

Ross Says Long-Term Focus Shaped Water Policies During Trump EPA

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Trump EPA water chief Dave Ross says many of the major policy initiatives he pursued while at the agency focused on the long-term impacts of taking a holistic approach to water management and seeking to ensure the water sector workforce is secure, while noting the work of career staff in promulgating a large number of rules.

But in an exclusive interview with *Inside EPA* he acknowledged that key Trump-era water policies could face revision or repeal under the Biden administration or as the result of ongoing legal challenges.

As assistant administrator for the Office of Water (OW) starting in January 2018 until the end of the Trump administration, Ross was at the center of high-profile policy debates such as the reach of the Clean Water Act (CWA) and how to address per- and per- and polyfluoroalkyl substances (PFAS), but “I tried to keep my eye on the long-term” issues that transcend policy debates, he said in the interview after leaving EPA.

Ross said he sees his legacy at the agency covering three areas, with the most important focused on making sure drinking water is safe and surface water is protected, something he said is directly tied to water treatment plants. “We forget about them,” he said, referring to plant operators. “They’re the true environmental heroes,” and while at EPA, “I had to keep my eye on that ball.”

A second area is “all the rules we did,” including the lead and copper rule (LCR) under the Safe Drinking Water Act (SDWA), the revised definition of waters of the United States (WOTUS), and the CWA section 401 water quality certification rule, as well as approving Florida’s assumption of the CWA section 404 permitting program.

Ross acknowledged that some of the rules will be undone by future administrations, and that the “courts will probably decide the legacy” of some of the regulations.

The third area is the work flow through OW and the improvements adopted to get decisions made on time, Ross said. He noted the office’s accomplishments in [reducing backlogs](#) in permitting decisions, Freedom of Information Act decisions and approval of state water quality standards.

“We were processing decisions efficiently,” Ross said. “Hopefully it sticks.”

Ross’ first job after completing his undergraduate degree was working on water reclamation for the city of San Diego in California, and when he came to EPA he had a renewed interest in the topic. Clearly, water reuse had come a long way from the 1990s, but it had not come far enough, Ross said, adding that he wanted to accelerate the progress.

Water reuse has the potential to affect all states, whether they are arid or not, because all parts of the country have a growing interest in water sustainability and availability, he said. The challenge was determining how EPA could play a role as it is primarily a regulatory agency and water reuse is not an area that fits neatly into the agency’s traditional tasks.

Ross said he considered whether the agency should lead as a regulator, researcher or financier before settling on a role as a convener to bring together multiple federal agencies, states, industry and others to develop what became [the Water Reuse Action Plan](#). And he said the action plan is

significant because it “is truly an action plan” and not just words on paper. The online nature of the plan makes it very transparent and easy to track everything in terms of what entity is responsible for what action and whether they have accomplished it, he said.

The interagency nature of the action also played a role in driving [a strategic reorganization of OW](#) and the creation of the Trump administration’s [water subcabinet](#), Ross said. “That was one of the real challenges. Where was its home?” he said of the water reuse team at EPA.

Ross noted that Radhika Fox, currently the acting head of OW for the Biden administration, also brings a focus on the “one water” concept to EPA from her time as head of the US Water Alliance, which could continue the agency’s involvement in a broader look at water management beyond just water quality.

Water Infrastructure

The OW reorganization also elevated the role of water infrastructure investment through the Water Infrastructure Finance and Innovation Act (WIFIA) loan program, which Congress created in 2014 but did not issue its [first loans](#) until 2018.

On “a short list of what I spent my time on” at EPA, “WIFIA is at the top,” Ross said. He praised the work that Andrew Sawyers, director of the Office of Wastewater Management, did to implement the WIFIA program. Sawyers “really spent a lot of time thinking about” how to ensure WIFIA would be “a legacy program,” Ross said.

Helping to launch [the America’s Water Sector Workforce Initiative](#), which is aimed at ensuring there are trained water sector employees as the field prepares for the retirement of roughly a third of the sector’s workforce, was also a highlight, he said.

Ross said he spent the first four years of his career working with water plant operators and, as head of OW, was in a position to ensure the vitality of the water sector.

Ross also noted the agency’s development and early implementation of its PFAS action plan was spearheaded by the Office of Ground Water and Drinking Water (OGWDW) even though it also contains actions that fall under other agency program offices.

“There’s a lot of opinion about PFAS in this country,” but the action plan is significant as a framework document, he said, noting that key staff met quarterly to track the agency’s progress. OGWDW staff also put in a “huge amount of work” [to revise the LCR](#), Ross said. “Talk about a team committed” to “getting it done.”

Completing the LCR “was a heavy, heavy lift,” and OGWDW staff “worked ridiculous hours to get that thing done,” but the changes were long-needed and it was important to close several regulatory loopholes that did not force drinking water systems that exceeded the lead action level to go after the root causes of the problem, he said.

Although controversial, the rule will have significant, positive public health impacts, he said.

Asked what he found most surprising about his time as head of the water office, Ross replied, “Just the breadth and scope of the office.” He initially thought about the office as focused on “big ticket” CWA items, such as defining WOTUS, but he ended up spending just as much time on the drinking water program both because of the LCR revisions and other less high-profile actions that the “outside world” does not pay as much attention to, he said.

Ross’ Senate Environment & Public Works Committee confirmation hearing in October 2017 also included testimony from Michael Dourson, who had been nominated to serve as the assistant administrator for the Office of Chemical Safety and Pollution Prevention and was questioned extensively by Sen. Kirsten Gillibrand (D-NY) about the human health risks of a specific PFAS -- perfluorooctanoic acid (PFOA).

Ross said he listened to the questions and answers and thought, “Wow, that sounds really complicated,” but did not realize he would be spending so much of his time on PFAS issues, thinking instead that WOTUS and other long-standing CWA issues would take up most of his time.

OW has a very diverse portfolio, Ross said, noting that it also includes emergency response and cyber security roles and that those roles came to the forefront during 2020 with the COVID-19 pandemic.

“I parked a bunch of rules” OW had planned on developing in 2020 “because we had to pivot” to deal with the pandemic, especially in the early days when there were concerns about ensuring drinking water and wastewater treatment plants could continue to operate if plant operators became sick, he said.

The most challenging part of the job was “just the pure amount of work,” Ross said. “To do the job well, it is just unrelenting. I love to work, but I always felt that if I didn’t put everything into it, I was the bottleneck” preventing things from happening.

Additionally, “everything we did was politicized” so the “amazing work” by career staff did not get recognized, he said. “People poured their heart and soul into LCR,” and senior staff “should have been able to take more victory laps.” -- *Lara Beaven* (lbeaven@iwpnews.com)

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