

МІЖНАРОДНЕ ПРАВО

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US SAFE DRINKING WATER ACT

**V.V. LADYCHENKO, Doctor in Law, professor,
L.O. GOLOVKO, PhD in Law, associate professor,
National University of Life and Environmental Sciences of Ukraine¹**

Анотація. *In the article the legal regulation of drinking water in the USA was investigated. Provisions of the Safe Drinking Water Act and competition of the Environmental Protection Agency in the field of insuring qualitative drinking water were analyzed. The mechanisms ensuring the prevention of pollution of water sources, the content of state programs to protect water resources were explained. Special attention was paid to the provisions of the Safe Drinking Water Act, imposing an obligation to disclose information relating to drinking water supply.*

Ключові слова: *water supply, legislation of the US on safe drinking water, Environmental Protection Agency*

The use of clean drinking water is one of the most important factors for human health and the duration of human life. Questions concerning the quantity and quality of drinking water are especially important for Ukraine, because water reserves of our country are in the penultimate place in Europe. Drinking water supply problems can be solved only in the presence of high-quality regulatory framework. Therefore it is important to study the experience of leading countries that succeed in implementing development programs and upgrading water supply systems in order to ensure their citizens with qualitative drinking water. One of such countries is the United States of America.

Problems of legal regulation of drinking water supply were investigated in the works of such Ukrainian scientists: M. Deynega, H. Gafurova, R. Grygorovych, I. Gyrenko [1], O. Hulak [2], S. Kondratiev, V. Kurylo [1], V. Ladychenko [3, 4], V. Lukyanyhin, E. Shulga [5], V. Yermolenko and others. However, legal regulation of drinking water supply in the USA were not studied.

The article aims to clarify provisions of the US Safe Drinking Water Act.

Safe Drinking Water Act is a key federal law regulating drinking water supply in the USA [6]. The law was adopted in 1974 after extensive research of public water supply systems, which found significant problems in the quality of drinking water and threats to human health caused by poor equipment and bad management in the field of drinking water. Safe Drinking Water Act empowered Environmental Protection Agency to set standards on drinking water, and separate states have become key actors in promoting the implementation of these standards.

The biggest changes to the US Safe Drinking Water Act were amended in 1996, which consisted in the following. After Safe Drinking Water Act Amendments of 1996, the law focuses on prevention of water pollution and strengthening water resources management. The 1996 Safe Drinking Water Act (SDWA) Amendments establish a strong new emphasis on preventing contamination problems through source water protection and enhanced water system management. That emphasis transforms the previous law, with its largely after-the-fact, regulatory focus, into a truly environmental statute that can better provide for the sustainable use of water by our nation's public water systems and their customers. The states will be central: creating and focusing prevention programs, and helping water systems improve operations and avoid contamination problems [7].

States had to develop programs, the main task of which was to improve water systems operation and prevent pollution of water sources. State programs must have two main components: (1) legal authority to ensure that new water systems have sufficient technical, managerial, and financial capacity to meet drinking water standards; and (2) a strategy to identify and assist existing water systems needing improvements in managerial, technical, or financial capacity or aid to comply with standards. States were required to assess water sources on their territories and publish information on the results of the assessment so that any person could read it. Evaluation of water sources has become a good scientific basis and prerequisite for the creation of government programs aimed at protecting water resources. The law provides for granting state loans to specific activities aimed at improving the drinking water supply [8].

The 1996 Amendments create a program to build nationally on the demonstrated success of several states in strengthening the managerial, technical and financial capacity of water systems to reliably deliver safe drinking water. Environmental Protection Agency is required, within 6 months, to review existing state programs and publish guidance that states may use to meet the new requirements of this provision. State programs must have two main components: legal authority to ensure that new water systems have sufficient technical, managerial, and financial capacity to meet drinking water standards; and a strategy to identify and assist existing water systems needing improvements in managerial, technical, or financial capacity or aid to comply with standards. States must also identify water systems in significant noncompliance status within 1 year, and report to Environmental Protection Agency on the success of capacity development efforts in assisting such systems [7].

Persons who are served by drinking water systems should be sent notification of any violations of national standards on drinking water quality, which could cause serious adverse consequences for human health as a result of short-term consumption, within 24 hours after the violation. States should make available to the public annual reports on breaches of the national requirements on the quality of drinking water in public water supply within the state. The public should have access to reports and to be able to comment on the annual list of priority projects eligible for public funding. States provide publicity of evaluation results as sources of water supply. Community water systems are to prepare an annual «consumer confidence report» on the source of their drinking water and the levels of

contaminants found in the drinking water. The report is to be sent to all customers by mail [8]. Thus, we can conclude that in Safe Drinking Water Act Amendments of 1996 considerable attention was paid to improving the awareness of consumers about the quality of drinking water.

Undoubtedly, a huge positive is the fact that the US private industry receives assistance for a variety of activities directed to environmental protection. State subsidies play important role in this aid. Along with direct subsidies to industry in the US indirect subsidies, subsidies provided by the municipality exist, which are used for the construction of sewage treatment plants and recycling industrial waste. Subsidies to some extent encourage further investment, leading to increased operating costs of US corporations on the environment. Additional environmental measures are the reduction of tax rates and privileged government subsidies to companies that reorganize their production in order to reduce emissions [9, p. 147].

The quality of drinking water depends not only on treatment technologies, but primarily on the effectiveness of regulatory legal acts regulating drinking water supply. US law that regulates drinking water, based on a scientific risk assessment which cause certain pollutants on human health. The general trend of development of regulatory requirements for the quality of drinking water used in the US, is characterized by the increasing number indicators that are normalized and monitored. Significant legislative instruments are subsidies, loans and tax incentives. At the same time strict penalties for violators are applied.

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В статті досліджується нормативно-правове регулювання питного водопостачання в США, здійснено аналіз положень Закону США про безпечну питну воду, розкрито повноваження Агенства з охорони навколишнього середовища у сфері забезпечення якісного питного водопостачання. Розкрито механізми забезпечення запобігання забрудненню джерел води, зміст державних програм із захисту водних ресурсів. Особливу увагу було приділено положенням Закону про безпечну питну воду, які встановлюють зобов'язання оприлюднення інформації, що стосується питного водопостачання.

Водопостачання, законодавство, Закон США про безпечну питну воду, Агенство з охорони навколишнього середовища.

В статье исследуется нормативно-правовое регулирование водоснабжения в США, проведен анализ положений Закона США о безопасной питьевой воде, раскрыты полномочия Агентства по охране окружающей среды в сфере обеспечения качественного питьевого водоснабжения. Раскрыты механизмы обеспечения предотвращения загрязнения источников воды, содержание государственных программ по защите водных ресурсов. Отдельное внимание было уделено положениям Закона о безопасной питьевой воде, устанавливающим обязательства обнародования информации, касающейся питьевого водоснабжения.

Водоснабжение, законодательство, Закон США о безопасной питьевой воде, Агентство по охране окружающей среды.