



September 29, 2021

Ms. Radhika Fox
Assistant Administrator for Water
U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460

Re: Cybersecurity in the Water Sector

Dear Ms. Fox,

Thanks for taking the time last week to meet with the ASDWA Executive Committee to discuss cybersecurity and the shared responsibility between the Federal government and states to make progress on this critical issue facing the water sector. We want to continue the dialogue with EPA over the next few weeks on the next steps needed to achieve the desired outcome of improving cybersecurity.

While we appreciate the need to improve cybersecurity in a timely manner, adding cybersecurity to sanitary surveys will not achieve the desired outcome for several reasons:

- Sanitary survey inspectors do not have the technical skills and knowledge to assess the adequacy of cybersecurity or make recommendations to resolve cybersecurity deficiencies. The inspectors review monitoring data and look at physical facilities, and that is their skill set. A few cybersecurity trainings are not going to make the inspectors into cybersecurity subject matter experts.
- At many water systems, the business and operating systems are linked to city government. Sanitary survey inspectors' authority to correct deficiencies does not extend to city government information technology systems.
- Sanitary surveys are required to be conducted either every three years or five years, depending on the system type. The need to be timely doesn't match up with the five years to obtain a baseline assessment of cybersecurity preparedness at water systems. Additionally, cybersecurity threats are constantly evolving which doesn't match up with three- or five-year cycles.
- States have liability concerns if a cyberattack occurs shortly after an assessment. Who is responsible in such a situation?
- In many states, the results of sanitary surveys are public information, including the deficiencies. This public information would provide a roadmap for potential cyberattacks by identifying at-risk systems.

Additionally, some states will have to amend statutes or regulations to address cybersecurity or sensitive information from sanitary surveys. These amendments would take time.

ASDWA leadership believes that Section 2013 of the America's Water Infrastructure Act (AWIA) of 2018 provides appropriate avenues for EPA to improve cybersecurity in a timely manner. We appreciate the opportunity to provide viable alternatives to sanitary surveys in improving cybersecurity in the water sector. The ASDWA Executive Committee looks forward to discussing these alternatives with you.

Sincerely,

A handwritten signature in black ink that reads "Cathy Tucker-Vogel". The signature is written in a cursive style with a large, stylized initial "C".

Cathy Tucker-Vogel

ASDWA President

Bureau of Water, Kansas Department of Health and Environment

