina-

1           tion of the arbitrator in a dispute initiated pur-  
2           suant to subparagraph (A) shall be final and  
3           conclusive, and no official or court of the  
4           United States shall have power or jurisdiction  
5           to review any such findings and determination,  
6           except in the case of fraud, misrepresentation,  
7           or other misconduct by one of the parties to the  
8           arbitration or by the arbitrator.

9           “(C) PAYMENT OF FEE AND EXPENSES.—

10          The parties to arbitration initiated pursuant to  
11          subparagraph (A) shall share equally in the  
12          payment of the fee and expenses of the arbi-  
13          trator.

14          “(5) ENFORCEMENT.—If the Administrator de-  
15          termines that any person seeking to comply with an  
16          order for testing by relying on a submission made by  
17          a consortium or an original data submitter has  
18          failed to make an offer in accordance with para-  
19          graph (3)(B), to participate in an arbitration pro-  
20          ceeding under paragraph (4), or to comply with the  
21          terms of an agreement or arbitration decision con-  
22          cerning sharing of applicable costs under paragraph  
23          (3), that person is deemed to have failed to comply  
24          with an order under subparagraph (A) of section  
25          408(p)(5) of the Federal Food, Drug, and Cosmetic

1 Act for purposes of subparagraphs (B) and (C) of  
2 such section.

3 “(l) DEFINITIONS.—In this section:

4 “(1) The term ‘endocrine disruptor’ means an  
5 exogenous agent or mixture of agents that interferes  
6 or alters the synthesis, secretion, transport, metabo-  
7 lism, binding action, or elimination of hormones that  
8 are present in the body and are responsible for ho-  
9 meostasis, growth, neurological signaling, reproduc-  
10 tion and developmental process, or any other effect  
11 that the Administrator has designated as an ‘endo-  
12 crine effect’ pursuant to section 408(p)(1) of the  
13 Federal Food, Drug, and Cosmetic Act.

14 “(2) The term ‘testing’ means the testing of a  
15 substance pursuant to the screening program under  
16 section 408(p) of the Federal Food, Drug, and Cos-  
17 metic Act, including a test of a substance that is in-  
18 tended to identify substances that have the potential  
19 to interact with the endocrine system or that is in-  
20 tended to determine the endocrine-related effects  
21 caused by such substance and obtain information  
22 about effects at various doses.

23 “(m) AUTHORIZATION OF APPROPRIATIONS.—To  
24 carry out this section, there is authorized to be appro-

1 priated \$5,000,000 for each of fiscal years 2011 through  
2 2015.”.

3 **SEC. 19. PRESENCE OF PHARMACEUTICALS AND PERSONAL**  
4 **CARE PRODUCTS IN SOURCES OF DRINKING**  
5 **WATER.**

6 Subsection (a) of section 1442 (42 U.S.C. 300j-1)  
7 is amended by adding at the end the following:

8 “(11) PRESENCE OF PHARMACEUTICALS AND PER-  
9 SONAL CARE PRODUCTS IN SOURCES OF DRINKING  
10 WATER.—

11 “(A) STUDY.—The Administrator shall carry  
12 out a study on the presence of pharmaceuticals and  
13 personal care products in sources of drinking water,  
14 which shall—

15 “(i) identify pharmaceuticals and personal  
16 care products that have been detected in  
17 sources of drinking water and the levels at  
18 which such pharmaceuticals and personal care  
19 products have been detected;

20 “(ii) identify the sources of pharma-  
21 ceuticals and personal care products in sources  
22 of drinking water, including point sources and  
23 nonpoint sources of pharmaceutical and per-  
24 sonal care products;

1           “(iii) identify the effects of such products  
2           on humans, the environment, and the safety of  
3           drinking water; and

4           “(iv) identify methods to control, limit,  
5           treat, or prevent the presence of such products.

6           “(B) CONSULTATION.—The Administrator shall  
7           conduct the study described in subparagraph (A) in  
8           consultation with the Secretary of Health and  
9           Human Services (acting through the Commissioner  
10          of Food and Drugs), the Director of the United  
11          States Geological Survey, the heads of other appro-  
12          priate Federal agencies (including the National In-  
13          stitute of Environmental Health Sciences), and other  
14          interested stakeholders (including manufacturers of  
15          pharmaceuticals and personal care products and  
16          consumer groups and advocates).

17          “(C) REPORT.—Not later than 2 years after  
18          the date of the enactment of this paragraph, the Ad-  
19          ministrator shall submit to the Congress a report on  
20          the results of the study carried out under this para-  
21          graph.

22          “(D) DEFINITIONS.—In this paragraph:

23                 “(i) The term ‘personal care product’ has  
24                 the meaning given the term ‘cosmetic’ in section

1           201 of the Federal Food, Drug, and Cosmetic  
2           Act.

3           “(ii) The term ‘pharmaceutical’ has the  
4           meaning given the term ‘drug’ in section 201 of  
5           the Federal Food, Drug, and Cosmetic Act.”.

6   **SEC. 20. ELECTRONIC REPORTING OF COMPLIANCE MONI-**  
7                           **TORING DATA TO THE ADMINISTRATOR.**

8           (a) REQUIREMENT.—Section 1414 (42 U.S.C. 300g–  
9   3), as amended, is further amended by adding at the end  
10   the following:

11           “(k) ELECTRONIC REPORTING OF COMPLIANCE  
12   MONITORING DATA TO THE ADMINISTRATOR.—The Ad-  
13   ministrator shall by rule establish requirements for—

14           “(1) electronic submission by public water sys-  
15   tems of all compliance monitoring data—

16                   “(A) to the Administrator; or

17                   “(B) with respect to public water systems  
18           in a State which has primary enforcement re-  
19           sponsibility under section 1413, to such State;  
20           and

21           “(2) electronic submission to the Administrator  
22           by each State which has primary enforcement re-  
23           sponsibility under section 1413 of all compliance  
24           monitoring data submitted to such State by public  
25           water systems pursuant to paragraph (1)(B).”.

1 (b) FINAL RULE.—Not later than 12 months after  
2 the date of the enactment of this Act, the Administrator  
3 of the Environmental Protection Agency shall issue a final  
4 rule to carry out section 1414(k) of the Safe Drinking  
5 Water Act, as added by subsection (a).

6 **SEC. 21. BUDGETARY EFFECTS.**

7 The budgetary effects of this Act, for the purpose of  
8 complying with the Statutory Pay-As-You-Go Act of 2010,  
9 shall be determined by reference to the latest statement  
10 titled “Budgetary Effects of PAYGO Legislation” for this  
11 Act, submitted for printing in the Congressional Record  
12 by the Chairman of the House Budget Committee, pro-  
13 vided that such statement has been submitted prior to the  
14 vote on passage.

Passed the House of Representatives July 30 (legis-  
lative day July 29), 2010.

Attest:

*Clerk.*



111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

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# H. R. 5320

## AN ACT

To amend the Safe Drinking Water Act to increase assistance for States, water systems, and disadvantaged communities; to encourage good financial and environmental management of water systems; to strengthen the Environmental Protection Agency's ability to enforce the requirements of the Act; to reduce lead in drinking water; to strengthen the endocrine disruptor screening program; and for other purposes.