

# ASK THE GOVERNOR TO SIGN

## AB 1242 [RUSKIN] –THE HUMAN RIGHT TO WATER BILL

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### IN BRIEF

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More than 150,000 California residents lack safe water for drinking, bathing, and washing dishes. Even more have water service disconnected because they cannot afford to pay their water bill. This legislation will establish the right of every human to have access to clean water for basic human needs as a State policy and instruct State agencies to conform their practices and programs to this policy.

### THE ISSUE

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More than 11.5 million Californians rely on water supplies that faced at least one violation of State Drinking Water Standards. As many as 8.5 million of us rely on supplies that experienced more than five violations in a single year. In far too many communities, whose sole water supply is contaminated, families unable to afford treatment are often left entirely without safe water. The Central Valley and Central Coast regions, where more than 90% of the communities rely solely on groundwater, are at particular risk.

In addition to public health threats, Californians are faced with rising water bills to treat contamination and upgrade old infrastructure, which if neglected could even offset the benefits of treatment. California does not have a universal statewide lifeline water rate or allocation – similar to our lifeline rates for energy and phone service – so when costs become excessive, families cannot pay their bills and, thereby, they risk losing water service entirely.

### EXISTING LAW

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Existing Public Utilities Code Section 739.8 establishes “access to an adequate supply of healthful water [as] a basic necessity of human life, and shall be made available to all residents of California at an affordable cost.” This statute applies to all water providers regulated by the California Public Utilities Commission. In addition, section 116270 (a) of California Health and Safety Code reads: “Every citizen of California has the right to pure and safe drinking water.”

Dozens of state agencies have some regulatory authority over potable water availability and quality including the Department of Public Health, the State Water Resources Control Board, and the Department of Water Resources.

Unfortunately, even with existing statutes in place, many of the relevant agencies are not included in implementation. AB 1242 makes it clear that all relevant

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state agencies should prioritize implementation of this policy.

### FIRST STEP SOLUTION

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AB 1242 creates a policy of the State that includes all State agencies, in addition to those agencies regulated by the PUC and Health and Safety Codes, that share responsibility for the quality and supply of potable water. By doing so we ensure that all agencies appreciate their role in ensuring that every person has access to clean, affordable water.

Adding a provision to the Water Code explicitly stating that access to an amount of clean water necessary for basic human needs is a “right” of every Californian and instructing State agencies, dealing with water resources, to conform their programs and practices to this policy will pave the way to ensure that every Californian will someday be able to confidently fill a glass of water from their tap and serve it to their families.

### LONGER TERM SOLUTION

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By setting a clear priority on providing clean affordable water for basic human needs, the Legislature will unmistakably focus State efforts on closing the existing gap that persists between protecting drinking water and ensuring all residents have a sufficient supply of clean water so as to sustain healthy living.

In the longer term, this bill will help identify and generate solutions to hurdles that frustrate the provision of clean drinking water to all people, including:

- Lack of long-term monitoring of drinking water quality.
- Apparent conflict between the State’s interest in ensuring public health and the view that ground water is a local issue.
- Inadequate understanding of the trade-offs and integration in decisions regarding ground water and surface water.
- Gaps in regulating the quality of ground water used largely for drinking and other personal uses.
- Inability of some communities to be self-sufficient in providing clean water due to inadequate financial resources and inappropriate allocation of costs.
- Need to ensure maximum value from the allocation and use of existing and future funding.
- Inappropriate allocation of costs to ensure a reliable supply of clean drinking water to meet everyone’s basic health needs.

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# Water Justice Facts



## The Facts About AB 1242 (Ruskin) Human Right to Water

AB 1242 protects water systems from new mandates on their services:

*“106.3 (d) The implementation of this section shall not infringe on the rights or responsibilities of any publicly regulated water system.”*

This means that a water system would **not** be required to continue service if a ratepayer failed to pay their bill.

AB 1242 only asks state agencies to do what is “reasonable” to implement the policy:

*“106.3 (b) Relevant state agencies, including the department, the state board, and the state department of public health, shall employ all **reasonable** means to implement this state policy.”*

AB 1242 does not prescribe a statewide solution to the complicated challenge of providing safe water to every Californian. Instead, AB 1242 empowers the boards and departments to exercise their expertise in crafting solutions that they can implement using their existing authority or return to the Legislature for necessary changes in statute.

AB 1242 is a separate section of code from Section 106. It does **not** in any way impede, supersede, or narrow Section 106 that establishes domestic water use as the highest use of water.

### **Co-Sponsors:**

*Alliance for Democracy • Community Water Center • Environmental Justice Coalition for Water  
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