



March 9, 2011

Catarina DeAlbuquerque
United Nations Independent Expert
c/o OHCHR – Palais Wilson
United Nations Office at Geneva
CH-1211 Geneva 10
Switzerland

Dear Ms. Albuquerque,

Thank you for the opportunity to provide comments during your visit to Washington DC. As noted in the meetings, Clean Water Action works on many issues related to water and sanitation, as well as those concerning environmental health, chemical policy, curbing global warming and energy policy.

As I noted in our meetings, an overarching threat to access to clean water is the inability to control upstream pollution sources. While pollution prevention concepts have matured in the last decades, perception and policy disconnects remain between polluting activities and their ultimate impact on drinking water sources. This lack of integrated thinking has led to enormous burden on communities. Whether they are among the 85% of the U.S. population served by Public Water Systems regulated under the Safe Drinking Water Act or those drinking water from private wells, U.S. consumers of drinking water are impacted by contamination that could be prevented by less short-sighted policies around everything from chemical use in products to energy production activities. This burden includes health impacts and the cost to Public Water Systems of monitoring for and treating water to remove regulated contaminants. Local manifestations also perpetuate consumers' lack of confidence in their drinking water, which has unintended consequences like increasing the use of bottled water or dulling enthusiasm for needed system improvements.

Just a few timely examples illustrate this point:

1. It is widely agreed that our primary chemicals management law, the Toxic Substances Control Act (TSCA), is out-of-date and can not protect our population from the wide array of health affects associated with many of the tens of thousands of chemicals in commercial use. Our Food and Drug Administration (FDA) provides another avenue of protection where certain products are concerned, but its efforts often become mired in scientific controversy perpetuated by special interests. Thus, well-studied chemicals like bisphenol A (BPA) and triclosan are subjected to prolonged debate and action is delayed. We are beginning to find these chemicals in water, including drinking water sources, and evidence of their endocrine disrupting properties and other health impacts continues to unfold.
2. Our water protection efforts are being stymied by uncertainty about what bodies of water constitute "waters of the United States" subject to the protections of the landmark Clean Water Act. Confusion created by Supreme Court decisions and executive agency policies

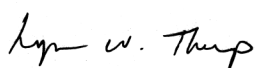
has left over 20 million wetland acres and 59% of stream miles in jeopardy. The U.S. Environmental Protection Agency's own figures indicate that these threatened water bodies impact the drinking water for over 110 million Americans. Both legislative and administrative solutions have become bogged down by pressure from special interests.

3. On-going policy debates around energy choices are another example. The United States Congress has tasked the United States Environmental Protection Agency (EPA) with studying drinking water impacts of the controversial hydraulic fracturing extraction process for natural gas, yet less than a decade ago Congress exempted this practice from the Clean Water Act and the Safe Drinking Water Act. Similarly, debates around the future of coal in this country go forward with little thought to water impacts like hexavalent chromium leaching into drinking water sources from coal ash waste disposal sites.

These are only a few examples of the way in which failure to act upstream results in drinking water quality and economic challenges for communities. Given its relative prosperity and wide access to drinking water and sanitation, the United States could play a lead role in putting drinking water considerations at the top of the agenda when potentially polluting activities are being planned and approved. That is not the case today. In the long term, integrated thinking about all of our activities and their impacts on water, air, human health and other resources is the obvious answer. In the shorter term, moving more aggressively to adopt and implement regulatory programs affecting upstream activity, reforming those that are ineffective and addressing the impact of powerful special interests on the regulatory process would be positive steps forward.

Thank you for your visit to the United States and for all of your work to bring the world's attention to the global nature of water and sanitation issues.

Sincerely,



Lynn Thorp

National Campaigns Coordinator