

117TH CONGRESS
2D SESSION

S. 4081

To amend the Consolidated Farm and Rural Development Act to establish a grant program to assist with the purchase, installation, and maintenance of point-of-entry and point-of-use drinking water quality improvement products, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 26, 2022

Ms. BALDWIN introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Consolidated Farm and Rural Development Act to establish a grant program to assist with the purchase, installation, and maintenance of point-of-entry and point-of-use drinking water quality improvement products, 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 “Healthy Drinking
5 Water Affordability Act” or the “Healthy H2O Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) clean and safe drinking water is necessary
2 to ensure public health and a vibrant economy;

3 (2) communities that are dependent on private
4 groundwater supplies to meet domestic drinking
5 water needs, as well as those that continue to experi-
6 ence drinking water infrastructure challenges from
7 public water supplies, including with infrastructure
8 into and within households and living facilities, are
9 disproportionately impacted by drinking water qual-
10 ity issues;

11 (3) in many instances, those communities and
12 their households have been adversely impacted by
13 the presence of 1 or more naturally occurring and
14 human-caused contaminants found in drinking
15 water, such as lead, arsenic, nitrate, nitrite, and
16 volatile organic compounds, as well as federally un-
17 regulated contaminants, including perfluoroalkyl and
18 polyfluoroalkyl substances and hexavalent chromium
19 (chrome-6), in local groundwater or other drinking
20 water supplies;

21 (4) public health organizations and institutions,
22 such as the Centers for Disease Control and Preven-
23 tion, have cited giardia, enterovirus, radon,
24 rotovirus, norovirus, shigella, campylobacter, sal-
25 monella, hepatitis A, cryptosporidium, and e. coli as

1 among the major diseases and contaminants that
2 can be present in drinking water sources;

3 (5) investments in projects to improve and sup-
4 port drinking water infrastructure are critically im-
5 portant to addressing water quality in the United
6 States, but because those projects can typically take
7 many years to complete, the current, and in some
8 cases the ongoing, needs of communities impacted
9 with immediate drinking water quality challenges
10 cannot be or are not addressed in a timely manner;

11 (6) as an interim measure (and in some cases
12 in rural areas, for longer term or permanently),
13 point-of-entry and point-of-use water quality im-
14 provement products are viable solutions to address
15 drinking water contamination challenges for the peo-
16 ple of the United States; and

17 (7) grants provided under this Act are intended
18 to provide financial assistance for eligible grant re-
19 cipients (as defined in section 306F(a) of the Con-
20 solidated Farm and Rural Development Act (as
21 added by section 3)) that voluntarily seek to improve
22 the quality of the drinking water of eligible end
23 users (as defined in that section), and not to dem-
24 onstrate that an eligible end user is in compliance

1 with a Federal, State, or local primary drinking
 2 water standard or regulation.

3 **SEC. 3. HEALTHY DRINKING WATER AFFORDABILITY AS-**
 4 **SISTANCE PROGRAM.**

5 Subtitle A of the Consolidated Farm and Rural De-
 6 velopment Act is amended by inserting after section 306E
 7 (7 U.S.C. 1926e) the following:

8 **“SEC. 306F. HEALTHY DRINKING WATER AFFORDABILITY**
 9 **ASSISTANCE PROGRAM.**

10 “(a) DEFINITIONS.—In this section:

11 “(1) APPROVED INSTALLATION.—The term ‘ap-
 12 proved installation’ means the installation of an eli-
 13 gible drinking water quality improvement product or
 14 a certified filter component by a qualified third-party
 15 installer that—

16 “(A) complies with all local and State reg-
 17 ulations; and

18 “(B) follows the installation instructions of
 19 the manufacturer.

20 “(2) APPROVED MAINTENANCE.—The term ‘ap-
 21 proved maintenance’ means required maintenance—

22 “(A) performed on an eligible drinking
 23 water quality improvement product that in-
 24 cludes maintenance and replacement of the cer-
 25 tified filter component;

1 “(B) performed by a service technician
2 who—

3 “(i) is—

4 “(I) professionally qualified, cer-
5 tified, or licensed as a water treat-
6 ment product maintenance profes-
7 sional, including a professional
8 credentialed through a manufacturer
9 or third party;

10 “(II) operating under the super-
11 vision of a service technician described
12 in subclause (I);

13 “(III) a licensed plumber or a
14 plumber operating under the super-
15 vision of a licensed plumbing con-
16 tractor; or

17 “(IV) an individual who holds a
18 license or certification related to water
19 treatment technologies issued by a
20 State; and

21 “(ii) regularly completes continuing
22 education on water treatment technology
23 and other subjects that enhance the serv-
24 ices provided under this section;

1 “(C) that complies with all local and State
2 regulations; and

3 “(D) that follows the maintenance instruc-
4 tions of the manufacturer.

5 “(3) CERTIFIED FILTER COMPONENT.—The
6 term ‘certified filter component’ means a replaceable
7 or replacement filter component—

8 “(A) for which approved maintenance can
9 be performed; and

10 “(B) that is certified by a third-party cer-
11 tifier as compliant with—

12 “(i)(I) NSF/ANSI Standard 53,
13 ‘Drinking Water Treatment Units—Health
14 Effects’;

15 “(II) NSF/ANSI Standard 58, ‘Re-
16 verse Osmosis Drinking Water Treatment
17 Systems’; or

18 “(III) another successor or relevant
19 ANSI standard for drinking water treat-
20 ment units or systems that addresses
21 health contaminant reduction, as deter-
22 mined by the Secretary; or

23 “(ii) a standard that is similar to a
24 standard described in clause (i) or more

1 protective of human health than that
2 standard, as determined by the Secretary.

3 “(4) ELIGIBLE DRINKING WATER QUALITY IM-
4 PROVEMENT PRODUCT.—The term ‘eligible drinking
5 water quality improvement product’ means a point-
6 of-use or point-of-entry system—

7 “(A) incorporating a certified filter compo-
8 nent; and

9 “(B) that is certified by a third-party cer-
10 tifier to meet standards recognized by the
11 American National Standards Institute—

12 “(i) for material safety and perform-
13 ance; and

14 “(ii) to improve drinking water qual-
15 ity.

16 “(5) ELIGIBLE END USER.—The term ‘eligible
17 end user’ means a person that is—

18 “(A)(i) a homeowner;

19 “(ii) an individual lessee or renter of a
20 home, apartment, or other dwelling;

21 “(iii) a property owner of a multi-unit resi-
22 dential building with 25 or fewer owned, leased,
23 or rented dwelling units;

24 “(iv) a licensed child-care facility; or

1 “(v) an owned, leased, or rented facility;
2 and

3 “(B) supported by a finding of need
4 through—

5 “(i) a qualified water quality test
6 demonstrating the presence of 1 or more
7 health contaminants; or

8 “(ii) other documentation determined
9 to be satisfactory by the Secretary dem-
10 onstrating the presence of 1 or more
11 health contaminants.

12 “(6) ELIGIBLE GRANT RECIPIENT.—The term
13 ‘eligible grant recipient’ means—

14 “(A) an eligible end user; and

15 “(B) a nonprofit organization or govern-
16 ment entity that uses a grant provided under
17 this section for the purposes described in sub-
18 section (c)(2).

19 “(7) HEALTH CONTAMINANT.—The term
20 ‘health contaminant’ means—

21 “(A) a health contaminant found in drink-
22 ing water, including lead, arsenic, nitrate, ni-
23 trite, perfluoroalkyl and polyfluoroalkyl sub-
24 stances, hexavalent chromium (chrome-6), and
25 volatile organic compounds; and

1 “(B) any other contaminant with the po-
2 tential to be detrimental to human health, as
3 determined by the Secretary following the op-
4 portunity for public comment.

5 “(8) IMPROVE DRINKING WATER QUALITY.—
6 The term ‘improve drinking water quality’ means to
7 improve the quality of the water supplied between its
8 source and human consumption by significantly re-
9 ducing or removing 1 or more health contaminants.

10 “(9) QUALIFIED THIRD-PARTY INSTALLER.—
11 The term ‘qualified third-party installer’ means a
12 person who—

13 “(A) is—

14 “(i) a professionally qualified, cer-
15 tified, or licensed water treatment product
16 installation professional, including such a
17 professional credentialed through a manu-
18 facturer or third party;

19 “(ii) a licensed plumber or individual
20 who holds a license or certification related
21 to water treatment technologies issued by a
22 State; or

23 “(iii) a company or plumbing con-
24 tractor employing individuals described in
25 clause (i) or (ii); and

1 “(B) regularly completes, or requires appli-
2 cable employees to complete, continuing edu-
3 cation on water treatment technology and other
4 subjects that enhance the services provided
5 under this section.

6 “(10) QUALIFIED WATER QUALITY TEST.—The
7 term ‘qualified water quality test’ means a baseline
8 analysis of the bacterial and chemical characteristics
9 of concern from a drinking water sample collected at
10 the point of consumption and tested by a laboratory
11 certified to conduct water quality testing—

12 “(A) that is provided to—

13 “(i) the Secretary; and

14 “(ii) as applicable—

15 “(I) a person seeking a grant
16 under this section;

17 “(II) an eligible end user receiv-
18 ing a grant under this section; or

19 “(III) an eligible grant recipient
20 receiving a grant under this section
21 and any eligible end users served by
22 the eligible grant recipient; and

23 “(B) that includes information that pro-
24 vides—

1 “(i) guidance on test interpretation,
2 including whether the bacteria or chemical
3 characteristic of concern meets or exceeds
4 a prescribed health-based contaminant
5 level; and

6 “(ii) sources and citations that eligible
7 grant recipients, independent third-party
8 organizations and institutions, and govern-
9 ment agencies may review and consult—

10 “(I) to determine available eligi-
11 ble drinking water quality improve-
12 ment products for addressing detected
13 contaminants; and

14 “(II) to evaluate efficacy across
15 eligible drinking water quality im-
16 provement products.

17 “(11) THIRD-PARTY CERTIFIER.—The term
18 ‘third-party certifier’ means an independent certifi-
19 cation body accredited by the American National
20 Standards Institute, such as the Water Quality As-
21 sociation, NSF International, and the International
22 Association of Plumbing and Mechanical Officials.

23 “(b) ESTABLISHMENT OF PROGRAM.—Not later than
24 120 days after the date of enactment of this section, the
25 Secretary shall promulgate regulations to establish, and

1 shall carry out, a clean drinking water program, to be
 2 known as the ‘Healthy Drinking Water Affordability As-
 3 sistance Program’ or the ‘Healthy H2O Program’, to pro-
 4 vide grants to eligible grant recipients to improve drinking
 5 water quality of eligible end users.

6 “(c) ELIGIBLE USES OF GRANTS.—

7 “(1) IN GENERAL.—A grant under this section
 8 shall be used, as directed by the Secretary, for—

9 “(A) the purchase of an eligible drinking
 10 water quality improvement product or a re-
 11 placement certified filter component;

12 “(B) the approved installation by a quali-
 13 fied third-party installer of an eligible drinking
 14 water quality improvement product;

15 “(C) the purchase and approved installa-
 16 tion by a qualified third-party installer of a re-
 17 placement certified filter component;

18 “(D) the approved maintenance of an eligi-
 19 ble drinking water quality improvement prod-
 20 uct; or

21 “(E) qualified water quality tests to sup-
 22 port products and services described in sub-
 23 paragraphs (A) through (D).

24 “(2) NONPROFIT ORGANIZATIONS AND GOVERN-
 25 MENT ENTITIES.—A nonprofit organization or gov-

ernment entity that receives a grant under this section shall use the grant, in a manner consistent with the uses described in paragraph (1) and as directed by the Secretary—

“(A) to offer qualified water quality tests for eligible end users on a voluntary basis;

“(B) to facilitate the analysis of qualified water quality test results for eligible end users;

“(C) to assist an eligible end user in determining the response options available and supporting the selection by the eligible end user of a response that best fits the needs of the eligible end user, informed by—

“(i) a qualified water quality test; and

“(ii) an understanding of the relevant plumbing systems and environmental factors that will impact point-of-use or point-of-entry water safety;

“(D) to coordinate or facilitate the approved installation by a qualified third-party installer of the eligible drinking water quality improvement product selected by an eligible end user;

“(E) to optimize the rate at which eligible drinking water quality improvement products

1 are operating as intended for public health out-
 2 comes by reducing the burden and cost of ongo-
 3 ing testing and system maintenance; and

4 “(F) to accelerate the deployment and on-
 5 going utilization of technological innovation
 6 that—

7 “(i) improves drinking water quality;

8 “(ii) improves health outcomes;

9 “(iii) reduces purchase and mainte-
 10 nance costs of treatment solutions;

11 “(iv) increases public awareness of
 12 water quality issues and treatment options;

13 and

14 “(v) contributes to continuous im-
 15 provement in the provision of solutions to
 16 improve drinking water quality by the pub-
 17 lic and private sectors.

18 “(d) AMOUNT OF GRANT LIMITATION.—The amount
 19 of a grant under this section shall not exceed the reason-
 20 able costs, as determined by the Secretary, of the purposes
 21 described in subsection (c) for which the grant is provided.

22 “(e) GRANT ADMINISTRATOR.—The Secretary shall
 23 appoint an officer or employee of the Department of Agri-
 24 culture to administer and manage grants provided under
 25 this section.

1 “(f) GRANT ALLOCATION.—In providing grants
2 under this section to eligible grant recipients, the Sec-
3 retary shall allocate funds and make grants available in
4 a manner that—

5 “(1) responds to a range of water quality chal-
6 lenges;

7 “(2) improves local and regional capacity to re-
8 spond to contamination; and

9 “(3) ensures reasonable access to funds for—

10 “(A) eligible end users seeking a grant
11 under this section; and

12 “(B) nonprofit organizations and govern-
13 ment entities seeking a grant under this sec-
14 tion.

15 “(g) REPORTS.—Not later than 1 year after the date
16 of enactment of this section, and not less frequently than
17 annually thereafter, the Secretary shall submit to Con-
18 gress, and make publicly available, a report—

19 “(1) identifying ongoing barriers to universal
20 safe drinking water prior to and after filtration or
21 other treatment;

22 “(2) analyzing conditions impacting eligible
23 grant recipients, including—

24 “(A) sources of contamination or degrada-
25 tion of water resources, especially groundwater

1 resources or upstream resources that recharge
2 stores of drinking water;

3 “(B) trends in bioaccumulation and at-
4 tenuation of contaminants and nutrients; and

5 “(C) impacts of infrastructure materials,
6 crop and land management practices, waste
7 management, and other factors that impact
8 drinking water quantity and quality;

9 “(3) providing a comprehensive analysis of—

10 “(A) technologies available to and pur-
11 chased by eligible grant recipients; and

12 “(B) the emerging safe drinking water
13 needs of rural and other homeowners, renters,
14 residential multi-unit property owners, licensed
15 child-care facilities, and other groups, as deter-
16 mined by the Secretary;

17 “(4) that includes information describing—

18 “(A) the types of treatment systems and
19 filter components used under the program es-
20 tablished under this section;

21 “(B) the number of qualified water quality
22 tests conducted under the program established
23 under this section;

1 “(C) emerging and changing trends relat-
 2 ing to steps taken to ensure safe drinking water
 3 in communities and households; and

4 “(D) trends relating to the availability and
 5 use of eligible drinking water quality improve-
 6 ment products, including—

7 “(i) affordability at purchase and
 8 through the lifecycle of the products;

9 “(ii) consistency of operation as in-
 10 tended by the manufacturer and installer,
 11 including effectiveness across systems and
 12 technologies at achieving stated health pro-
 13 tections; and

14 “(iii) lifecycle product performance,
 15 energy use, and environmental impact;

16 “(5) providing recommendations regarding the
 17 best methods to increase access to—

18 “(A) grants under this section; and

19 “(B) the products and services described in
 20 subsection (c);

21 “(6) that incorporates input from relevant—

22 “(A) nongovernmental organizations; and

23 “(B) certification institutions that oversee
 24 the criteria for products and training of instal-
 25 lation and maintenance professionals; and

1 “(7) the purposes of which are—

2 “(A) to improve data on health contami-
3 nants in drinking water;

4 “(B) to provide educational resources on
5 water testing and water quality improvement
6 products and services to eligible grant recipients
7 with drinking water contamination issues; and

8 “(C) to collect information that improves
9 understanding of water testing and water qual-
10 ity improvement products and services, includ-
11 ing their associated health and economic bene-
12 fits.

13 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to the Secretary such
15 sums as are necessary to carry out this section for each
16 of fiscal years 2023 through 2027.”.

○