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1ST SESSION

S. 914

To improve and coordinate interagency Federal actions and provide assistance to States for responding to public health challenges posed by emerging contaminants, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 24, 2017

Mrs. SHAHEEN (for herself and Mr. PORTMAN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To improve and coordinate interagency Federal actions and provide assistance to States for responding to public health challenges posed by emerging contaminants, 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.**

4 This Act may be cited as the “Safe Drinking Water
5 Assistance Act of 2017”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) safe and clean drinking water is essential to
2 the health, well-being, comfort, and standard of liv-
3 ing of every person of the United States;

4 (2) emerging contaminants in drinking water
5 systems are increasingly being detected at low levels;

6 (3) prolonged exposure to unregulated drinking
7 water contaminants, including emerging contami-
8 nants, may pose human health risks, particularly to
9 vulnerable populations;

10 (4) the Safe Drinking Water Act (42 U.S.C.
11 300f et seq.), requires the Administrator of the En-
12 vironmental Protection Agency—

13 (A) to periodically make regulatory deter-
14 minations with respect to unregulated contami-
15 nants; and

16 (B) not less frequently than once every 5
17 years, to identify and publish a description of
18 unregulated contaminants that may require reg-
19 ulation;

20 (5) in a 2011 report of the Government Ac-
21 countability Office, the Comptroller General of the
22 United States found, with respect to unregulated
23 drinking water contaminants, that—

1 (A) the Administrator has made limited
2 progress in prioritizing drinking water contami-
3 nants based on greatest public health concern;

4 (B) the lack of data relating to the expo-
5 sure of the public to potentially harmful drink-
6 ing water contaminants and the related health
7 effects of that exposure continues to limit the
8 ability of the Administrator to make regulatory
9 determinations; and

10 (C) in many cases, gathering sufficient
11 data to address contaminants awaiting regu-
12 latory determinations by the Administrator has
13 taken the Administrator more than 10 years,
14 and obtaining data on other contaminants that
15 are currently awaiting regulatory determina-
16 tions may take decades;

17 (6) in the 2016 Drinking Water Action Plan of
18 the Environmental Protection Agency, the Adminis-
19 trator recommended that the Government and key
20 water stakeholders strengthen the effectiveness of
21 drinking water health advisories through enhanced
22 collaboration and increased focus on risk manage-
23 ment and risk communication approaches; and

24 (7) it is vital that legislators, regulatory offi-
25 cials, public water system owners and operators, sci-

1 entists, and environmental advocacy groups continue
2 to work to ensure that the public water systems of
3 the United States are among the safest in the world.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) ADMINISTRATOR.—The term “Adminis-
7 trator” means the Administrator of the Environ-
8 mental Protection Agency.

9 (2) CONTAMINANT.—The term “contaminant”
10 means any physical, chemical, biological, or radio-
11 logical substance or matter in water.

12 (3) CONTAMINANT OF EMERGING CONCERN;
13 EMERGING CONTAMINANT.—The terms “contami-
14 nant of emerging concern” and “emerging contami-
15 nant” mean a contaminant—

16 (A) for which the Administrator has not
17 promulgated a national primary drinking water
18 regulation; and

19 (B) that may have an adverse effect on the
20 health of individuals.

21 (4) FEDERAL RESEARCH STRATEGY.—The term
22 “Federal research strategy” means the interagency
23 Federal research strategy developed under section
24 4(c)(1)(A)(i).

1 (5) WORKING GROUP.—The term “Working
2 Group” means the Working Group established under
3 section 4(b)(1).

4 **SEC. 4. RESEARCH AND COORDINATION PLAN FOR EN-**
5 **HANCED RESPONSE ON EMERGING CONTAMI-**
6 **NANTS.**

7 (a) IN GENERAL.—The Administrator shall—

8 (1) review Federal efforts—

9 (A) to identify, monitor, and assist in the
10 development of treatment methods for emerging
11 contaminants; and

12 (B) to assist States in responding to the
13 human health challenges posed by contaminants
14 of emerging concern; and

15 (2) in collaboration with owners and operators
16 of public water systems, States, and other interested
17 stakeholders, establish a strategic plan for improving
18 the Federal efforts referred to in paragraph (1).

19 (b) INTERAGENCY WORKING GROUP ON EMERGING
20 CONTAMINANTS.—

21 (1) IN GENERAL.—Not later than 90 days after
22 the date of enactment of this Act, the Administrator
23 and the Secretary of Health and Human Services
24 shall jointly establish a Working Group to coordinate
25 the activities of the Federal Government to identify

1 and analyze the public health effects of drinking
2 water contaminants of emerging concern.

3 (2) MEMBERSHIP.—The Working Group shall
4 include representatives of the following:

5 (A) The Environmental Protection Agency,
6 appointed by the Administrator.

7 (B) The following agencies, appointed by
8 the Secretary of Health and Human Services:

9 (i) The National Institutes of Health.

10 (ii) The Centers for Disease Control
11 and Prevention.

12 (iii) The Agency for Toxic Substances
13 and Disease Registry.

14 (C) The United States Geological Survey,
15 appointed by the Secretary of the Interior.

16 (D) Any other Federal agency the assist-
17 ance of which the Administrator determines to
18 be necessary to carry out this subsection, ap-
19 pointed by the head of the respective agency.

20 (3) EXISTING WORKING GROUP.—The Adminis-
21 trator may expand or modify the duties of an exist-
22 ing working group to perform the duties of the
23 Working Group under this subsection.

24 (c) NATIONAL EMERGING CONTAMINANT RESEARCH
25 INITIATIVE.—

1 (1) FEDERAL RESEARCH STRATEGY.—

2 (A) IN GENERAL.—Not later than 90 days
3 after the date of enactment of this Act, the Di-
4 rector of the Office of Science and Technology
5 Policy (referred to in this subsection as the
6 “Director”) shall coordinate with the heads of
7 the agencies described in subparagraph (C) to
8 establish a National Emerging Contaminant
9 Research Initiative that shall develop—

10 (i) an interagency Federal research
11 strategy that specifies and prioritizes the
12 short-term and long-term research nec-
13 essary to improve the identification, anal-
14 ysis, monitoring, and treatment methods of
15 contaminants of emerging concern; and

16 (ii) any necessary program, policy, or
17 budget to support the implementation of
18 the Federal research strategy, including
19 mechanisms for joint agency review of re-
20 search proposals, for interagency cofunding
21 of research activities, and for information
22 sharing across agencies.

23 (B) RESEARCH ON EMERGING CONTAMI-
24 NANTS.—In carrying out subparagraph (A), the
25 Director shall—

1 (i) take into consideration consensus
2 conclusions from peer-reviewed, pertinent
3 research on emerging contaminants; and

4 (ii) in consultation with the Adminis-
5 trator, identify priority emerging contami-
6 nants for research emphasis.

7 (C) FEDERAL PARTICIPATION.—The agen-
8 cies described in this subparagraph include—

9 (i) the National Science Foundation;

10 (ii) the National Institutes of Health;

11 (iii) the Environmental Protection
12 Agency;

13 (iv) the National Institute of Stand-
14 ards and Technology;

15 (v) the United States Geological Sur-
16 vey; and

17 (vi) any other Federal agency that
18 contributes to research in water quality,
19 environmental exposures, and public
20 health, as determined by the Director.

21 (D) NONGOVERNMENTAL PARTICIPA-
22 TION.—In carrying out subparagraph (A), the
23 Director shall consult with nongovernmental or-
24 ganizations and science and research institu-
25 tions determined by the Director to have sci-

1 entific or material interest in the National
2 Emerging Contaminant Research Initiative.

3 (2) IMPLEMENTATION OF RESEARCH REC-
4 COMMENDATIONS.—

5 (A) IN GENERAL.—Not later than 1 year
6 after the date on which the Director completes
7 the Federal research strategy, the head of each
8 agency described in paragraph (1)(C) shall—

9 (i) issue a solicitation for research
10 proposals consistent with the Federal re-
11 search strategy; and

12 (ii) make grants to applicants that
13 submit research proposals selected by the
14 National Emerging Contaminant Research
15 Initiative in accordance with subparagraph
16 (B).

17 (B) SELECTION OF RESEARCH PRO-
18 POSALS.—The National Emerging Contaminant
19 Research Initiative shall select research pro-
20 posals to receive grants under this paragraph
21 on the basis of merit, using criteria identified
22 by the Director, including the likelihood that
23 the proposed research will result in significant
24 progress toward achieving the objectives identi-
25 fied in the Federal research strategy.

1 (C) ELIGIBLE ENTITIES.—Any entity or
2 group of two or more entities may submit to the
3 head of each agency described in paragraph
4 (1)(C) a research proposal in response to the
5 solicitation for research proposals described in
6 subparagraph (A), including—

- 7 (i) State and local agencies;
8 (ii) public institutions, including pub-
9 lic institutions of higher education;
10 (iii) private corporations; and
11 (iv) nonprofit organizations.

12 (d) FEDERAL ASSISTANCE AND SUPPORT FOR
13 STATES.—

14 (1) STUDY.—

15 (A) IN GENERAL.—Not later than 180
16 days after the date of enactment of this Act,
17 the Administrator shall conduct a study on ac-
18 tions the Administrator can take to increase as-
19 sistance and support for States that require
20 testing facilities for emerging contaminants in
21 drinking water samples.

22 (B) CONTENTS OF STUDY.—In carrying
23 out the study described in subparagraph (A),
24 the Administrator shall identify—

1 (i) methods to increase technical as-
2 sistance on emerging contaminants to
3 States, including identifying opportunities
4 for States to improve communication with
5 various audiences about the risks associ-
6 ated with emerging contaminants;

7 (ii) means to facilitate access to quali-
8 fied contract testing laboratory facilities
9 that conduct analyses for emerging con-
10 taminants; and

11 (iii) actions to be carried out at exist-
12 ing Federal laboratory facilities, including
13 the research facilities of the Administrator,
14 to provide analytical support for States
15 that require testing facilities for emerging
16 contaminants.

17 (2) REPORT.—Not later than 1 year after the
18 date of enactment of this Act, the Administrator
19 shall submit to Congress a report describing the re-
20 sults of the study described in paragraph (1).

21 (3) PROGRAM TO PROVIDE FEDERAL ASSIST-
22 ANCE TO STATES.—

23 (A) IN GENERAL.—Not later than 3 years
24 after the date of enactment of this Act, based
25 on the findings in the report described in para-

1 graph (2), the Administrator shall develop a
2 program to provide assistance to eligible States
3 for the testing and analysis of emerging con-
4 taminants.

5 (B) APPLICATION.—

6 (i) IN GENERAL.—To be eligible for
7 assistance under this paragraph, a State
8 shall submit to the Administrator an appli-
9 cation at such time, in such manner, and
10 containing such information as the Admin-
11 istrator may require.

12 (ii) CRITERIA.—The Administrator
13 shall evaluate an application for assistance
14 under this paragraph on the basis of merit
15 using criteria identified by the Adminis-
16 trator, including—

17 (I) the laboratory facilities avail-
18 able to the State;

19 (II) the availability and applica-
20 bility of existing analytical methodolo-
21 gies;

22 (III) the potency and severity of
23 the emerging contaminant, if known;
24 and

1 (IV) the prevalence and mag-
2 nitude of the emerging contaminant.

3 (iii) PRIORITIZATION.—In selecting
4 States to receive assistance under this
5 paragraph, the Administrator—

6 (I) shall give priority to States
7 with affected areas primarily in finan-
8 cially distressed communities; and

9 (II) may—

10 (aa) waive the application
11 process in an emergency situa-
12 tion; and

13 (bb) require an abbreviated
14 application process for the con-
15 tinuation of past monitoring sup-
16 port.

17 (C) DATABASE OF AVAILABLE RE-
18 SOURCES.—The Administrator shall establish
19 and maintain a database of resources available
20 through the program developed under subpara-
21 graph (A) to assist States with testing for
22 emerging contaminants that—

23 (i) is—

24 (I) available to States and stake-
25 holder groups determined by the Ad-

1 administrator to have scientific or mate-
2 rial interest in emerging contami-
3 nants, including—

4 (aa) drinking water and
5 wastewater utilities;

6 (bb) laboratories;

7 (cc) Federal and State emer-
8 gency responders;

9 (dd) State primacy agencies;

10 (ee) public health agencies;

11 and

12 (ff) water associations;

13 (II) searchable; and

14 (III) accessible through the web-
15 site of the Administrator; and

16 (ii) includes a description of—

17 (I) qualified contract testing lab-
18 oratory facilities that conduct analyses
19 for emerging contaminants; and

20 (II) the resources available in
21 Federal laboratory facilities to test for
22 emerging contaminants.

23 (D) WATER CONTAMINANT INFORMATION
24 TOOL.—The Administrator shall integrate the
25 database established under subparagraph (C)

1 into the Water Contaminant Information Tool
2 of the Environmental Protection Agency.

3 (4) FUNDING.—The Administrator may request
4 funding as necessary to carry out this subsection,
5 but in no case shall funding to carry out this sub-
6 section exceed \$15,000,000 in any fiscal year.

7 (e) REPORT.—Not less frequently than biannually,
8 the Administrator shall submit to Congress a report that
9 describes the progress made in carrying out this Act.

10 (f) EFFECT.—Nothing in this section modifies any
11 obligation of a State, local government, or Indian tribe
12 with respect to treatment methods for, or testing or moni-
13 toring of, drinking water.

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