

**Testimony of
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Good morning, Mr. Chairman, Ranking Member Cummings, distinguished Members of the Committee. I am Joel Beauvais, and I currently serve as Deputy Assistant Administrator for EPA's Office of Water. Thank you for the opportunity to testify about EPA's response to the drinking water crisis in Flint, Michigan.

The situation in Flint demands urgent and sustained action – at all levels of government – to protect the public and help the city recover. EPA is intensely engaged in addressing ongoing threats to public health in Flint, in coordination with the broader federal response effort.

What happened in Flint was avoidable and should never have happened. Under the Safe Drinking Water Act, Congress directed the EPA to set national standards but assigned primary responsibility to the states to implement the protections afforded by the SDWA to protect human health. EPA maintains federal oversight of the states' drinking water programs. That system, while imperfect, achieved major improvements in drinking water safety nationwide. The situation that gave rise to the current crisis in Flint – a large public water system switching from purchasing treated water to using an untreated water source – is highly unusual. Under federal regulations, the city was required to obtain prior approval for the switch from the Michigan Department of Environmental Quality (MDEQ), which under SDWA has the primary implementation and enforcement authority. MDEQ incorrectly advised the City of Flint that corrosion control treatment was not necessary, resulting in leaching of lead into the City's

drinking water. EPA regional staff urged MDEQ to address the lack of corrosion control, but was met with resistance. The delays in implementing the actions needed to treat the drinking water and in informing the public of ongoing health risks raise very serious concerns.

It is imperative that Michigan, other states, EPA, and drinking water system owners and operators nationwide, work together and take steps to ensure that this never happens again. Multiple reviews and investigations – including a U.S. Department of Justice investigation – are underway in Michigan. Administrator McCarthy has asked EPA’s Office of Inspector General (IG) to evaluate the agency’s response and its oversight of MDEQ. The agency will cooperate fully and looks forward to receiving, and promptly acting upon, the IG’s assessment and recommendations. Administrator McCarthy also issued an agency-wide Elevation Policy directing EPA’s leadership to encourage prompt and decisive action to address critical public health concerns. Further, EPA will engage with states, system owners and operators and other stakeholders to identify and address lessons from Flint, other potential risks to drinking water safety, and the challenges posed by aging infrastructure nationwide.

EPA is working closely with the state and city to address the public health emergency in Flint. Since October 2015, EPA’s Flint Safe Drinking Water Task Force – composed of agency experts – has provided technical assistance to the city and to MDEQ on steps needed to re-optimize corrosion control and ensure proper lead testing. In November 2015, EPA announced that the agency would conduct an audit of MDEQ’s drinking water program to review public water system compliance with SDWA and MDEQ oversight of public water systems. And on January 21, 2016, EPA issued an Emergency Order under section 1431 of the Safe Drinking Water Act, directing the State of Michigan, MDEQ and the City of Flint to take actions

necessary to ensure that corrosion control is re-optimized and that the city establishes the capacity to operate its drinking water system in compliance with the requirements of the law.

Following President Obama's emergency declaration in January, the Administration has deployed a multi-agency response effort in Flint. EPA is an integral part of that effort and has established a significant presence on the ground, which includes response personnel, scientists, water quality experts, community involvement coordinators and support staff. In addition to providing ongoing technical assistance through the EPA Flint Task Force, EPA has launched a multi-pronged effort to collect and analyze drinking water samples to help ensure transparency and accountability in assessing the status of Flint's system. Sampling results will be shared with individual homeowners and will also be publicly available on EPA's website.

EPA is also committed to improving the public health protections provided by the Lead and Copper Rule, which covers approximately 68,000 public water systems nationwide. We are actively working on revisions to the rule, and, in December 2015, we received extensive recommendations from our National Drinking Water Advisory Council and other concerned stakeholders. We are carefully evaluating this input and the national experience in implementing the current rule – including the events in Flint – to develop proposed improvements. In the interim, we intend to work closely with states and other stakeholders to identify nearer-term actions to strengthen implementation of the existing rule.

Thank you for the opportunity to testify today. I welcome any questions.