

***Resolution Regarding the Creation of State Legislative “Safe Harbors” from Lawsuits  
Alleging Injuries Received from Drinking Water that is in Compliance with State and Federal  
Drinking Water Standards***

**WHEREAS**, The National Association of Regulatory Utility Commissioners (NARUC) recognizes that citizens expect, and the regulatory commissions and agencies of all States strive for high-quality, safe and reliable drinking water to be provided by their community drinking water system; *and*

**WHEREAS**, The citizens, the regulatory commissions and agencies of all States expect companies that provide drinking water to comply with all federal and State safe drinking water laws and to provide drinking water at the tap that is reasonably suitable to meet all household purposes; *and*

**WHEREAS**, Litigation against water companies seeking to impose liability on water companies, even though those water companies have supplied drinking water in compliance with all federal and State safe drinking water standards, will undermine the consistent, science-based federal drinking water standard setting process, legislatures’ statutory role and commissions’ regulatory role in setting safe and reliable drinking water standards, and will place an undue economic burden on water companies and their ratepayers; *and*

**WHEREAS**, Financial commitments to water infrastructure improvements and maintenance already have placed a heavy economic burden on many water companies and their ratepayers; *and*

**WHEREAS**, At least two State legislatures have passed legislation providing a safe harbor from liability for drinking water providers that are in compliance with federal and State safe drinking water laws; *and*

**WHEREAS**, In one case, the California Supreme Court in 2002 and the California Court of Appeal on remand in 2007 have affirmed unanimously that drinking water utilities regulated by the California Public Utilities Commission enjoy a safe harbor from liability as long as they operate in compliance with all State and federal drinking water standards; *now, therefore, be it*

**RESOLVED**, That the Board of Directors of the National Association of Regulatory Utility Commissioners, convened in its 2008 Winter Meetings in Washington, D.C., believes that citizens of every State must have access to a supply of safe and reliable drinking water at reasonable prices; that water service providers must have the ability to supply these water needs in a safe, cost-effective manner to promote the general welfare; that companies providing drinking water should comply with federal and State safe drinking water standards; and that companies complying with federal and State safe drinking water standards should not be subject to lawsuits claiming injuries from drinking water; *and be it further*

**RESOLVED**, That in order to promote the foregoing principles, NARUC encourages States to consider enacting legislation or adopting regulations which provide a “safe harbor” from liability for any water purveyor operating in the State that provides water in compliance with federal and State safe drinking water standards and reasonably suitable for all household purposes.

---

*Sponsored by the Committee on Water  
Adopted by the Board of Directors February 20, 2008*