

November 8, 2019



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- County of Placer
- El Dorado County Water Agency
- Sacramento Area Flood Control Agency
- Sacramento Municipal Utility District
- Sacramento Regional County Sanitation District

Submitted via email: [hr2w@oehha.ca.gov](mailto:hr2w@oehha.ca.gov)  
Carolina Balazs, Ph. D.  
Research Scientist, OEHHA  
Office of Environmental Health Hazard Assessment  
1515 Clay Street, 6<sup>th</sup> Floor  
Oakland, CA 94612

**Subject: Comment Letter- Public Review Draft: Achieving the Human Right to Water in California- an assessment of the state's community water systems**

Dear Dr. Balazs,

The Regional Water Authority (RWA) appreciates the opportunity to comment on the Office of Environmental Health Hazard Assessment (OEHHA) Public Review Draft "Achieving the Human Right to Water In California- An Assessment of the State's Community Water Systems" (report and tool). RWA is a joint powers agency representing 21 public water suppliers in Sacramento, Placer, El Dorado, Yolo, and Sutter Counties that combined serve drinking water to 2 million people. Our mission is to protect and enhance the reliability, availability, affordability and quality of water resources for our members. To accomplish our mission our highest priority is to adapt to climate change in a way that allows our members to achieve the human right to water.

RWA supports the concept of a tool to evaluate the achievement of the human right to water. There can be great benefit from an accurate characterization and tracking of systems that are and are not meeting the human right to water. Identifying systems that are not meeting the human right to water can allow for appropriate resources to move toward improving those systems. However, it is no easy task to develop a tool that accurately assess 7,000 community water systems, as operations across those systems are unique and what it takes for each system to best meet the human right to water will also be unique.

RWA echoes the sentiment expressed by academic experts at the OEHHA hosted academic experts workshop on October 11<sup>th</sup> that OEHHA should work with water suppliers in the development of the tool. RWA would very much like to partner with OEHHA to ensure the most appropriate and accurate data is being used to score quality, accessibility, and affordability. RWA envisions this partnership allowing for the identification and refinement of data to improve the accuracy of the tool. RWA believes that only through further revision of the tool with those who are tasked with providing access to quality, affordable water can the tool reach its full capability.

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A careful balance and thoughtful priorities are necessary for water suppliers to use their limited rate payer resources to comprehensively meet water quality, accessibility, and affordability on an on-going basis. While the report acknowledges the need for this careful balance, it is not clear how the overall component scores produced in the tool can be interpreted with this careful balance in mind. Additionally, the quality of the assessment the tool provides to evaluate how a water supplier is maintaining a careful balance is constrained by the quality of the underlying data used for each indicator in the tool. Unfortunately, our review of the current report and tool leaves several questions, detailed below, about the efficacy of the underlying data used to produce the quality, accessibility, and affordability scores.

RWA believes that the effort to put together the tool is necessary. RWA further believes that the tool will carry great weight in future policy discussions. RWA appreciates that the tool is intended to evolve over time but believes that policy discussions will begin with the finalization of this first iteration of the report and tool. In RWA's view this underscores the need for the first iteration to be as precise as reasonably possible. In that spirit we offer the following comments.

**Water suppliers must have access to the data that is being used to produce their individual indicator and component scores.**

To RWA's knowledge OEHHA has not provided access to the data that was used to provide affordability scores. The report defines the formula used and the tool presents a systems composite affordability score, but a water system is not provided with the inputs that are being used to determine that score. This leaves a water system with no ability to verify the accuracy of its affordability score.

RWA having access to this data is fundamental to our ability to engage on this component. This is particularly necessary because of questions we have holistically on the affordability component.

Overall the tool would benefit from greater access to the data that is being used to assess community water systems.

**Water systems must be able to correct errors in data inputs used in the tool.**

RWA is aware of the tool incorrectly evaluating the number of sources in the physical vulnerability indicator in the water accessibility component and the data availability indicator in the water quality component for some water suppliers. The SDWIS data system appears to be incomplete for some water systems, and does not account for all sources of water. The data availability indicator does not account for the fact water systems are not required to collect data

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on particular contaminants if they demonstrate that there are no potential sources of that particular contaminant. It is not clear how a water system is to correct errors in these data inputs or others data sets in the tool. OEHHA should make clear how water systems can provide information to correct any errors detected in the data.

**Clarity on what the affordability composite score is measuring and how the scoring scale is being set is necessary.**

It is estimated that in California the average income needed to make ends meet for a family of four is \$6,329 a month (California Budget and Policy Center: making ends meet) and the average cost of water for 6 CCF identified in the report is \$41.39. According to census data the median family income in California is \$6,834 a month. This would mean that on average for Californian's who are making ends meet water for basic needs is largely affordable. The statewide challenge of course is that too many Californian's are not able to make ends meet. The report and tool should more clearly explain that water systems are being analyzed against this backdrop and that a holistic approach to affordability is necessary to address the larger challenges with affordability in the state.

It was stated by Dr. Pierce at the Academic Workshop that water affordability has very little to do with water rates and that water systems cannot account for overall affordability challenges. This is a critically important point that should be highlighted in the presentation of the tool.

It is important to note that the tool and report read as if they are measuring the cost of water rates, implying that the cost of water is what drives affordability. However, the formula laid out in the report is measuring the ability of an individual to pay for water. The cost of water and the ability of an individual to pay for water are not one in the same, and the terms should not be used interchangeably.

There is an implication in the report that 6 CCF of water should be less expensive than it currently is. "By almost any measure of affordability, water is unaffordable for the majority of people living in deep poverty." (Pg. 82 of the report). At the Academic Workshop, Dr. Beecher stated that a right isn't necessarily free, but that the first block of water should be accessible. In the development of the United Nations (UN) human right to water policy this was a significant point of debate, and ultimately the UN rested in a similar place to Dr. Beecher's comments, where water has a price, but that people are not excluded access due to that price.

The statewide view of composite affordability in the tool would seem to indicate that most of the state has a challenge with affordability. This suggests that the report and tool have set affordability at levels that produce low affordability scores. The report notes that "there is no

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single agreed-upon affordability threshold” (Pg. 71 of the report) and that water systems have been assigned scores based on OEHHAs assessment of the data. The report and tool do not explain why affordability thresholds are lower than those used by the UN or United States Environmental Protection Agency. Nor does the report explain how the distribution of data leads to the assigned score ranges that cover different percentage ranges of income i.e. a score of 4 covers a 0.75% range, a score of 3 covers a 0.25% range, a score of 2 covers a 0.5% range, and a score of 1 covers a 1.0% range, etc.

The language in the report and tool does not make clear what is being measured in the affordability component, and that the scoring scale has been set by OEHHA based on outcomes. The tool would benefit from expressly stating that it is measuring an individual’s ability to pay for water that OEHHA has designed an affordability score without a consensus affordability threshold, and that OEHHA has assigned scores based on its assessment of the data.

RWA acknowledges that a multi-part scale can be more informative than a binary scale. However, given the lack of consensus over what is affordable, on even a binary scale, RWA strongly encourages OEHHA to both attempt to build greater consensus over a definition of affordability and more thoroughly explain the basis of the affordability threshold it ultimately uses. Without that level of transparency, the tool does not appear to be an impartial evaluation of affordability.

**Reliability of a water source should be accounted for.**

Currently the tool does not distinguish between a well in a critically overdraft groundwater basin and a pre 1914 water right from a surface water source that has been available in all water year conditions. In short the physical vulnerability indicator does not have any way to measure the value of a water source. RWA understands that looking at reliability value may be more challenging than simply counting water supply sources, but not all sources are created equal, and the tool cannot be an effective evaluation without account for the reliability of a source.

**OEHHA should consider additional data points on evaluating physical vulnerability.**

RWA members have developed robust plans to ensure continued accessibility of water under prolonged drought conditions and changing hydrology expected to occur under climate change. These plans are reflected in urban water management plans and other required planning and reporting documents. OEHHA can build out additional data points to have a more complete picture of what water systems are or are not vulnerable to water outages. RWA would welcome the opportunity to discuss those statewide data sources in greater detail.

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**The tool has statistical bias from using the same data to evaluate different indicators.**

For example, median household income is used to measure both the affordability component and institutional constraints indicator. How this statistical bias is being corrected for is not clear. Without a correction the effect of median household income would be overstated across the component scores. OEHHA should explain how this statistical bias is being accounted for and corrected.

**Conclusion**

RWA appreciates the opportunity to comment on the report and tool. We continue to believe that the effort to assess the achievement of the human right to water is necessary and can be beneficial. Though we also believe that there is more work to be done on the report and tool to ensure that the data inputs are as accurate as reasonably possible and that the tool is clearly representing what it is illustrating. Only with that further refinement will the report and tool achieve the goal of providing baseline information on the status of the human right to water in the state and accurately inform decision-makers in future policy efforts to improve the delivery of clean, safe, affordable, and accessible water for all Californians.

If you or your staff have any questions about these comments, please contact Ryan Ojakian of RWA's staff at (916) 967-7692 or [rojakian@rwah2o.org](mailto:rojakian@rwah2o.org).

Sincerely,

A handwritten signature in black ink, appearing to read 'James Peifer', with a long horizontal flourish extending to the right.

James Peifer  
Executive Director