

STATEMENT FOR THE RECORD

by [DIGDEEP](#)

for the

SENATE COMMITTEE ON INDIAN AFFAIRS

LEGISLATIVE HEARING TO RECEIVE TESTIMONY ON S. 2385, S. 2868, S. 3022, S. 2796
& S. 3230

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The United States has a hidden water crisis: over 2.2 million people across America lack running water or proper sanitation. This is the water access gap, where people are forced to ration their water supplies, families must haul water from distant sources, and children cannot play in their wastewater-flooded yards.

The water access gap disproportionately impacts Tribal communities; Native American households are 19 times more likely to live without water than white households. An estimated one in 10 Native Americans lack access to safe drinking water or sanitation¹ and an estimated 48 percent of households on Native American reservations face this issue². For so many, accessing clean water is a costly, daily struggle that negatively impacts their mental and physical health and takes time away from school and work.

Roughly 30 percent of people on the Navajo Nation are forced to purchase bottled water, haul water long distances, or use contaminated water to meet their basic needs. Across Alaska, thawing permafrost and sinking land routinely threaten infrastructure in Alaska Native communities, fundamentally changing where people can live, and how they can access water. In Montana, many Tribal wells are contaminated, causing greater rates of chronic diseases³. At the height of the COVID-19 pandemic, the rate of COVID-19 cases for Native Americans and Alaska Natives was 3.5 times higher than the rest of the nation, as water access is fundamental to basic hygiene and disease and virus prevention⁴.

¹ Lakhani, Nina. "Tribes Without Clean Water Demand an End to Decades of US Government Neglect." The Guardian, 28 Apr. 2021, www.theguardian.com/us-news/2021/apr/28/indigenous-americans-drinking-water-navajo-nation.

² "Water Delayed is Water Denied." Democratic staff of the House Committee on Natural Resources, 2016, https://democrats-naturalresources.house.gov/imo/media/doc/House%20Water%20Report_FINAL.pdf.

³ "Reviving Traditional Apsaalooke Water Sources." High Country News, www.hcn.org/issues/53.8/north-water-reviving-traditional-apsaalooke-water-sources.

⁴ "The COVID-19 Outbreak in the Navajo Nation | NMAI Magazine." NMAI Magazine, www.americanindianmagazine.org/story/the-covid-19-outbreak-in-the-navajo-nation.

We live in the richest country on the planet, yet over 25 percent of Native Americans live in poverty⁵. For each year that we allow the water access gap to persist, households lose nearly \$16,000 per year, often more than their net annual income⁶. Without sustained access to water, families will continue to be stuck in a cycle of poverty, as they are forced to make unreasonable choices for water allocation and household spending. Without basic access to clean water, it is impossible for a person to live in dignity.

New influxes of federal funding, including the Bipartisan Infrastructure Law (BIL) have been key in addressing infrastructure issues, but not deficits. Accelerated funding in the last few years was not intended to close the water access gap. Additionally, specific programs that are aimed at providing new infrastructure investments—such as Section 50208, the Decentralized Wastewater Grant Program—have not yet received any funding. Congress needs to develop more targeted programs to address remaining infrastructure and access needs, or the gap will remain open and continue to widen. As we celebrate new victories on replacing crumbling and contaminated infrastructure nationwide, we must recognize that progress is uneven.

Four key elements continue to prevent effective access and sanitation for Tribal communities: (1) Technical assistance is urgently needed for Tribes to plan and design necessary systems to address the lack of access to clean drinking water and bring those plans to a “shovel ready” stage in order to utilize available construction funding. (2) Tribes need support to develop the technical, managerial, and financial (TMF) capacity necessary to develop fully functional and self-sustaining utilities. (3) Construction funding is not currently available to connect essential community facilities, like schools and clinics, to centralized water and sanitation, which negatively impacts Tribal economic development. (4) Tribes cannot rely on the same types and volumes of revenue streams to support operation and maintenance (O&M) of water systems; new initial and temporary O&M assistance is sorely needed.

THE WATER ACCESS GAP

- At least 2.2 million people across the U.S. have no regular access to running water or flush toilets⁷.
- Native American households are 19 times more likely to live without water than white households.
- Black and Latino households are twice as likely to lack running water and flush toilets than white households.
- 44 million Americans are served by water systems that have had a recent health-based Safe Drinking Water Act violation.

⁵ Tec, Dedrick Asante-Muhammad Esha Kamra, Connor Sanchez, Kathy Ramirez and Rogelio. “Racial Wealth Snapshot: Native Americans; NCRC.” NCRC, 7 Apr. 2022, ncrc.org/racial-wealth-snapshot-native-americans.

⁶ “Draining — DIGDEEP.” DIGDEEP, digdeep.org/draining.

⁷ “Close the Water Access Gap.” DIGDEEP, www.digdeep.org/close-the-water-gap. Accessed 18 Sept. 2023.

- Water insecurity is growing nationwide.

A recent study by DigDeep, *Draining: the Economic Impact of America's Hidden Water Crisis*, finds that the U.S. economy loses a staggering \$8.58 billion *every year* in decreased household earnings, higher healthcare costs, lost tax revenues, and labor market disruptions because of the water access gap. In the context of Tribal sovereign lands: considering the number of households without piped water on the Navajo Reservation, water insecurity may cost the Navajo Nation and the broader U.S. economy as much as \$152.5 million [each year](#)⁸. The federal government must intervene to close the water access gap in order to rectify historic imbalances related to water quality, infrastructure and funding, address the racial access and Tribal access gaps, and ensure that the basic standard of living enjoyed by most Americans is available to all.

The water access gap has rippling effects on our economy, health, labor market, and justice for disaffected communities. Past investments in water infrastructure excluded many Tribal Nations, communities of color, immigrant communities, low-income communities, and rural areas.

Funding in the Bipartisan Infrastructure Law is a much-needed start, but it will not close the water access gap on its own. Congress needs to develop more targeted programs to address remaining infrastructure and access needs or the gap will remain open and may continue to widen. Federal investment will benefit regions in dire need—often places facing decline, fiscal shortfalls, and loss of financial opportunities—allowing them to reinvest in their broader communities and local economies.

EFFECTS ON TRIBAL COMMUNITIES

As documented above, the water access gap has significant effects across the United States, with Tribal communities taking a disproportionate impact. Across many intersecting spaces in water and sanitation, Native American communities are often left with significant disadvantages.

Infrastructure Gaps: For many Tribal Nations, a lack of investment in infrastructure has had significant consequences on the ability for households to access safe and reliable water. Decades of disinvestment or lack of investment is a lead driver of infrastructure disrepair. As an example, Alaska has the highest proportion of the U.S. population that lacks access to adequate water infrastructure. There are more than 30 unserved communities where 45% or more homes are not served by piped, septic tanks and wells, or covered haul systems. These unserved communities are largely located in rural areas that house mostly American Indian/Alaska Native populations⁹.

⁸ Supreme Court of the United States. *Department of the Interior v. Navajo Nation*. 20 March 2023. https://www.supremecourt.gov/DocketPDF/21/21-1484/254361/20230208163233914_DigDeep%20UTRF%20Amicus%20Brief%20-%20final.pdf

⁹ Spearing, Lauryn A., et al. "What Impacts Water Services in Rural Alaska? Identifying Vulnerabilities at the Intersection of Technical, Natural, Human, and Financial Systems." *Journal of Cleaner Production*, vol. 379, Elsevier BV, Dec. 2022, p. 134596. <https://doi.org/10.1016/j.jclepro.2022.134596>.

Such gaps in service lead to extreme water conservation and water quality issues, exacerbating existing health disparities in Native communities.

Polluted and Unsafe Water Sources: Contaminated water sources on Tribal lands continue to be a major concern for public health and adequate access. On the Crow Reservation in Montana, local water sources are contaminated with feces, heavy metals, nitrates, and *E. coli*¹⁰. Crow members, along with health researchers, have identified a connection between uranium contamination and diabetes, a growing health crisis on the Reservation¹¹. In New Mexico, around the San Juan Basin (the state’s largest oil and gas region), there are an estimated 40,000 wells, thousands of which are likely neglected, abandoned, or orphaned. “Orphaned” oil and gas wells leak methane into the air and groundwater that pose serious public health risks to rural, Tribal, and communities of color. It is estimated that 1,700 wells are orphaned and abandoned on state and private land¹².

Weather Impacts and Reduced Water Sources: Climate change has also ravaged water supplies and changed the nature of how people collect it. There is a unique threat to Indigenous communities: contamination of water supplies are rampant on Tribal lands, traditional water sources are depleting or run dry, and issues such as drought and wildfires continue to threaten Native communities. For example, rising temperatures and declining rainfall have made groundwater the principal drinking water source, as surface water on Navajo Nation is estimated to have decreased by 98 percent of the twentieth century¹³. Limited water resources in Hawaii are disproportionately used by the tourist industry (i.e., water resources are diverted to hotels), which, in conjunction with the recent wildfires devastating Maui, will directly impact permanent residents, including Native Hawaiians.

Insufficient Data: Additionally, data continues to result in less attention and infrastructure investment for Native American homes. It is well documented that survey data has repeatedly undercounted Native Americans, particularly the U.S. Census¹⁴. Insufficient data has inevitably led to diminished investment in water access for Indigenous communities; for other fundamental issues, including housing grants and other federal assistance, undercounting communities severely reduces funding allocations for Tribal governments¹⁵. The few entities having better data collection and analysis (i.e., the Indian Health Services’ Sanitation Facilities Deficiency List¹⁶), however, have been able to justify and obtain higher funding levels.

¹⁰ Bienkowski, Brian. “Part 1: Tainted Water Imperils Health, Traditions for Montana Tribe.” EHN, 8 July 2020, www.ehn.org/part_1_tainted_water_imperils_health_traditions_for_montana_tribe-2497203331.html.

¹¹ Martin, Christine, et al. “Our Relationship to Water and Experience of Water Insecurity Among Apsáalooke (Crow Indian) People, Montana.” *International Journal of Environmental Research and Public Health*, vol. 18, no. 2, Jan. 2021, p. 582. <https://doi.org/10.3390/ijerph18020582>.

¹² Gilbert, Samuel. “To Understand the Orphan Well Problem in NM, Someone’s Going to Have to Count Them.” *Source New Mexico*, May 2022, sourcenm.com/2022/05/31/to-understand-the-orphan-well-problem-in-nm-someones-going-to-have-to-count-them.

¹³ “Navajo Women Struggle to Preserve Traditions as Climate Change.” *The World From PRX*, 25 May 2018, theworld.org/stories/2018-05-25/navajo-women-struggle-preserve-traditions-climate-change-intensifies.

¹⁴ “The US Government Has Always Undercounted Native Americans. But COVID-19 Could Make the 2020 Census a Disaster.” *Mother Jones*, www.motherjones.com/politics/2020/06/census-coronavirus-native-americans.

¹⁵ Udall, Senators Press for Accurate 2020 Census Count for Native Communities | the United States Senate Committee on Indian Affairs. www.indian.senate.gov/news/press-release/udall-senators-press-accurate-2020-census-count-native-communities.

¹⁶ https://www.ihs.gov/sites/dsfc/themes/responsive2017/display_objects/documents/FY_2021_Appendix_Project_Listing.pdf

BARRIERS TO ACCESSING GOVERNMENT FUNDING

Tribal, rural, disadvantaged, and low-income communities have the greatest need for financial assistance to bridge a historical gap in water and wastewater services. Larger, more populated communities around the nation enjoy the benefit of having a working tap and flush toilet, components of a standard of living everyday Americans have come to rely on. These municipalities have a documented greater likelihood of accessing Clean Water SRFs (CWSRFs), primarily due to more substantive resources, as well as a risk that state agencies may not allocate funds equitably between larger communities and more disadvantaged communities¹⁷. Comparatively smaller communities face challenges in accessing SRFs for a variety of reasons.

Native American communities and other communities of color—which face much higher rates of water insecurity—often bear the greatest burden of inequitable access to clean water infrastructure and have the most pressing need for CWSRF resources¹⁸. These communities have faced the greatest level of discrimination in terms of government investment and attention historically, and these issues persist today.

Smaller communities also face significant hurdles in receiving much-needed funds due to resource constraints. While funding sources like SRFs may have intention to tackle inequalities, without adequate technical assistance, education, or capacity, there remains a wide accessibility gap for disadvantaged communities.

These barriers are accentuated in a few key areas across rural, disadvantaged, low-income, or Tribal communities:

Eligible Applicants for Funding are Overburdened: Directors and operators of water and wastewater service districts in rural and disadvantaged communities are often stretched thin due to understaffing, older and more time-intensive technology, increased maintenance due to aging infrastructure, and high turnover rates. This dearth in capacity can make the SRF application process intimidatingly complex and time-consuming for eligible applicants. In some cases, the person(s) most likely to initiate or drive action on community infrastructure projects may not be the same person(s) eligible to apply for and navigate the SRF application. In other cases, awareness of existing grants and loans may be limited, a particular challenge in areas lacking quick and reliable internet connection or a high level of technological literacy, as much of this work is conducted online.

Inadequate Technical Expertise: Rural and disadvantaged communities encounter a series of systemic barriers and may lack technical expertise to implement innovative solutions (for example, alternative decentralized water and wastewater systems) according to EPA standards¹⁹.

¹⁷ Environmental Policy Innovation Center. “New Report: Small Towns and Communities of Color Less Likely to Receive Funding for Clean Water Infrastructure — Environmental Policy Innovation Center.” Environmental Policy Innovation Center, 1 May 2023, www.policyinnovation.org/blog/fairer-funding-stream.

¹⁸ Ibid.

¹⁹ “DWIC — DIGDEEP.” DIGDEEP, www.digdeep.org/dwic.

Traditional wastewater solutions are often an unsustainable, narrow approach to solve a complex set of community concerns. In addition, many small systems lack certified operators, engineers, and/or plumbing and pipefitting professionals, creating high barriers to entry.

Limited Funding for Operations and Maintenance: First-time systems' funding is a critical need, albeit limited in its current state. Small, disadvantaged communities cannot use Drinking Water SRFs (DWSRFs)²⁰ or CWRSFs for much-needed operations and maintenance work²¹. Sustainability is a difficult factor for smaller communities to implement if there are no consistent funds to ensure that local water and wastewater systems do not face risks of failing or shutting off. Tribes cannot rely on the same types and volumes of revenue streams to support O&M of water systems.

Loans as Barriers: For communities that face significant economic burdens, or are low-income or facing poverty, loans are not adequate measures to provide water and wastewater access. Some households are unable to pay upfront costs, or to repay low-interest loans offered by funding programs, practically barring them from accessing much-needed support. Other communities and utilities have shared with DigDeep that their fear of inability to fulfill repayment obligations prevents them from seeking out loans. Additionally, declining rural populations and rate payer bases make loans even more challenging for small utilities.

Inequality and Inconsistency Across State-Administered Funds: Eligibility requirements for state-level funding (e.g., SRFs) can vary considerably from state to state. Thus, there are more application barriers for disadvantaged communities in states with stricter eligibility requirements. This also puts an onerous burden on entities (like Tribal nations) that cross state lines²². It also makes it difficult to disperse technical assistance resources between states. States also have full authority to determine what “disadvantaged” means - with some focusing on population sizes or other factors at the exclusion of at-risk communities²³.

SOLUTIONS

Closing the water access gap will create health, happiness, and economic prosperity in Tribal communities. However, we cannot effectively close this gap without an accurate understanding of every household facing water insecurity. The U.S. needs better data to understand the full scope of economic and health-related impacts of the water access gap. We need more actionable data—for example, information showing the location and nature of infrastructure deficits—to help government, the private sector, and nonprofits prioritize and plan infrastructure projects

²⁰ Association of State Drinking Water Administrator. “State Drinking Water Program Challenges and Best Practices: Small and Disadvantaged Water System Funding and Assistance.” PDF. <https://www.asdwa.org/wp-content/uploads/2022/08/ASDWA-White-Paper-Small-and-Disadvantaged-Water-System-Funding-and-Assistance-FINAL-080822.pdf>

²¹ “Overview of Clean Water State Revolving Fund Eligibilities.” U.S. EPA. May 2016. PDF. https://www.epa.gov/sites/default/files/2016-07/documents/overview_of_cwsrf_eligibilities_may_2016.pdf

²² Ibid.

²³ Murakami, Kery. “States Differ Over What’s a ‘Disadvantaged’ Community.” Route Fifty, 5 May 2023, www.route-fifty.com/infrastructure/2023/05/clean-water-funding-isnt-helping-cities-disadvantaged-populations/386035.

more effectively. Without this data, it is impossible to measure the effectiveness of costly interventions such as the recent Bipartisan Infrastructure Law.

A lack of flexible, targeted federal funding is one of the key barriers to solving this problem once and for all. As discussed below, especially for low-income communities facing the most acute challenges regarding running water and sanitation, federal funding flexible enough to support the work of nonprofits would make an enormous difference. New technology is making it possible to build decentralized systems that, once installed, are affordable to operate and maintain. Decentralized systems have the potential to provide water and sanitation access to thousands of communities – and dedicated operation and maintenance will ensure sustained access for years to come.

Greater investment into long-term O&M infrastructure will be critical to ensuring sustained water access forever²⁴. When a water system falls into disrepair, more people are susceptible to falling into the water access gap. Investments do not go far enough, as many rural and Tribal communities may not be able to access O&M investments effectively²⁵. Targeted investments in operations and maintenance are key solutions to preventing problems. Replenishing the fledgling workforce in maintaining water systems will be instrumental in ensuring people do not lose access to water and sanitation over time.

Several key solutions include:

Eliminate Barriers to Government Funds: Apply agency resources to identify inefficiencies, eliminate burdensome steps in application and implementation, and reduce upfront costs of application for the largest programs (e.g., CWSRF and USDA-RD programs) to improve workflows for funding access. Additionally, eligibility and application criteria should be made more consistent across states. Accessing government funds to create first-time water systems should not be a barrier to complete plumbing, and Native communities must be treated equitably when considered for federal funding.

Expand Existing Technical Assistance Efforts: Ongoing technical assistance efforts are incredible mechanisms for ensuring communities are well-equipped to handle additional capacity burdens. TA programs, such as the EPA Technical Assistance for Rural, Small, and Tribal Wastewater Systems program, should be better funded and expanded significantly to help support communities lacking the ability to apply for and execute project funding and assistance programs. Increased funding for TA programs, including those existing under the Indian Health Service or the Bureau of Reclamation’s current Native American Affairs Technical Assistance Program, will rapidly improve outcomes for Tribal communities.

Diversify Funding for New Technologies and Training: Some parts of the U.S. are simply not a good fit for traditional utility services. Many Native households are decentralized, particularly

²⁴ <https://www.epa.gov/sites/default/files/2015-07/documents/meeting-the-access-goal-strategies-for-increasing-access-to-safe-drinking-water-and-wastewater-treatment-american-indian-alaska-native-villages.pdf>

²⁵ “Draining — DIGDEEP.” DIGDEEP, digdeep.org/draining.

in Alaska, on the Navajo Nation, and across reservations. In many of these contexts, navigating topography can be too challenging, or simple setup and installation are too expensive. The federal government must expand funding for communities to apply decentralized technology, and support efforts like workforce development that are crucial for O&M, and the long-term success of these systems, as installing the technology without local technical expertise to sustain it will lead to disrepair and underuse. Further, authorizing federal agencies to make grants for technical and financial assistance for training will go far in bridging the skills gap that continues to grow.

Expand Grants, Not Loans: For impacted communities, repayment of loans may be cumbersome, as many of these communities are already economically disadvantaged. Grants are key to ensuring that other economic burdens are not placed on households in these communities. Disadvantaged communities should not have to face additional financial burdens by repaying water and sanitation projects, particularly with the likelihood of new increased costs for households in the form of water bills.

Provide Guides to Access Funds: Funding programs and technical assistance are important investments, and additional, publicly-available, user-friendly resources will aid disadvantaged communities even further. This includes guides for best practices, as well as strategies for states and recipients to best utilize funding sources like CWSRFs.

CLOSING

Everyone deserves a human right to water and sanitation. For far too long, Native Americans have faced disproportionate levels of water insecurity, poverty, and health disparities. For too many Tribal families, water has become a privilege and not a right; the richest democracy in the world has more to prove by eliminating this water access gap, once and for all. Ensuring this basic human right will empower Tribal communities and unlock positive change for generations to come.

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