



REFERENCE GUIDE FOR SDWA 1442(b) DRINKING WATER EMERGENCY ASSISTANCE

The purpose of this guide is to provide information to states, territories, tribes, public water systems, and EPA on the applicability and use of the Safe Drinking Water Act (SDWA) section 1442(b) (42 U.S.C. § 300j-1(b)) grant making and technical assistance authority to address emergency situations. This guide includes details on EPA's authority, primacy agency responsibilities, emergency determinations under section 1442(b), grant eligibility, and the assistance listing that identifies opportunities to apply for funding needed to respond to and alleviate emergency situations affecting public water systems as authorized by section 1442(b) of the SDWA. The intent of this guide is to provide a common understanding of SDWA section 1442(b) authority and ensure consistent implementation.

SDWA 1442(b) Backgrounds

Emergency Assistance under section 1442(b) was introduced in the November 16, 1977, amendments to SDWA under the Public Health Service Act. Authority granted under section 1442(b) states, in part, "The Administrator is authorized to provide technical assistance and to make grants to States, or publicly owned water systems to assist in responding to and alleviating any emergency situation (including an emergency situation resulting from a cybersecurity event) affecting public water systems (including sources of water for such systems) which the Administrator determines to present substantial danger to the public health, including a threat to public health resulting from contaminants, such as, but not limited to, heightened exposure to lead in drinking water. Grants provided under this subsection shall be used only to support those actions which (i) are necessary for preventing, limiting or mitigating danger to the public health in such emergency situation and (ii) would not, in the judgment of the Administrator, be taken without such emergency assistance."

EPA Delegation of Authority and Drinking Water Emergency Responsibilities

Ensuring all people have access to safe drinking water is one of EPA's top priorities. EPA shares responsibility for providing this key public health protection with states, tribes, and territories while providing national oversight. This responsibility includes implementing the SDWA public water system supervision (PWSS) program, maintaining routine oversight and compliance assistance, providing resources and training to support system and operator capacity, and exercising emergency authorities when necessary to address drinking water emergency situations.

Under SDWA section 1413 (42 U.S.C. § 300g-2), primacy agencies are required to have and be able to implement an adequate plan for the provision of safe drinking water under emergency circumstances. When incidents arise where drinking water quality is compromised and poses a risk to public health, EPA expects primacy agencies to have plans in place and to be able to implement them quickly when necessary.

EPA may determine that use of 1442(b) authority is necessary to assist in responding and alleviating an emergency situation affecting public health. To expedite a response, the Administrator's authority to provide assistance in emergency situations under SDWA section 1442(b) is delegated to the Regional Administrators, the Assistant Administrator for the Office of Water (OW), and the Assistant Administrator for the Office of Enforcement and Compliance Assurance (OECA). EPA use of SDWA section 1442(b) provides the "authority to make findings; determine the practicality of consultation, consult with states and local authorities; provide technical assistance; provide financial assistance; and

approve and administer grants to eligible entities to support such actions.”

Emergency Determination Under Section 1442(b)

Assessing a potential drinking water emergency to determine whether EPA should take action to mitigate public health risk is a critical first step. When EPA Headquarters or an EPA Region determines that emergency action is warranted, the situation and factors considered in reaching this determination should be clearly documented. This documentation will become part of the administrative record and is critical to EPA’s ability to explain its actions.

Based on the statute, the Administrator issues an Emergency Determination after concluding that the emergency situation presents a “substantial danger to the public health” (42 U.S.C. § 300j-1). The Emergency Determination should include information on how the emergency situation presents a “substantial danger to public health” by considering the severity and duration in terms of public health risk; whether EPA, state, tribal, territorial, or local authorities are responding in an appropriate and timely manner; and what are the most timely and effective tools to protect public health, including enforcement. If a grant is provided, the Emergency Determination must explain how the grant is necessary to prevent, limit, or mitigate danger to public health in the emergency situation. It must also justify why the action would not be taken without this emergency assistance. To date, there are no general appropriations or dedicated funding sources associated with SDWA section 1442(b), and any future funding would require Congressional action.¹ Preceding an Emergency Determination, consultation and coordination should occur as soon as practicable with Agency officials, primacy agencies, water systems, and other relevant federal, state, tribal, territorial and local authorities. This outreach will help the EPA evaluate the information and determine the most effective authority to address the situation. Coordination with primacy agencies is critical given the role they play in implementing the SDWA public water system program, ensuring compliance, and taking necessary action to abate risks to public health.

Funding Eligibility through Grants and Technical Assistance

Consistent with SDWA section 1442(b), EPA may “provide technical assistance and make grants to states or publicly owned water systems . . . to assist in responding to and alleviating any emergency situation . . . affecting a public water system that the Administrator determines presents a substantial danger to public health Grants provided under SDWA section 1442(b) shall be used only to support those actions which (i) are necessary for preventing, limiting or mitigating danger to the public health in such emergency situation and (ii) would not, in the judgement of the Administrator, be taken without such emergency assistance.”

For SDWA section 1442(b), a waiver from grant competition under Section 20 of EPA Order 5700.5A1 was issued which permits the agency to directly award grants to specific recipients or projects in emergency situations without a lengthy competition process.

Immediate operational resources needed for a drinking water utility emergency often include

¹ Congress appropriated \$150 million in the Fiscal Year 2023 Consolidated Appropriations Act for technical assistance and grants under section 1442(b) of the Safe Drinking Water Act (SDWA) assist the water crisis in Jackson, Mississippi. On December 21, 2024, Congress passed the American Relief Act of 2025, which appropriated \$60 million in SDWA 1442(b) and Clean Water Emergency Funding for water and wastewater systems impacted by Hurricanes Helene and Milton.

treatment or distribution system operators, technicians, mechanics, electricians and/or repair crews. Federal and state primacy agencies do not staff these positions. Often the quickest way to get the appropriate resource is through technical assistance partners or mutual aid networks, including but not limited to:

- EPA Water TA Support: <https://www.epa.gov/water-infrastructure/water-technical-assistance-waterta>
- Water and Wastewater Agency Response Networks – State Mutual Aid Network: <https://www.epa.gov/waterutilityresponse/mutual-aid-and-assistance-drinking-water-and-wastewater-utilities>
- Emergency Management Assistance Compact – State-to-State Mutual Aid: <https://www.emacweb.org/>

Based on the statute, the only eligible applicants for financial assistance under SDWA section 1442(b) are states and publicly owned public water systems where EPA has made an Emergency Determination. The objectives/activities could be very broad with a wide range of eligibilities. Consistent with the statute, activities/objectives should focus on what is most urgently needed for that specific emergency. Examples of eligible projects and activities that support SDWA section 1442(b) compliance may include²:

- Operations and maintenance of facilities.
- Building technical, managerial, and financial (TMF) capacity.
- Debt relief³.
- Meeting requirements of federal enforcement actions.
- Establishing alternative sources of drinking water and/or
- Making capital and managerial improvements.

EPA developed the “*Response to Emergency Situations Affecting Public Water Systems (SDWA 1442(b))*” Assistance Listing, which is available here: [Assistance Listing](#).

² Inclusion of eligible activities in a SDWA 1442(b) grant application does not mean requests must be granted; any award for eligible uses is subject to EPA review and approval, applicable requirements, program priorities, and the availability of funds.

³ An example of an eligible request to address debt relief: A public water system takes out a short-term, high-interest loan to pay emergency contractors and buy treatment chemicals after a disaster disrupts its supply. Under SDWA 1442(b), a grant could be used to purchase and retire that specific emergency debt (debt relief) so the system can stabilize its finances and maintain safe operations while returning to compliance. Any such award is subject to EPA review, program requirements, and available funds.