

118TH CONGRESS
1ST SESSION

S. 806

To amend the Consolidated Farm and Rural Development Act to establish a grant program to assist with the purchase, installation, and maintenance of point-of-entry and point-of-use drinking water quality improvement products, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 15, 2023

Ms. BALDWIN (for herself, Ms. COLLINS, Ms. SMITH, Mrs. SHAHEEN, and Mr. KING) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Consolidated Farm and Rural Development Act to establish a grant program to assist with the purchase, installation, and maintenance of point-of-entry and point-of-use drinking water quality improvement products, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Healthy Drinking
5 Water Affordability Act” or the “Healthy H2O Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1 (1) clean and safe drinking water is necessary
2 to ensure public health and a vibrant economy;

3 (2) communities that are dependent on private
4 groundwater supplies to meet domestic drinking
5 water needs, as well as those that continue to experi-
6 ence drinking water infrastructure challenges from
7 public water supplies, including with infrastructure
8 into and within households and living facilities, are
9 disproportionately impacted by drinking water qual-
10 ity issues;

11 (3) in many instances, those communities and
12 their households have been adversely impacted by
13 the presence of 1 or more naturally occurring and
14 human-caused contaminants found in drinking
15 water, such as lead, arsenic, nitrate, nitrite, and
16 volatile organic compounds, as well as federally un-
17 regulated contaminants, including perfluoroalkyl and
18 polyfluoroalkyl substances and hexavalent chromium
19 (chrome-6), in local groundwater or other drinking
20 water supplies;

21 (4) public health organizations and institutions,
22 such as the Centers for Disease Control and Preven-
23 tion, have cited giardia, enterovirus, radon,
24 rotovirus, norovirus, shigella, campylobacter, sal-
25 monella, hepatitis A, cryptosporidium, and e. coli as

1 among the major diseases and contaminants that
2 can be present in drinking water sources;

3 (5) investments in projects to improve and sup-
4 port drinking water infrastructure are critically im-
5 portant to addressing water quality in the United
6 States, but because those projects can typically take
7 many years to complete, the current, and in some
8 cases the ongoing, needs of communities impacted
9 with immediate drinking water quality challenges
10 cannot be or are not addressed in a timely manner;

11 (6) as an interim measure (and in some cases
12 in rural areas, for longer term or permanently),
13 point-of-entry and point-of-use water quality im-
14 provement products are viable solutions to address
15 drinking water contamination challenges for the peo-
16 ple of the United States; and

17 (7) grants provided under this Act are intended
18 to provide financial assistance for eligible grant re-
19 cipients (as defined in section 306F(a) of the Con-
20 solidated Farm and Rural Development Act (as
21 added by section 3)) that voluntarily seek to improve
22 the quality of the drinking water of eligible end
23 users (as defined in that section), and not to dem-
24 onstrate that an eligible end user is in compliance

1 with a Federal, State, or local primary drinking
 2 water standard or regulation.

3 **SEC. 3. HEALTHY DRINKING WATER AFFORDABILITY AS-**
 4 **SISTANCE PROGRAM.**

5 Subtitle A of the Consolidated Farm and Rural De-
 6 velopment Act is amended by inserting after section 306E
 7 (7 U.S.C. 1926e) the following:

8 **“SEC. 306F. HEALTHY DRINKING WATER AFFORDABILITY**
 9 **ASSISTANCE PROGRAM.**

10 “(a) DEFINITIONS.—In this section:

11 “(1) APPROVED INSTALLATION.—The term ‘ap-
 12 proved installation’ means the installation of an eli-
 13 gible drinking water quality improvement product or
 14 a certified filter component by a qualified third-party
 15 installer that—

16 “(A) complies with all local and State reg-
 17 ulations; and

18 “(B) follows the installation instructions of
 19 the manufacturer.

20 “(2) APPROVED MAINTENANCE.—The term ‘ap-
 21 proved maintenance’ means required maintenance—

22 “(A) performed on an eligible drinking
 23 water quality improvement product that in-
 24 cludes maintenance and replacement of the cer-
 25 tified filter component;

1 “(B) performed by a service technician
2 who—

3 “(i) is—

4 “(I) professionally qualified, cer-
5 tified, or licensed as a water treat-
6 ment product maintenance profes-
7 sional, including a professional
8 credentialed through a manufacturer
9 or third party;

10 “(II) operating under the super-
11 vision of a service technician described
12 in subclause (I);

13 “(III) a licensed plumber or a
14 plumber operating under the super-
15 vision of a licensed plumbing con-
16 tractor; or

17 “(IV) an individual who holds a
18 license or certification related to water
19 treatment technologies issued by a
20 State or local government; and

21 “(ii) regularly completes continuing
22 education on water treatment technology
23 and other subjects that enhance the serv-
24 ices provided under this section;

1 “(C) that complies with all local and State
2 regulations; and

3 “(D) that follows the maintenance instruc-
4 tions of the manufacturer.

5 “(3) CERTIFIED FILTER COMPONENT.—The
6 term ‘certified filter component’ means a replaceable
7 or replacement filter component—

8 “(A) for which approved maintenance can
9 be performed; and

10 “(B) that is certified by a third-party cer-
11 tifier as compliant with—

12 “(i) NSF P231;

13 “(ii) NSF/ANSI Standard 42, 44, 53,
14 55, 58, or 401; or

15 “(iii) another successor or relevant
16 consensus-based standard for drinking
17 water treatment units or systems that ad-
18 dresses health contaminant reduction, as
19 determined by the Secretary.

20 “(4) ELIGIBLE DRINKING WATER QUALITY IM-
21 PROVEMENT PRODUCT.—The term ‘eligible drinking
22 water quality improvement product’ means a point-
23 of-use or point-of-entry system—

24 “(A) incorporating a certified filter compo-
25 nent; and

1 “(B) that is certified by a third-party cer-
 2 tifier to meet standards described in paragraph
 3 (3)(B)—

4 “(i) for material safety and perform-
 5 ance; and

6 “(ii) to improve drinking water qual-
 7 ity.

8 “(5) ELIGIBLE END USER.—The term ‘eligible
 9 end user’ means a person or entity located in a rural
 10 area (as defined in section 343(a)(13)(B)) that is—

11 “(A)(i) a homeowner;

12 “(ii) an individual lessee or renter of a
 13 home, apartment, or other dwelling;

14 “(iii) a property owner of a multi-unit resi-
 15 dential building with 25 or fewer owned, leased,
 16 or rented dwelling units;

17 “(iv) a licensed child-care facility; or

18 “(v) an owned, leased, or rented facility;

19 and

20 “(B) supported by a finding of need
 21 through—

22 “(i) a qualified water quality test
 23 demonstrating the presence of 1 or more
 24 health contaminants; or

1 “(ii) other documentation determined
 2 to be satisfactory by the Secretary dem-
 3 onstrating the presence of 1 or more
 4 health contaminants.

5 “(6) ELIGIBLE GRANT RECIPIENT.—The term
 6 ‘eligible grant recipient’ means—

7 “(A) an eligible end user; and

8 “(B) a nonprofit organization that uses a
 9 grant provided under this section for the pur-
 10 poses described in subsection (c)(2).

11 “(7) HEALTH CONTAMINANT.—The term
 12 ‘health contaminant’ means—

13 “(A) a health contaminant found in drink-
 14 ing water, including lead, arsenic, nitrate, ni-
 15 trite, perfluoroalkyl and polyfluoroalkyl sub-
 16 stances, hexavalent chromium (chrome-6), and
 17 volatile organic compounds; and

18 “(B) any other contaminant—

19 “(i) that can be reduced by an eligible
 20 drinking water quality improvement prod-
 21 uct or a certified filter component in ac-
 22 cordance with the standards described in
 23 paragraph (3)(B); and

“(ii)(I) with respect to which the Administrator of the Environmental Protection Agency has established—

“(aa) a primary drinking water regulation (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f);

“(bb) a maximum contaminant level goal established in accordance with section 1412(b) of that Act (42 U.S.C. 300g–1(b)); or

“(cc) a health advisory issued pursuant to section 1412(b)(1)(F) of that Act (42 U.S.C. 300g–1(b)(1)(F)); or

“(II) that is regulated by a State agency.

“(8) IMPROVE DRINKING WATER QUALITY.—

The term ‘improve drinking water quality’ means to improve the quality of the water supplied between its source and human consumption by reducing or removing 1 or more health contaminants.

“(9) QUALIFIED THIRD-PARTY INSTALLER.—

The term ‘qualified third-party installer’ means a person who—

1 “(A) is—

2 “(i) a professionally qualified, cer-
3 tified, or licensed water treatment product
4 installation professional, including such a
5 professional credentialed through a manu-
6 facturer or third party;

7 “(ii) a licensed plumber or individual
8 who holds a license or certification related
9 to water treatment technologies issued by a
10 State or local government; or

11 “(iii) a company or plumbing con-
12 tractor employing individuals described in
13 clause (i) or (ii); and

14 “(B) regularly completes, or requires appli-
15 cable employees to complete, continuing edu-
16 cation on water treatment technology and other
17 subjects that enhance the services provided
18 under this section.

19 “(10) QUALIFIED WATER QUALITY TEST.—The
20 term ‘qualified water quality test’ means a baseline
21 analysis of the bacterial and chemical characteristics
22 of concern from a drinking water sample collected at
23 the point of consumption and tested by a laboratory
24 certified to conduct water quality testing—

25 “(A) that is provided to—

1 “(i) the Secretary; and

2 “(ii) as applicable—

3 “(I) a person seeking a grant
4 under this section;

5 “(II) an eligible end user receiv-
6 ing a grant under this section; or

7 “(III) an eligible grant recipient
8 receiving a grant under this section
9 and any eligible end users served by
10 the eligible grant recipient; and

11 “(B) that includes information that pro-
12 vides—

13 “(i) guidance on test interpretation,
14 including whether the bacteria or chemical
15 characteristic of concern meets or exceeds
16 a prescribed health-based contaminant
17 level; and

18 “(ii) sources and citations that eligible
19 grant recipients, independent third-party
20 organizations and institutions, and govern-
21 ment agencies may review and consult—

22 “(I) to determine available eligi-
23 ble drinking water quality improve-
24 ment products for addressing detected
25 contaminants; and

1 “(II) to evaluate efficacy across
2 eligible drinking water quality im-
3 provement products.

4 “(11) THIRD-PARTY CERTIFIER.—The term
5 ‘third-party certifier’ means an independent certifi-
6 cation body accredited to ISO Standard 17065,
7 ‘Conformity assessment — Requirements for bodies
8 certifying products, processes and services’, by an
9 entity domiciled in the United States that is a signa-
10 tory to the International Accreditation Forum Multi-
11 lateral Recognition Arrangement, such as the Water
12 Quality Association, NSF International, the Inter-
13 national Association of Plumbing and Mechanical
14 Officials, and the International Code Council Eval-
15 uation Service.

16 “(b) ESTABLISHMENT OF PROGRAM.—Not later than
17 120 days after the date of enactment of this section, the
18 Secretary shall promulgate regulations to establish, and
19 shall carry out, a clean drinking water program, to be
20 known as the ‘Healthy Drinking Water Affordability As-
21 sistance Program’ or the ‘Healthy H2O Program’, to pro-
22 vide grants to eligible grant recipients to improve drinking
23 water quality of eligible end users.

24 “(c) ELIGIBLE USES OF GRANTS.—

1 “(1) IN GENERAL.—A grant under this section
2 shall be used, as directed by the Secretary, for—

3 “(A) the purchase of an eligible drinking
4 water quality improvement product or a re-
5 placement certified filter component;

6 “(B) the approved installation by a quali-
7 fied third-party installer of an eligible drinking
8 water quality improvement product;

9 “(C) the purchase and approved installa-
10 tion by a qualified third-party installer of a re-
11 placement certified filter component;

12 “(D) the approved maintenance of an eligi-
13 ble drinking water quality improvement prod-
14 uct; or

15 “(E) qualified water quality tests to sup-
16 port products and services described in sub-
17 paragraphs (A) through (D).

18 “(2) NONPROFIT ORGANIZATIONS.—A nonprofit
19 organization that receives a grant under this section
20 shall use the grant, in a manner consistent with the
21 uses described in paragraph (1) and as directed by
22 the Secretary—

23 “(A) to offer qualified water quality tests
24 for eligible end users on a voluntary basis;

1 “(B) to facilitate the analysis of qualified
2 water quality test results for eligible end users;

3 “(C) to assist an eligible end user in deter-
4 mining the response options available and sup-
5 porting the selection by the eligible end user of
6 a response that best fits the needs of the eligi-
7 ble end user, informed by—

8 “(i) a qualified water quality test; and

9 “(ii) an understanding of the relevant
10 plumbing systems and environmental fac-
11 tors that will impact point-of-use or point-
12 of-entry water safety; and

13 “(D) to coordinate or facilitate the ap-
14 proved installation by a qualified third-party in-
15 staller of the eligible drinking water quality im-
16 provement product selected by an eligible end
17 user.

18 “(d) GRANT LIMITATIONS.—

19 “(1) AMOUNT.—The amount of a grant under
20 this section shall not exceed the reasonable costs, as
21 determined by the Secretary, of the purposes de-
22 scribed in subsection (c) for which the grant is pro-
23 vided.

24 “(2) INCOME.—No grant provided under this
25 section shall be used to assist an eligible end user

1 who is a member of a household the members of
2 which have a combined income, or an eligible end
3 user with business income, for the most recent 12-
4 month period for which the information is available,
5 that is more than 150 percent of the median non-
6 metropolitan household income for the State or terri-
7 tory in which the eligible end user resides, according
8 to the most recent decennial census of the United
9 States.

10 “(e) GRANT ADMINISTRATOR.—The Secretary shall
11 appoint an officer or employee of the Department of Agri-
12 culture to administer and manage grants provided under
13 this section.

14 “(f) GRANT ALLOCATION.—In providing grants
15 under this section to eligible grant recipients, the Sec-
16 retary shall allocate funds and make grants available in
17 a manner that—

18 “(1) responds to a range of water quality chal-
19 lenges;

20 “(2) prioritizes funding to eligible end-users the
21 sources of drinking water of which are private wells;

22 “(3) improves local and regional capacity to re-
23 spond to contamination; and

24 “(4) ensures reasonable access to funds for—

1 “(A) eligible end users seeking a grant
2 under this section; and

3 “(B) nonprofit organizations seeking a
4 grant under this section.

5 “(g) REPORTS.—Not later than 1 year after the date
6 of enactment of this section, and not less frequently than
7 annually thereafter, the Secretary shall submit to Con-
8 gress, and make publicly available, a report—

9 “(1) identifying ongoing barriers to universal
10 safe drinking water prior to and after filtration or
11 other treatment;

12 “(2) analyzing conditions impacting eligible
13 grant recipients, including—

14 “(A) sources of contamination or degrada-
15 tion of water resources, especially groundwater
16 resources or upstream resources that recharge
17 stores of drinking water;

18 “(B) trends in bioaccumulation and at-
19 tenuation of contaminants and nutrients; and

20 “(C) impacts of infrastructure materials,
21 crop and land management practices, waste
22 management, and other factors that impact
23 drinking water quantity and quality;

24 “(3) providing a comprehensive analysis of—

1 “(A) technologies available to and pur-
 2 chased by eligible grant recipients; and

3 “(B) the emerging safe drinking water
 4 needs of rural and other homeowners, renters,
 5 residential multi-unit property owners, licensed
 6 child-care facilities, and other groups, as deter-
 7 mined by the Secretary;

8 “(4) that includes information describing—

9 “(A) the types of treatment systems and
 10 filter components used under the program es-
 11 tablished under this section;

12 “(B) the number of qualified water quality
 13 tests conducted under the program established
 14 under this section;

15 “(C) emerging and changing trends relat-
 16 ing to steps taken to ensure safe drinking water
 17 in communities and households; and

18 “(D) trends relating to the availability and
 19 use of eligible drinking water quality improve-
 20 ment products, including—

21 “(i) affordability at purchase and
 22 through the lifecycle of the products;

23 “(ii) consistency of operation as in-
 24 tended by the manufacturer and installer,
 25 including effectiveness across systems and

1 technologies at achieving stated health pro-
2 tectations; and

3 “(iii) lifecycle product performance,
4 energy use, and environmental impact;

5 “(5) providing recommendations regarding the
6 best methods to increase access to—

7 “(A) grants under this section; and

8 “(B) the products and services described in
9 subsection (c);

10 “(6) that incorporates input from relevant—

11 “(A) nongovernmental organizations; and

12 “(B) certification institutions that oversee
13 the criteria for products and training of instal-
14 lation and maintenance professionals; and

15 “(7) the purposes of which are—

16 “(A) to improve data on health contami-
17 nants in drinking water;

18 “(B) to provide educational resources on
19 water testing and water quality improvement
20 products and services to eligible grant recipients
21 with drinking water contamination issues;

22 “(C) to collect information that improves
23 understanding of water testing and water qual-
24 ity improvement products and services, includ-

1 ing their associated health and economic bene-
2 fits; and

3 “(D) to increase public awareness of water
4 quality issues and treatment options.

5 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
6 is authorized to be appropriated to the Secretary to carry
7 out this section \$10,000,000 for each of fiscal years 2024
8 through 2028.”.

○