



November 14, 2022

Jen M. Easterly
Director, Cybersecurity, and Infrastructure Security Agency (CISA)
Department of Homeland Security (DHS)
245 Murray Lane
Washington, D.C. 20528

Re: Request for Information on the Cyber Incident Reporting for Critical Infrastructure Act of 2022 (CIRCI) (CISA-2022-0010-0002)

Dear Director Easterly,

The Association of State Drinking Water Administrators (ASDWA) appreciates the opportunity to comment on the Cyber incident Reporting for Critical Infrastructure Act of 2022 (CIRCI). ASDWA is the professional association that serves the leaders (and their staff) of the 57 state and territorial drinking water programs. Formed in 1984 to address a growing need for state administrators to have national representation, ASDWA has become a respected voice for states with Congress, EPA, other Federal agencies, and professional organizations in the water sector. ASDWA's members have worked closely with EPA, the Sector Risk Management Agency (SRMA) for the water and wastewater sector, on a wide range of physical security and cybersecurity issues for the past 20-plus years.

Need for State and Federal Coordination in Reporting

ASDWA's members have regulatory oversight responsibility for over 150,000 public water systems (PWSs). The over 16,000 publicly owned treatment works (POTWs) are regulated through the members of a similar organization, the Association of Clean Water Administrators (ACWA). Since many drinking water intakes are located downstream of a POTW, the 24/7/365 operations of water and wastewater systems are inextricably linked.

Many states have statutory requirements instructing PWSs to notify the drinking water program in case of a service disruption. For example, in Pennsylvania, PWSs must report service disruptions within 1-hour. Kansas has an immediate notification requirement. States are used to handling reports of service disruptions, which is different from the possibility of service disruption that was averted, such as a failure of a pressure-reducing valve causing a tank to drain that is noticed and fixed before the tank empties. State agencies must be informed about a service disruption, no matter the root cause.

As the cyber incidents covered by CIRCIA have the potential to result in a disruption of service, which in our sector would include the delivery of safe drinking water, coordination between state and Federal agencies is paramount. States urge CISA to consider existing regulatory reporting requirements that may impact a covered entity and how best to streamline reporting to avoid confusion or overly complex processes that may ultimately impede an entity's response. Such coordination will ensure that regulatory requirements are met, and public health is protected.

To avoid potential confusion over whom a covered entity should report to during an emergency scenario, ASDWA's members recommend that CISA clarify in guidance that reporting a cyber incident to CISA under CIRCIA does not exempt a covered entity from additional regulatory reporting associated with a covered incident, including, for example, reporting disruptions of service to a regulatory authority [i.e., the primacy agency for water and wastewater systems].

ASDWA's members applaud CISA's acknowledgment of the immediate threat cybersecurity presents to the nation's critical infrastructure and, through CIRCIA, the vital need for accurate and robust incident data. Without such data, we lack information about the frequency and severity of successful cyber intrusions and the impacted entities' characteristics. Without information, we lack the knowledge necessary to tailor responses and mitigating strategies to meet the specific nature of the threat.

ASDWA's members are encouraged by provisions within CIRCIA to ensure timely information sharing and coordination among appropriate entities. In the absence of a national cybersecurity framework for the water and wastewater sector, many states are developing approaches to increase resiliency at PWSs. As they embark on this process, access to timely and accurate information that CIRCIA will provide will aid in establishing more effective cyber resiliency programs and maintaining long-term adaptability. Furthermore, leveraging anonymized information about cyber incidents impacting the sector will enable states to better target limited support resources to those systems in need.

ASDWA's members appreciate the opportunity to provide comments on these new reporting requirements and look forward to the additional partnership with CISA and EPA as we collaborate to strengthen the cyber resiliency of the water and wastewater sector.

Sincerely,

A handwritten signature in blue ink that reads "J. Alan Roberson". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

J. Alan Roberson, P.E.
ASDWA Executive Director

