



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF WATER

October 11, 2023

MEMORANDUM

SUBJECT: Withdrawal of Cybersecurity Memorandum of March 3, 2023

FROM: Radhika Fox
Assistant Administrator

A handwritten signature in black ink, appearing to be "R. Fox", written over a horizontal line.

TO: State Drinking Water Administrators
Water Division Directors in Regions I-X

Due to litigation (*State of Missouri, et al v. U.S. EPA*), the U.S. Environmental Protection Agency (EPA) has chosen to rescind the interpretive memorandum issued on March 3, 2023, *Addressing Public Water System Cybersecurity in Sanitary Surveys of an Alternate Process*.

This memorandum conveyed EPA's interpretation that existing regulations required states to include an evaluation of the cybersecurity of operational technology during their audits of public water systems, termed sanitary surveys, or through an equivalent alternate process. On July 12, 2023, the U.S. Court of Appeals for the 8th Circuit stayed the memorandum under the litigation. Today's action to rescind the memorandum means that this interpretation is now withdrawn from EPA's public water system supervision program.

EPA continues to believe that adopting cybersecurity best practices at public water systems is essential to providing safe and reliable drinking water. Cybersecurity attacks on water and wastewater systems occur frequently and are a significant threat to their operations. EPA encourages all states to voluntarily engage in reviewing public water system cybersecurity programs within the sanitary survey or an alternate process to ensure that deficiencies are corrected, and potential public health impacts are minimized. EPA will continue to support both states and water and wastewater systems by providing technical assistance in the form of cybersecurity risk assessments, subject matter expert consultations, training, and funding.

The Biden-Harris Administration has prioritized cybersecurity, releasing the National Cybersecurity Strategy in March 2023, with a focus on ensuring our Nation's critical infrastructure is resilient. The Strategy will guide the agency's work moving forward in partnership with the sector to lower cybersecurity risks to clean and safe water.