



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

Proponent Testimony on H.B. 512
Director Craig W. Butler
Senate Energy and Natural Resources Committee
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Good afternoon, Chairman Balderson, Vice Chair Jones and members of the Senate Energy and Natural Resources Committee. I am Craig Butler, Director of Ohio EPA, and I appreciate the opportunity to testify in support of House Bill 512, sponsored by Representative Ginter. This bill is focused on strengthening public trust among Ohioans and the safety of drinking water in their communities. I applaud the House for unanimously passing this bill 94-0.

Having access to safe and reliable drinking water is critical. It's an essential building block of life and community, and having a safe abundant supply is essential. When I talk to the public about drinking water quality and whether they trust that it is safe, I like to illustrate their belief by asking two simple questions: 1- How many people in the room brushed their teeth today? And 2- if you did, did you think twice about rinsing your brush or your teeth with water from the faucet? I hope and expect the answers you gave are yes and no, and hopefully in that order.

The US enjoys some of the best water in the world. More than 55,000 community public water supplies across this country manage the complex task of treating and delivering water that is safe to drink and provides arguably the safest water ever produced.

However, we hear recently of communities across the country that have high lead levels in samples taken from home faucets. Sensitive populations in that community (children and pregnant women) are then forced to use bottled water while problems are fixed. Not only is this a disruption in daily life, but it threatens public trust and leaves the public to question whether their water is safe and if the federal Safe Drinking Water Act is meeting its goals.

While Representative Ginter has just outlined for you some of the changes proposed in H.B. 512, I would like to explain in more detail the current lead program under the federal Safe Drinking Water Act and some basic detail about how drinking water may become contaminated with lead.

First, public water systems are required to test for lead in drinking water by sampling residential homes that are older or are known to have lead service lines. These service lines, or old fixtures inside the home, often contain lead because of the way they were manufactured, and are the primary source of lead exposure through drinking water. It is an important point to note that except in very rare circumstances, lead is not found in the source water (rivers or wells) used by a public water

system to provide water, nor is it found in the community's pipes that bring water down the street to your house. No, as I just noted, the primary source is from something called a lead service line. This is the small line from the street to your home, or from old fixtures or plumbing in your home that may contain lead. This is why when public water systems test for lead, they look for homes that specifically have lead service lines to use during testing so they can be a community sentinel to identify if there is a problem.

Under current law, as prescribed by the federal government, after sampling, samples are sent to a laboratory that is certified by Ohio EPA to test for lead. These samples are allowed to sit for up to six months before being run by the lab. Once the public water system receives the results from the laboratory, they are required to provide the sampling data to every homeowner who volunteered to have their water tested within 30 days of receiving the data.

The public water system is also required to determine if more than 10 percent of the samples collected are above the federally allowable level of 15 parts per billion, the federal safe drinking water "action level." If so, the public water system is considered to have failed (called an action level exceedance) and must notify all of its customers within 60 days of the failure and include information on how to reduce their lead exposure. An action level exceedance also triggers the requirement for the public water system to start a corrosion control study to determine how to fix the problem. The public water system has 18 months to complete a corrosion control study before it is required to begin fixing the problem, and can abandon this program if additional testing shows improvement.

Putting it mildly, these federal timelines to me, are very long – too long – and do not indicate that the federal lead program is set up to first account for public health. Having up to 6 months to run samples through the laboratory, as well as a 30-day disclosure requirement for water systems to alert those homeowners who were tested of their results, even if the results showed an exceedance of the 15 part per billion limit, is not acceptable. Having 60 days to explain to all of its customers of a system-wide lead problem is clearly too long and must change quickly. Individual homeowners, and all public system water users, must be made aware of problems and be provided with critical information much sooner so they can be protected from exposure to high lead levels.

Unlike other provisions of the Safe Drinking Water Act, it is clear that this federal lead rule as it is written and implemented across the country is first and foremost a test to see how the public water system is operating – a treatment technique rule. However, it does not prevent or even minimize exposures to lead. H.B. 512 would dramatically shorten these timeframes to provide nearly immediate information to the affected population about limiting lead exposure and protecting public health.

During the House debate, there was much discussion on the two-day requirement for system operators to inform residents who furnished samples. This requirement, in our opinion, is completely reasonable with the technology available today for outreach to a relatively small number of residents (email, PSA, social media).

Protecting public health and ensuring the safety of public drinking water is a top priority in Ohio. Arguably, Ohio has one of the best programs in the country to regulate public water systems and provide safe drinking water. The new actions public water systems would be required to take under H.B. 512 to warn and advise the public if lead levels are too high will strengthen our programs and help us continue to be a national leader.

Governor Kasich and I believe that Ohio must move quicker than these extended federal timeframes. Changes are needed now to meet the public's expectation that water from nearly 1,900 public water systems in Ohio is safe from elevated levels of lead, and that if excess lead is found through testing, individual homeowners and communities at large are quickly notified and provided with appropriate health-based guidance to minimize exposure while problems are identified and fixed. This proactive legislation helps protect Ohioans from lead contamination in drinking water by getting information to them faster.

House Bill 512 will also strengthen state standards to protect Ohioans by reducing lead in new construction. The Governor's EPA Lead Mid-Biennium Review will revise the state's "lead free" definition for new construction to be consistent with a January 2014 federal law mandating the lowering of allowable lead in plumbing products from 8% to .25%. This change is important as it will lessen the chances of lead leaching from plumbing into drinking water. Also, U.S. EPA has delegated the federal drinking water program to Ohio. In order to keep this delegation, we must comply with all federal laws. As long as Ohio's law is less stringent than the federal law, we are not complying with this requirement and it is a concern to long-term program implementation.

Schools generally do not have lead service lines, but they may have fixtures such as drinking water fountains that contain lead or brass in fixture parts, especially if they are older. Since children are one of the most at-risk groups from lead it is important to find out if any fixtures at schools are affected. Again, and unthinkably, the current federal lead program does not require testing at schools because it is exclusively set up to determine how the water treatment plant is operating, not about where the water goes and who may be consuming it and at risk.

Another goal of H.B. 512 is to coordinate state resources for financial assistance to communities and schools to help prevent and fight lead contamination. The spending authority for the Ohio Facilities Construction Commission to assist public and private schools with identifying and replacing water-service fixtures and water fountains that may contribute to high lead levels has moved to another bill. But partnering with the Ohio Facilities Construction Commission and Ohio Water Development Authority, to help make funding available to test and remove water fountains and fixtures that exceed the federal threshold is a major part of our lead response. Communities will also be able to seek grant and loan assistance from the Ohio Public Works Commission to replace lead service lines that pose a risk to water quality.

As I wrap up my testimony and we begin to talk about the technical details of the legislation, I leave you with this statement: We cannot afford to wait for the federal government to make changes in 2017, 18 or 19. We need to move quickly and pass this bill to better protect Ohioans. Ohioans expect and deserve safe drinking water that they can without question or concern have unshakeable confidence in. They deserve to know of problems as soon as possible so they can protect themselves and their families, and parents deserve to know that the water their children drink at school is safe. This bill does all of these things and makes critical infrastructure resources available to communities to fix and upgrade their public water systems.

Thank you again for the opportunity to testify today. House Bill 512 is proactive legislation that will protect Ohioans and continue to keep Ohio leading the way in protecting our drinking water. Ohio EPA is committed to protecting the environment and public health, and I ask for your support of this legislation. I would be happy to answer any questions.