

Purify Federal Water Policies

Drinking Water. Drinking water policy should focus on how best to ensure that Americans have clean and safe water to drink. Currently, many communities are forced to spend limited resources to meet misguided and scientifically questionable federal mandates. States and localities are better able to set priorities based on their particular needs. Moreover, drinking water policy would benefit from a more market-driven model, one that allows for more private innovation in the provision of drinking water services:

- Congress should return to the states full authority to set standards, allowing them to work with localities to meet their specific needs.
- Should the federal government remain involved, there are ways to help empower localities within a federal framework. Congress should engage in greater congressional review of safe drinking water rules to ensure that EPA has employed the “best available science” as demanded under the law. If large questions remain over science, and standards are likely to impose considerable costs, Congress should preempt the overly stringent standard.
- Congress should consider ways to grant states discretion on how to regulate the naturally occurring contaminants, such as radon and arsenic, to reflect localized levels of risk.

Water Quality. Waterways throughout the United States have suffered from various pollution problems because they have long been held in common—so no one was in charge of keeping them clean. Congress passed the Clean Water Act in the 1970s, which has been a mixed blessing. While many waterways have seen improvements, the program is very bureaucratic, and it has promoted too much expensive litigation that focuses on paperwork violations rather than on improving water quality. The science underlying many of the regulations is weak. In addition, parts of the Act have proven ineffective, such as programs addressing non-point source water pollution (water run off from lands). Policy makers would be wise to look at innovative, market-based systems for advancing water quality:

- Instead of focusing on paperwork violations, policy makers should hold polluters liable for the actual harm they cause to other persons or to their property.
- States need flexibility. Because the science of water pollution control is evolving, and because each state and watershed has different needs and problems, Congress should give states flexibility in water quality management approaches.

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