

**Statement of Chairman Tom Davis**  
**Committee on Government Reform Oversight Hearing**  
**“Public Confidence, Down the Drain:**  
**The Federal Role in Ensuring Safe Drinking Water in the District of Columbia”**

Good morning. A quorum being present, the Committee on Government Reform will come to order. Welcome to today’s hearing entitled “Public Confidence, Down the Drain: The Federal Role in Ensuring Safe Drinking Water in the District of Columbia.”

As Chairman of the House Committee on Government Reform with jurisdiction over the District of Columbia, I was deeply troubled by reports that thousands of District homes tested above the federal action limit for lead contamination. In testing done last summer, water in two-thirds of the 6,118 homes tested exceeded the lead limit established by the Environmental Protection Agency (EPA) – and many had lead levels that *far* exceeded that limit. As you know, lead exposure can have serious, even deadly, health ramifications, especially for young children and pregnant women.

I am also concerned that the public has not been properly informed of the situation. When the District of Columbia Water and Sewer Authority (WASA) first learned of high lead test results, homeowners who were part of the sampling were notified of the initial findings, but the vast majority of homeowners who were not sampled were not notified of the potential risk. Clearly, residents have not been receiving timely and complete information. This is unacceptable.

Residents are also getting mixed messages from inconsistent statements released by WASA. At the end of January, WASA recommended that residents whose water is contaminated flush cold water lines for 30 seconds to one minute before using water for drinking or cooking. By February 19, District residents were told to flush the water for 10 minutes. Then, on February 25, the D.C. Department of Health issued an advisory warning residents that all pregnant women and children under six years old should immediately stop drinking District water. People need to know if their water is safe and, if not, what is being done to make it safe – and exactly what they should be doing in the interim.

The Safe Drinking Water Act established a mechanism to monitor and regulate the levels of contaminants in public water systems so that drinking water is safe for the consuming public. Under the Act, EPA is charged with setting levels of specific contaminants and implementing a monitoring and remediation program. Each public water system is also required to implement optimal corrosion control treatment measures, a requirement that is separate from the requirements relating to the level of contaminants. If a water system exceeds specific contaminant levels -- the “action level”-- it must engage in additional corrective measures. States generally have the responsibility for ensuring that water systems do not exceed the action levels and that water systems take corrective actions, when appropriate. But in the District of Columbia, EPA has this responsibility.

Congress also gave EPA emergency authority to take action if a contaminant in drinking water “may present an imminent and substantial endangerment to the health of persons.” Under this authority, EPA may order a water system to take such actions “as may be necessary to protect the health of persons” using the water system, including, as the statute expressly states, ordering that alternative water supplies be provided. EPA should not hesitate to exercise its authority if the facts warrant action.

Lead is a primary contaminant in drinking water. It can come from source water, water in the distribution system lines, and water in customers’ plumbing systems. In 1991, EPA set the action level for lead at 15 parts per billion. Lead remediation measures include additional and more frequent testing, public education, and line replacement. But these measures may not reduce lead levels in District of Columbia drinking water in the near future.

There are many questions that remain to be answered:

- What took so long to inform District residents of the potential health risk?
- How can residents best protect themselves?
- What relief will residents expect to receive?
- Did the federal government exercise proper oversight over the District’s drinking water?
- Is the current safe water drinking program adequate to assure that the public actually has safe drinking water or does it need to be reformed?

I have to wonder if EPA was effective in its oversight over the District drinking water quality. One concern is that EPA allowed WASA to use “flushed water” and not “first draw” water for testing in schools. “First flush” samples are taken as soon as the water is turned on and “flushed” samples are taken after running water for 10 minutes. Lead levels will usually be quite high in water that has sat overnight in a lead line from a street main to a house. Out of 752 samples taken only 8 samples tested above the 15 parts per billion threshold. But I cannot help wonder if more schools are at risk because testing protocols that EPA requires for private homes were not followed by WASA while testing these schools.

I am concerned about the potential magnitude of this public health crisis. It is also worrisome that there is no comprehensive list of properties that exceeded limits – the fact that we cannot pinpoint the affected areas is worrisome. This has an effect on whether people buy homes in the District. In addition, many people commute to work and visit the District. We’re on the verge of the tourist season in the nation’s capital. What message are we sending to potential visitors from around the world if the water is unsafe to drink and what impact will it have on our tourism industry? What are Members of Congress supposed to tell the American people – come to Washington but don’t drink the water? The U.S. government is the biggest user of D.C. water. Even the White House and Pentagon tested their water.

The problem of lead contamination is not only a concern for District residents. Just this week, Arlington County reported that it had found high levels of lead. Were these levels detected as a result of special testing? If so, why did these levels not show up in the routine testing required by EPA under the Safe Drinking Water Act? Yesterday, it was announced that Fairfax County will sample for lead exposure in 45 schools. I am concerned about the regional impact of the recent spike level of lead in water. We have to find out how widespread the problem is and fix it.

Arlington, which gets its water from Dalecarlia Water Treatment Plant in the District, first stated that the water was safe because the county did not have lead pipes. Now officials are saying that the problem may be that chemicals used to kill bacteria in the water may have a corrosive effect on lead pipes. We need to find out whether the root of the problem is the lead service lines or some other condition. If it is not the lead service lines alone, we have to ask whether replacing lead service lines is enough.

What we know for certain is that somewhere between the source and the spigot, something's going wrong. Arlington's results suggest that corrosion control may be more important than infrastructure. What we're seeing is that little changes in chemistry can have a big impact. And here's where the federal role really comes under the spotlight. WASA doesn't make the water, per se; they just deliver it. Water chemistry is the responsibility of EPA and the Army Corps, not WASA.

And if it's water chemistry and not just lead pipes that are to blame, then we have to be concerned for all WASA customers – in D.C., Arlington, Falls Church, and Fairfax County. Indeed, as one of our witnesses will testify today, the spike in lead levels we've seen in our region is “probably a signal that similar problems may exist in many other water systems nationwide.”

EPA and the Army Corps of Engineers need to determine whether new chemicals used to treat water for bacteria have a corrosive effect on service lines. I hope our witnesses will share with us their study findings. WASA, EPA, and the U.S. Corps of Engineers should promptly resolve this issue and introduce a lead buffering agent to reduce the reactivity of drinking water with lead in pipes, joints, and plumbing. We need to make sure that the treatment operations are working to protect the consumer and that we're not trading one bad thing for another. After all, that's why EPA and the Corps moved to chloramines in the first place – to avoid potentially harmful chemicals.

The purpose of this oversight hearing is to provide a forum for the Committee to assess the coordinated actions of EPA, which is responsible for the Public Water System Supervision Program for the District, the Washington Aqueduct of the U.S. Army Corps of Engineers, which treats the water supplied to the District, and WASA, which purchases the water from the Aqueduct and distributes it to District residents. We also intend to explore whether the current Safe Drinking Water program is adequate to assure safe drinking water for the consuming public or whether it needs to be changed.

We have a distinguished panel of witnesses before us. I look forward to hearing testimony from our witnesses and hope they will shed light on this issue so we can move forward to assure that all residents in the capital region have safe drinking water. We will hear from the Environmental Protection Agency, the U.S. Army Corps of Engineers Washington Aqueduct, the District of Columbia Water and Sewer Authority, the Natural Resources Defense Council, and professors from the Johns Hopkins Bloomberg School of Public Health and Virginia Polytechnic Institute and State University.