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Public Health, Security and Bioterrorism Preparedness & Response Act of 2002

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PUBLIC HEALTH, SECURITY AND BIOTERRORISM PREPAREDNESS & RESPONSE ACT OF 2002

By
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In June of last year, President Bush signed into law the Public Health, Security and Bioterrorism Preparedness & Response Act of 2002. Title IV of the act, "Drinking Water Security and Safety," established new safety requirements for public water systems.

Every water system serving more than 3,300 people is required to conduct an assessment of its vulnerability to a terrorist attack or other intentional acts meant to substantially disrupt the ability of the system to provide a safe and reliable supply of drinking water. The Environmental Protection Agency (EPA) will send written information to water systems to help in this assessment process.

Within six months of completing the vulnerability assessment, each system must prepare or revise an emergency response plan that incorporates the assessment results. The system then must certify completion of the plan to the administrator.

Deadlines for completion of risk assessments are by population served:

100,000 or more	March 31, 2003
50,000 - 100,000	December 31, 2003
3,300 - 50,000	June 30, 2004

Sandia National Laboratories, along with the American Water Works Association and others, have produced a "Risk Assessment Methodology for Water" (RAM-W) that water systems can use to produce their risk studies. In its current form, RAM-W is somewhat weak in the area of distribution system protection. The act does not specify that only RAM-W can be used in the mandated risk assessment, but RAM-W meets all the elements of the law.

There are other methods being used by different groups. The National Rural Water Association has software and guides available, and the Water Environment Federation has produced software called *Vulnerability Self Assessment Tool for Wastewater and Water Systems*. Other groups are using their own internal methodologies to produce the assessment. These groups are proceeding under the opinion that the EPA cannot specify

which method is used to produce the assessment, only that the assessment be conducted.

In Tennessee, the state legislature revised Public Acts 849 with the Terrorism Prevention and Response Act of 2002. This was House Bill 3232, which was signed by the governor on July 4, 2002. Section 12 of this act amended *Tennessee Code Annotated* 10-7-504(a) to exempt records concerning risk assessments and response plans for utility service providers from the Open Public Records Act.

Federal bill H.R. 5169 was introduced in the House of Representatives in July 2002 to amend the federal Water Pollution Act to enhance the security of wastewater treatment works. The language is very similar to that in the Public Health, Security and Bioterrorism Preparedness & Response Act of 2002.

For More Information

Please contact your MTAS Utility or Municipal Management Consultant for more information about this important topic. You also may visit the MTAS Web site at www.mtas.utk.edu. It contains a section entitled "Water System Security Toolbox" with links to various security Web sites.

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