Resolution Supporting Legislation to Preserve Federal Drinking Water Standards

WHEREAS, Public drinking water is regulated under the federal Safe Drinking Water Act ("SDWA"), initially passed in 1974 and last amended in 1996; *and*

WHEREAS, This law requires the development of strict national standards for drinking water that suppliers must meet, including assessing and protecting drinking water sources; protecting wells and collection systems; ensuring that water is treated by qualified operators; ensuring the integrity of water distribution systems and making information available to the public about the quality of their drinking water; *and*

WHEREAS, Under the SDWA, the U.S. Environmental Protection Agency ("EPA") has authority to set national drinking water standards; *and*

WHEREAS, Standards have been developed based on the health effects of contaminants, measurement capabilities, economic, and technical feasibility; *and*

WHEREAS, The EPA works with the States, communities, public health groups, and the water industry to set the standards and ensure that tap water in the United States is safe to drink; *and*

WHEREAS, The States are responsible for enforcing the EPA's water standards; *and*

WHEREAS, Despite the existence of these comprehensive national standards, lawyers across the country have launched a potentially significant new type of lawsuit aimed at America's water industry and the drinking water regulatory system under which it has operated for 30 years; *and*

WHEREAS, This litigation could result in jurors, without water industry expertise, in a State courtroom determining and setting drinking water standards that differ from those set by EPA and State agencies, by which water suppliers will be under pressure to follow to avoid liability, even if they are in compliance with Federal and State standards; *and*

WHEREAS, These new drinking water standards developed outside the formal regulatory process will undermine the uniform, scientifically based standards promulgated by EPA; *and*

WHEREAS, Such litigation will place upward pressure on consumers' water bills due to the costs of defending the lawsuits, create higher liability insurance premiums, and increase expenses for new water treatment technologies, to avoid potential liability, beyond those required by Federal and State regulations, *and*

WHEREAS, These higher costs could be especially burdensome for smaller, rural water systems and will ultimately fall on the ratepayer, and most heavily on working class families; *and*

WHEREAS, H.R 306, The Drinking Water Standards Protection Act of 2003, as introduced, is a bipartisan bill that has been introduced in the 108th Congress to provide procedures for claims relating to drinking water; *and*

WHEREAS, Language related to the claims procedures, as set forth in H.R. 306, as introduced represents a good example of useful legislation to protect federal drinking water standards; *now therefore be it*

RESOLVED, That the Board of Directors of the National Association of Regulatory Utility Commissioners (NARUC), convened in its 2004 Summer Meetings in Salt Lake City, Utah, supports and encourages passage of legislation, along the lines of the language in H.R. 306, as introduced, that would provide a defense against tort claims when water utilities have complied with the U.S. EPA and applicable state drinking water standards.

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Sponsored by the Committee on Water
Adopted by the NARUC Board of Directors July 14, 2004