

Association of Ohio Drinking Water Agencies, Inc.
Tyler S. Converse, President
S.B. 143 Opponent Written Testimony
Before the Senate Agriculture and Natural Resources Committee
June 15, 2021

Chairman Schaffer, Vice Chair Huffman, Ranking Member Fedor, Members of the Committee, thank you for the opportunity to present written testimony on behalf of the Association of Ohio Drinking Water Agencies, Inc. (“AODWA”). My name is Tyler Converse and I serve as President of AODWA; AODWA opposes Senate Bill 143, which will require that Ohio EPA adopt rules setting a Maximum Contaminant Level (“MCL”) for aluminum of no more than .2 mg/L.

AODWA represents the interests of Ohio’s drinking water agencies. AODWA’s members include the cities of Akron, Avon Lake, Canton, Cincinnati, Cleveland, Columbus, Dayton, Delaware, and Warren and Del-Co Water Company. A fundamental purpose of our organization and its members is to ensure safe and clean drinking water for Ohioans.

Many Ohio utilities use a form of aluminum (including coagulant aluminum sulfate, alum, polyaluminum chloride) in their *treatment* processes, to ensure safe and clean drinking water. If Ohio drinking water treatment agencies are prevented or restricted from using these treatment methods, then this would threaten Ohio’s drinking water and create unnecessary risks to public health. These restrictions would also significantly increase the risk of wide scale waterborne disease from organisms such as giardia and cryptosporidium.

In addition, some forms of aluminum—particularly alum—are used to treat organic carbon. When utilities add chlorine to disinfect drinking water, organic compounds react with chlorine, and form additional compounds that present risks to human health (including some carcinogenic compounds). Accordingly, by restricting the use of alum, SB 143 would impede the ability of treatment agencies to eliminate these other harmful compounds.

Furthermore, many utilities currently use an aluminum-based coagulant, but SB 143 may force these utilities to switch coagulants. In connection with this switch, utilities may experience increased corrosivity of their water, potentially *increasing* lead levels in the drinking water. As a result, SB 143 could hinder the efforts of other legislative initiatives such as H2Ohio, which are designed to eliminate lead in drinking water.

Meanwhile, the United States Environmental Protection Agency has passed certain regulations pertaining to aluminum, but only as *secondary* drinking water regulations. U.S. EPA has explained that these secondary regulations “are established as guidelines to assist public water systems in managing their drinking water for *aesthetic considerations*, such as taste, color, and odor. *These contaminants are not considered to present a risk to human health[.]*”¹ Accordingly, SB 143 would increase risks to human health to address substances that do not present health risks to the general population.

By restricting current treatment processes, SB 143 would also lead to the unintended consequence of imposing costs on public ratepayers without a proportional benefit for the general public.

¹ <https://www.epa.gov/sdwa/secondary-drinking-water-standards-guidance-nuisance-chemicals>

In light of the complex nature of these processes and the associated cost-benefit analysis, AODWA suggests that any decision associated the regulation of aluminum should be the product of a careful and deliberate health-based approach. This approach should rely on the technical expertise of a variety of stakeholders and local, state, and federal public bodies, among others. By contrast, SB 143 inappropriately compels Ohio EPA to take certain actions without an associated science-based process.

Finally, AODWA understands that this legislation is in response to certain concerns within a healthcare setting. However, Ohio's drinking water utilities appropriately are not required to produce water that suits all medical, industrial, and commercial needs. In some cases, organizations provide post-treatment to address the unique needs of a particular industry or business. By requiring all Ohio utilities and ratepayers to respond to a concern of a specific group or industry, SB 143 would set a concerning precedent to the detriment of the public.

As a result, AODWA opposes SB 143's proposal to require Ohio EPA to pass a rule setting an MCL for aluminum. Mr. Chairman, Members of the Committee, your attention and consideration in this matter are very much appreciated.