



Recommendations for Operational, Administrative, Policy and Regulatory Reform Environmental Protection Agency Roadmap and Call to Action

Access to clean drinking water is a fundamental human right. As highlighted by the COVID-19 pandemic, basic water and sanitation services are critical to public health and economic development, yet absent from many Tribal communities. The federal government has treaty and trust responsibilities to promote the general welfare of Tribes, and to provide Tribes with permanent and livable homelands. This includes a duty to provide water security to Tribes.

Recent actions by the Biden Administration and Congress are bringing the necessary attention and financial resources to support real, tangible progress toward providing universal access to clean water for all Americans. Through bipartisan efforts, for the first time in history Congress is providing substantial levels of funding to federal agencies for programs that can be used to provide drinking water and sanitation in Tribal communities. This funding will enable the federal government to more fully deliver on its responsibilities to Tribes.

The Biden Administration must be ready to utilize this funding to deliver the maximum benefit and achieve enduring solutions. The Report on Recommendations for Operational, Administrative, Policy, and Regulatory Reforms (Report) describes specific actions and agency reforms to capitalize on this opportunity. However, because of the complexity of the issues at hand, a meaningful approach will require that the Administration and Tribes make full use of their legal authorities and implement a concrete set of actions to address these challenges simultaneously on various fronts. The following roadmap highlights some of the recommendations included in the report specifically for the Environmental Protection Agency and the Biden Administration, and describes how to make timely progress toward the goal of providing *Universal Access to Clean Water for Tribes*.

Roadmap for Environmental Protection Agency

1. Remove previously imposed restrictions on water infrastructure assistance that are no longer necessary or appropriate.

- EPA should develop agency-wide criteria to provide direct grants to Tribes for drinking water projects, in particular to allow funding to address immediate risks to health or human environment. *See Report, pages 23-24.*

- EPA should follow through on its Year One and Within Three Year Actions identified in the Office of Water’s October 2021 Action Plan Strengthening the Nation-to-Nation Relationship with Tribes to Secure a Sustainable Water Future.

2. Build Tribal capacity to promote Tribal self-determination and ensure long-term success.

- EPA should exercise its authority and discretion under the Intergovernmental Personnel Act Mobility Program (IPA) to assign agency personnel to work in Tribal governments in order to rapidly increase Tribal capacity to plan, design, and implement water infrastructure projects. *See Report, page 39.*
- EPA should expand funding for Tribal operator certification and Operation and Maintenance training programs to all Regions. *See Report, page 34.*
- EPA should increase its staffing level to adequately address the need to provide drinking water and sanitation to Tribes. As the agency is staffing up, EPA should increase collaboration with local technical assistance providers to bring this assistance directly to Tribal communities. *See Report, page 37.*

3. Actively participate in the interagency work group(s) tasked with improving clean water access for Tribes.

- There are several existing groups that are tasked with improving clean water access for Tribes by optimizing existing programmatic resources and avoiding duplication of services or efforts, including the White House Council on Native American Affairs, the Water Subcabinet, the Federal Tribal Infrastructure Task Force, Tribal Housing and Related Infrastructure Interagency Task Force, and the Interagency Working Group on Drought Relief. The Report recommends revitalization of the Federal Tribal Infrastructure Task Force to serve as the focal point for the whole of government approach required to efficiently deploy the funding available for Tribal water infrastructure and achieve universal access to clean water.
 - EPA should engage with the interagency work group(s) to provide its unique expertise and to partner with other federal agencies to overcome challenges in providing universal access to clean drinking water—such as regulatory barriers, lack of funding for planning, design, and cost development, as well as operation and maintenance funding and capacity issues. *See Report, pages 11-15.*

Roadmap for Biden Administration

1. Operationalize a “whole of government” approach that establishes clear goals and accountability, in collaboration with Tribes.

- The Biden Administration must commit the Administration to the goal of achieving universal clean water access for Tribes and issue a directive to the responsible departments and agencies to formally establish this goal. A Cross-Agency Priority Goal is the most expeditious mechanism for establishing the Administration’s commitment to universal access to clean water for Tribes, though an executive order, presidential memorandum, interagency MOU, or coordinated secretarial orders would also suffice.
 - The directive must include metrics and deadlines, and hold agency leadership accountable for progress. *See Report, pages 8-10.*
- The Biden Administration must then task and empower an interagency working group to oversee and carry out the directive to achieve universal clean water access and direct these agencies to work together, pooling their resources and optimizing their expertise, to respond to any Tribal community that lacks access to clean drinking water with solutions necessary to remedy the problems. The Tribal Infrastructure Task Force is the best existing interagency group to accomplish this goal, as has been recognized in the testimony of the Assistant Secretary of the Interior and in the EPA Water Action Plan. *See Report, pages 11-14.*
 - The Biden Administration must ensure that the Indian Health Service Sanitation Facilities Construction Program, Bureau of Reclamation, Bureau of Indian Affairs, USDA-Rural Development, and EPA Office of Water each designate one person as a full-time point person to serve on the interagency working group. These agency designees should have authority to direct agency funding and personnel to particular projects and be held responsible for demonstrating progress. *See Report, page 14.*
- The interagency working group must then begin to assess Tribal needs, including both drinking water and sanitation as well as Tribal capacity needs, identify barriers to achieving universal clean water access, and develop streamlined funding procedures. *See Report, page 15.*
 - The interagency working group must complete its assessment of Tribal needs, identification of barriers, and development of streamlined funding procedures. *See Report, page 15.*
 - The interagency working group must begin and complete planning, design, and cost development for infrastructure solutions, and begin project construction. *See Report, page 15.*
 - The interagency working group must work to build and develop Tribal capacity for both project start-up and ongoing operation and maintenance of drinking water and sanitation systems. *See Report, page 15.*

2. Build Tribal capacity to promote Tribal self-determination and ensure long-term success.

- The Biden Administration should direct the interagency working group to ensure adequate training and funding is available for Tribes to develop or access the expertise needed to operate and maintain drinking water and wastewater systems. *See Report, pages 26-27.*
- The Administration should direct the federal agencies to exercise their authority and discretion under the Intergovernmental Personnel Act Mobility Program (IPA) to assign agency personnel to work in Tribal governments in order to rapidly increase Tribal capacity to plan, design, and implement water infrastructure projects. *See Report, page 39.*

The federal government must act quickly and adeptly to deploy the unprecedented level of funding that Congress has provided through the Coronavirus Aid, Relief, and Economic Security Act, American Rescue Plan Act, and Infrastructure Investment and Jobs Act. These recommendations will optimize the expertise and funding available from multiple federal agencies to support water access for Tribes and make tangible progress in developing the required internal Tribal resources that will ensure long-term sustainability and resilience in drinking water systems.



UNIVERSAL ACCESS TO CLEAN WATER
FOR TRIBAL COMMUNITIES