May 4, 2020

M E M O R A N D U M

To: Governors, Water Policy Advisors and State Federal Affairs Representatives
From: Bevin Buchheister and Timothy Schoonhoven, National Governors Association Center for Best Practices, Energy, Infrastructure and Environment Division
Re: Governor Guidance on the Water Sector During COVID-19

This memo highlights several important issues for governors to consider to help states maintain uninterrupted water and wastewater service to protect human health during and after the COVID-19 pandemic. NGA has been in conversation with states and several water sector associations to collect much of this information. The appendices include a collection of resources and guidance from water industry associations, organizations, and federal agencies pertinent to the water sector during the COVID-19 public health emergency.

Key Messages for Governors to Communicate:

- Tap water is safe to drink. Current treatment practices destroy viruses and water supplies are regularly tested to comply with safe drinking water standards.

- Wastewater infrastructure is critical to maintaining human health. To keep it operational, the public must not flush wipes, even those labeled "flushable", or anything else besides toilet paper and human waste.

Key Items for Governors to Consider:

- Governors can encourage or mandate that utilities adopt a moratorium on water shutoffs for nonpayment during the public health emergency.

- Governors can include water utilities in emergency federal and/or state funding plans, defer payments on state issued loans and increase technical assistance. Small rural systems may need extra assistance.

- Governors can designate water and wastewater system operators and suppliers as essential employees.

- Governors can prioritize water sector workers for COVID-19 testing and personal protective equipment.

- Governors can ensure adequate credentialing, access, and transportation waivers to support mutual aid networks if activated.

- Agencies can waive in-state certification requirements and allow online operator training.

- Agencies can monitor strain on treatment chemicals supply chain, stockpile chemicals or enter into regional procurement if the supply chain for chemicals is strained by other COVID-19 related needs.

- Governors can coordinate a multi-agency approach to prepare schools, offices and hotels to follow CDC guidelines for re-opening buildings to prevent increased risk of exposure to Legionella.

Key Messages for Governors to Communicate:

1) **Drinking water from the tap is safe and can be used as normal**.

Drinking water safety is one of the most immediately impactful questions for every household. Governors can reassure the public that the water in their homes is safe to drink, use for cleaning and hygienic purposes, along with all other normal daily uses. Current knowledge of COVID-19 indicates the virus does not contaminate drinking water from the tap. Governors can also encourage the public not to stockpile bottled water over coronavirus fears – some communities with water supplies contaminated from other sources like PFAS or lead have greater need of access to bottled water resources.

The Centers for Disease Control and Prevention states: "The COVID-19 virus has not been detected in drinking water. Conventional water treatment methods that use filtration and disinfection, such as those in most municipal drinking water systems, should remove or inactivate the virus that causes COVID-19." Further, the Environmental Protection Agency has explained in its website that drinking water is safe and that COVID-19 has not been found in drinking water supplies, evaluating the risk to water supplies as "low".

EPA has established regulations with treatment requirements for public water systems that prevent waterborne pathogens such as viruses from contaminating drinking water and wastewater. Standard treatment and disinfectant processes are expected to be effective for the coronavirus. Further, water systems conduct regular monitoring and testing to ensure water is contaminant-free in compliance with safe drinking water regulations. For information about COVID-19 and drinking water, disinfectants, and wastewater and septic systems see EPA's FAQ about COVID-19, and the Association of State Drinking Water Administrators FAQ for information on COVID-19 and drinking water supplies.

State agencies, associations and other organizations are also communicating to the public the message that drinking water is safe during the COVID-19 public health emergency. Examples include the Public Policy Institute of California, local water agency members of the Association of California Water Agencies, Metropolitan Water District of Southern California, Minnesota Department of Health, Mississippi State Department of Health, North Texas Municipal Water District, and Washington State Department of Health.

2) **Amplify the message: Don't Flush Wipes!**

Facing shortages of toilet paper, many Americans have resorted to alternate options such as disinfectant wipes or paper towels. Flushing these items results in pipe clogs and sewer and wastewater system backlogs. This causes real damage to toilets, plumbing, and sewer and septic systems, and diverts valuable resources from proactive delivery of safe water supplies and water sector COVID-19 response activities.

Governors and state agencies can communicate to the public that plumbing infrastructure and wastewater systems cannot handle the strain of non-flushable items including "flushable" wipes and emphasize a "Don't Flush Wipes" message consistent with the Environmental Protection Agency Office of Water's call to avoid flushing disinfectant wipes or other non-flushable items. These measures will protect wastewater system functionality so water utilities can continue to focus their resources on protecting public health.

State agencies, localities, water systems, and news sources have all taken up this communication; Governors have an opportunity to clearly communicate its importance to a broad audience. State-level "Don't Flush Wipes" advisories have come from California State Water Resources Control Board, Maryland Department of the Environment, Minnesota Pollution Control Agency, and New Hampshire Department of Environmental Services.

Key Actions for Governors to Consider:

1) **Governors can encourage or mandate water systems to halt water service disconnection for non-payment of bills.**

During the coronavirus public health emergency, it is crucial the public retain access to safe and clean water. EPA recommends water systems continue to adopt moratorium policies on water service discontinuance for delinquent accounts during the coronavirus crisis. To date, at least 29 states and DC have issued moratoriums for water utility disconnections (these announcements come from a variety of governors' Executive Orders, public utility commission orders, and legislation). They include:
AK, AR, CA, CO, CT, DC, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MS, MT, NH, NY, NC, PA, RI, SC, TN, TX, VT, VA, WA, WI. Approaches include reconnecting suspended accounts, avoiding additional water shutoffs, waiving late payments, suspending rate increases, and lengthening future repayment periods for accounts behind on payments. For an example, **California** Governor Gavin Newsom issued an Executive Order restoring water service to residents whose water had been shut off and restricting further water shutoffs for non-payment during the COVID-19 crisis

At least twelve states negotiated voluntary commitments to halt disconnections from water utilities: AZ, FL, GA, MO, NV, NJ, OH, OK, OR, WA, WV, WY. The **New Jersey** Department of Environmental Protection worked with all the state's water utilities, securing voluntary agreements to cease water shutoffs during the COVID-19 crisis.

2) **Governors can include water utilities in emergency federal and/or state funding plans, defer payments on state issued loans and increase technical assistance.**

Drinking water utilities are expected to lose $13.9 billion in the next year according to the American Water Works Associations' (AWWA) report Financial Impact of the COVID-19 Crisis on U.S. Drinking Water Utilities and wastewater and stormwater utilities are expected to lose $12.5 billion in revenue according to the National Association of Clean Water Agencies NACWA estimates. These estimates factor in revenue loss that will result from bans on utility disconnections, large numbers of people unable to pay bills, and drastic declines in water use by large industrial water users like office buildings, schools and industries that are temporarily closed. Some small water systems in the U.S. and those serving cities with declining populations may especially be strained and may need emergency federal and/or states funds to remain operational.

Governors can consider restructuring loans or deferring loan payments for state Clean Water and Drinking Water State Revolving Fund (SRF) loans and other state loan programs until water utilities revenues stabilize. For example, Vermont is suspending payment of municipal loans from the Clean Water and Drinking Water SRF's for one year to provide relief to borrowers facing revenue disruptions due to COVID-19. However, if the state SRF is a leveraged program, states may be limited or unable to provide across-the-board relief because loan repayments are pledged to repay bonds. Governors also have the ability to provide up to 50% of the capitalization grant for the Drinking Water SRF and up to 40% of the capitalization grant for the Clean Water SRF for principal forgiveness and grants to water infrastructure projects in the current SRF project pipeline.

States can also provide up to 27% in funding through their existing set-asides in the Drinking Water SRF for NGO's to provide technical, managerial and financial capacity for small systems. NGOs are valuable partners with states in helping distressed water systems with both short-term and long-term recovery needs stemming from the COVID-19 pandemic. NGOs have the ability to be direct contractors with states to help small water

systems directly build their technical, managerial and financial capacity and comply with all state and federal regulations.

A group of major water sector associations sent a letter on March 23, 2020 to Congressional leadership requesting that stimulus legislation assist water and wastewater systems as they bear the costs of the moratorium on water shutoffs to delinquent accounts and take on additional emergency operational expenses. The signees included the Association of Metropolitan Water Agencies (AMWA), American Water Works Association (AWWA), National Association of Clean Water Agencies (NACWA), Water Environment Federation (WEF), WateReuse Association, American Council of Engineering Companies (ACEC), American Society of Civil Engineers (ASCE), American Public Works Association (APWA), Council of Infrastructure Financing Authorities (CIFA), National Association of Water Companies (NAWC), and The Rural Community Assistance Partnership (RCAP).

3) **Governors can ensure water sector employees and suppliers are categorized as essential.**

On March 19, the Department of Homeland Security (DHS) Cybersecurity and Infrastructure Security Agency (CISA) released guidance for state and local officials on designating essential critical infrastructure workers to help ensure continuity of functions critical to public health and safety, as well as economic and national security. The guidance specifically identifies water and wastewater workers and suppliers to the water sector as essential critical infrastructure workers. Critical infrastructure sectors addressed include Water and Wastewater Systems and Dams. For a complete list of critical water sector personnel identified by CISA, see **Appendix A Table 1**.

EPA Administrator Andrew Wheeler sent a letter to governors highlighting the CISA essential worker designations and requesting that water and wastewater workers and supply manufacturers be considered essential by states. during the COVID-19 pandemic. EPA also released a template to create essential worker documentation for water and wastewater systems workers.

4) **Governors can prioritize essential water sector workers for COVID-19 testing and personal protective equipment.**

Protecting essential water utility workers from spread of the virus by prioritizing their access to personal protective equipment and COVID-19 testing is important to maintaining operations. States can adopt their own testing prioritization based on their needs and access to testing resources. Some states like **Wisconsin** specifically prioritize critical infrastructure workers including water, sewer, gas, electric, power generation, distribution of raw materials, and oil and biofuel refining for COVID-19 testing.

The American Water Works Association (AWWA) surveyed its water utility members, who supply 80% of drinking water and half of wastewater treatment services, nationwide, on the greatest operational impacts expected from COVID-19. One of the top concerns AWWA members identified was supply chain for Personal Protective Equipment (PPE). (Other concerns that are included: absenteeism/continuity of operations; impacts on meter reading and repairs; supply chain for treatment chemicals; and supply chain for product raw materials).

According to AWWA, water utility operators and especially wastewater operators PPE needs include N95 masks or Elastomeric respirators with P100 cartridges, face shields or protective eye wear, Nitrile or latex gloves, Tyvek suits, sanitizing wipes and sprays and gels to sanitize workstations.

5) **Governors can ensure adequate credentialing, access, and transportation waivers to support mutual aid networks if activated.**

To address worker absenteeism due to coronavirus illness, governors can communicate the benefits of mutual aid networks to small systems and ensure they are connected to their state's network, and initiate the EMAC process (governors only) if a state of emergency is declared to enable utilities to request assistance from utilities

across states lines. Governors can also ensure essential water sector employees are properly credentialed to allow travel within and between states if travel is restricted and mutual assistance network are utilized.

Many water and wastewater utilities created pandemic resilience plans driven by the avian flu in 2003 and swine flu in 2009 and are already members of mutual aid networks. In-state mutual aid networks, called Water and Wastewater Agency Response Networks (WARNs) enable utilities to share personnel, materials, expertise, equipment and other services during emergencies. Any water and wastewater system including small, rural, tribal or state-owned, private, drinking water or wastewater can join a WARN. The networks exist in almost every state, are mostly free to join, and do not need official activation or a state or federal emergency declaration. The EPA compiled links to each state WARN here: Water and Wastewater Agency Response Networks (WARNS). The National Rural Water Association helps assist and fund WARN operations and operates a Disaster Response Unit and state rural water associations often run WARNs.

Cross-state networks are facilitated by the Emergency Management Assistance Compact (EMAC) which is a Congressionally ratified mutual aid and assistance compact between all 50 states plus D.C., the U.S.V.I., Puerto Rico and Guam. The EMAC can be initiated by a Governor when the governor declares a state of emergency. It allows states to send personnel, equipment and commodities to other states. Every state has legislation authorizing participation in the EMAC, allowing for cross-state utility assistance and resource-sharing but the Governor needs to initiate the process.

If travel is restricted within or between states, governors can ensure essential water sector employees are properly credentialed and those credentials are communicated to local governments so mutual aid networks can function with required access. See the EPA utility template for documents identifying water utility workers and those delivering essential supplies as essential workers.

6) **Governors can waive in-state certification requirements and allow online operator training.**

If water utility worker absenteeism due to coronavirus becomes a larger problem, governors can issue waivers to ensure that water operator certifications, which are state specific, can be accepted across state boundaries to enable cross state mutual assistance. State agencies can also provide flexibility to allow online training to earn continuing education unit (CEU) certifications for operators, as some operators may still need credits but only have online training options, and some states only accept in-person training for credits.

7) **Agencies can monitor strain on treatment chemicals supply chain, stockpile chemicals or enter into regional procurement if the supply chain for chemicals is strained by other COVID-19 related needs.**

Governors and their agencies can coordinate with water utilities to document critical chemical and other supplies that are needed in water treatment; identify appropriate long-term supplies and focus on procuring and stockpiling these materials and consider statewide or regional procurement contracts for treatment chemicals.

To maintain essential water services, it is important for states to ensure that water systems have priority access to supplies critical for water treatment. One of the top concerns of water operators identified in the AWWA survey was the supply chain for product raw material which can be strained by other COVID-19 related needs. Agencies should be aware of critical supply chains and potential resource shortages caused by increased demands from other sectors. Examples include strains on carbon dioxide supply used for pH adjustment due to shortages from ethanol production, sodium hypochlorite supplies limited because of hand sanitizer demand, and delivery delays for items like lime and chlorine.

8) **Governors can coordinate a multi-agency approach to prepare schools, offices and hotels to follow CDC guidelines for re-opening to prevent increased risk of exposure to Legionella.**

Governors and their agencies can direct water agencies to coordinate with state health and education departments to ensure that CDC guidelines for re-opening buildings are followed.

The Centers for Disease Control and Prevention issued guidance for building water systems, noting that a prolonged building shutdown could result in standing or stagnant water with increased risk for bacteria accumulation and *Legionella* growth. Governors' water advisors can communicate with agencies focused on health and school and office buildings and hotels, to spread the message that ongoing building water system maintenance is key for system safety and preparedness when buildings reopen. Those agencies can educate building operators on following CDC guidance for maintaining water heater systems and appropriate water temperatures, system flushing, cleaning measures, and safety equipment checks and encourage communication between building operators and water utilities to ensure local water system safety.

NGA will continue to work with water associations and organizations to update this guidance as needed. For further reference, below in **Appendix B** we provide NGA and water sector letters regarding Congressional stimulus legislation. In **Appendix C** we provide a collection of resources and guidance from water industry associations, organizations and federal agencies pertinent to the water sector during the COVID-19 public health emergency

APPENDIX A.

Table 1: **Essential Water Sector Personnel Identified in DHS CISA March 19th Memo (Revised 4/17/20)**
Water and Wastewater: • Operational staff at water authorities. • Operational staff at community water systems. • Operational staff at wastewater treatment facilities. • Workers repairing water and wastewater conveyances and performing required sampling or monitoring, including field staff. • Operational staff for water distribution and testing. • Operational staff at wastewater collection facilities. • Operational staff and technical support for SCADA Control systems. • Chemical equipment and personal protection suppliers to water and wastewater systems. .Workers who maintain digital systems infrastructure supporting water and wastewater operations.
Transportation and Logistics: • Workers supporting the distribution of food, fuels, pharmaceuticals and medical material (including materials used in radioactive drugs), and chemicals needed for water or water treatment and energy maintenance. Workers supporting transportation via inland waterways such as barge crew, dredging crew, and river port workers for essential goods.
Public Works and Infrastructure Support Services: • Workers who support the operation, inspection, and maintenance of essential public works facilities and operations, including bridges, water and sewer main breaks, fleet maintenance personnel, construction of critical or strategic infrastructure, traffic signal maintenance, emergency location services for buried utilities, maintenance of digital systems infrastructure supporting public works operations, and other emergent issues.
Critical Manufacturing: • Workers necessary for the manufacturing of metals (including steel and aluminum), industrial minerals, semiconductors, materials and products needed for medical supply chains, and for supply chains associated with transportation, aerospace, energy, communications, information technology, food and agriculture, chemical manufacturing, nuclear facilities, wood products, commodities used as fuel for power generation facilities, the operation of dams, water and wastewater treatment, processing and reprocessing of solid waste, emergency services, and the defense industrial base.

Additionally, workers needed to maintain the continuity of these manufacturing functions and associated supply chains, and workers necessary to maintain a manufacturing operation in warm standby.
Chemical: • Workers supporting the production of protective cleaning and medical solutions, personal protective equipment, chemical consumer and institutional products, disinfectants, fragrances, and packaging that prevents the contamination of food, water, medicine, among other essential products. • Workers (including those in glass container manufacturing) who support the production and transportation of chlorine and alkali manufacturing, single-use plastics, and packaging that prevents the contamination or supports the continued manufacture of food, water, medicine, and other essential products.
Hygiene Products and Services: • Workers necessary for the installation, maintenance, distribution, and manufacturing of water and space heating equipment and its components.

APPENDIX B.

NGA and Water Sector Letters Regarding Congressional Stimulus Legislation

National Governors Association April 21, 2020 letter requesting $500 billion stimulus funds with maximum flexibility for governors' COVID-19 efforts. See: NGA Stimulus Letter

National Governors Association memo to Governors' offices outlining some of the major items in the $2 trillion Coronavirus Aid, Relief and Economic Security (CARES) Act. See: NGA CARES Act Memo and summary of the bill provisions here.

Water sector coalition letter to Congress requesting federal stimulus funding to cover the cost of moratoriums on water utility disconnections, revenue losses and existing infrastructure programs. See: Water Sector Coalition Letter

Council of Infrastructure Financing Authorities letter to Congress recommending measures to accelerate federal funding delivery through the SRFs, including removal of state match requirements, expanding availability of additional subsidizations such as principal forgiveness, and opening the Water Infrastructure Finance and Innovation Act (WIFIA) funding opportunity for 2020. See: CIFA Letter to Congress

APPENDIX C. ADDITIONAL RESOURCES

Supplementary Water Sector Resources

Relevant NGA Memos on COVID-19
Governors Actions to Address PPE and Ventilator Shortages
Capacity for Covid-19 Testing- Current Status and Considerations

For a broad summary of all U.S. federal agency activities related to coronavirus response, see: https://www.usa.gov/coronavirus.

Environmental Protection Agency Actions and Resources

To assist in the response to COVID-19 EPA has:

Published a template for identification documents for essential water sector workers. EPA essential worker template

Relaxed Drinking Water Compliance Enforcement. See EPA's memorandum indicating the agency will not seek penalties for routine compliance monitoring, testing and reporting violations caused by COVID-19 and indicating their highest compliance priorities are monitoring for microbial pathogens; nitrate/nitrite; lead and copper and other contaminants with regulations with which a system has not complied

Expedited Surface Disinfectant Reviews. EPA is expediting pesticide reviews for emerging viral pathogen claims for surface disinfectants that do not require new efficacy data reviews. See EPA's response site for the list of EPA-registered disinfectants approved for use against the Novel Coronavirus.

Published a Dedicated Coronavirus Webpage. The webpage includes news on latest agency actions, information on disinfectants and drinking water: https://www.epa.gov/coronavirus.

Published Webpage with Resources for Utilities. EPA gathered resources for the water utilities on System Operations, Laboratory Capacity, Clean Water and Drinking Water State Resolving Funds, Incident Action Checklist: https://www.epa.gov/coronavirus/water-utility-resources-covid-19-pandemic.

Water Industry Partners' COVID-19 Resource Pages

EPA is coordinating with the Water Sector Coordinating Council which includes American Water Works Association (AWWA), National Association of Water Companies (NAWC), Association of Metropolitan Water Agencies (AMWA), National Association of Clean Water Agencies (NACWA), National Rural Water Association (NRWA), The Water Research Foundation (WRF) and The Water Environment Federation (WEF).

Association of Clean Water Administrators COVID-19 Resources

American Water Works Association's Coronavirus webpage

American Water Works Association Utility Mutual Aid Action Plan

Association of State Drinking Water Administrators COVID-19 and Drinking Water webpage

Water Environment Federation's Coronavirus webpage

Association of Public Health Laboratories Coronavirus Response webpage

Association of California Water Agencies COVID-19 Resources

Moonshot Mission's Compendium for Water Sector Coronavirus Response,

National Rural Water Association

Water Information Sharing & Analysis Center (WaterISAC)

Health and Water Sector Guidance

EPA Pandemic Incident Checklist

CDC: Guidance for reducing health risks to workers handling human waste or sewage

OSHA COVID-19 Control and Prevention: Solid Waste and Wastewater Management Workers and Employers

World Health Organization: Water, sanitation, hygiene and waste management for COVID-19

Association of State and Territorial Health Officials (ASTHO) Risk Communications Field Guide