



THE VOICE OF OHIO'S HIGH-TECH CHEMISTRY COMMUNITY...  
MAKING A BETTER WORLD FOR ALL OHIOANS.

JENN KLEIN, PRESIDENT

#### Board of Directors

Chair – Rich Rogers  
Covestro

Vice Chair – Seth Tomasch  
Gabriel Performance Products

Treasurer – Karleen James  
Dover Chemical

Past Chair – David Hurder  
McGean

John Ambrozio  
Kraton Polymers  
Chuck Almroth  
Jones-Hamilton Company

Ken Armstrong  
RPM International  
James Bull  
Capital Resin Corporation

Joseph Bush  
Solvay  
Fernando Carvalho  
Ashland  
Mike Groh

Emery Oleochemicals  
Steel Hutchinson  
GFS Chemicals  
Daniel Isaacson

The Lubrizol Corporation  
Richard Jackson  
ASHTA Chemicals  
Joseph Bianco  
INEOS Nitriles

Jonathan Kammerer  
Americas Styrenics  
Matthew O'Connor  
Zaclon LLC  
Rob Paxton

Shepherd Chemical Company  
MJ Rea-Jordan  
Univar

Heather Rutz  
Husky Lima Refinery  
Chris Shaul  
DuPont

Terry Snell  
BASF  
Hadley Stamm  
PPG

Tom Steib  
The Elco Corporation

June 15, 2021

### **Ohio Chemistry Technology Council Testimony In Opposition to Senate Bill 143**

Chairman Schaffer, Vice Chair Huffman, Ranking Member Fedor and members of the Senate Agriculture and Natural Resources Committee, my name is Andy Swaim. I am the Director of Government and External Affairs for the Ohio Chemistry Technology Council (OCTC). Thank you for the opportunity to testify in opposition to Senate Bill 143 (SB 143).

OCTC is the leading advocate for Ohio's chemistry industry. Ohio is the third largest chemical manufacturing state in the United States. The chemistry industry in Ohio employs nearly 40,000 people, pays an average wage of over \$85,000, and ships more than \$5.6 billion in products worldwide every year. Our member companies are heavily regulated at the state and federal levels and we routinely engage with policymakers and regulators to ensure the integrity of Ohio's regulatory structure.

Senate Bill 143 would set many precedents in the manner by which drinking water is regulated in Ohio. Furthermore, SB 143 is an disproportionate response to the issue of portable dialysis machines not operating on tap water. According to the National Kidney Foundation, there are roughly 14,000 dialysis patients in Ohio. The OCTC is sympathetic to the struggle being experienced by those Ohioans who are suffering with life-threatening ailments such as kidney disease. While the intent of this bill shows incredible compassion for those individuals, the OCTC has several concerns that this bill is not the best public policy for Ohio as a whole.

The National Primary Drinking Water Regulations (NPDWR) are standards that are applied to public drinking water systems that are designed to protect public health by limiting the levels of contaminants in drinking water. There are currently no enforceable standards for aluminum in drinking water, and this is consistent with the fact that the body of evidence surrounding aluminum in drinking water shows that there are no



THE VOICE OF OHIO'S HIGH-TECH CHEMISTRY COMMUNITY...  
MAKING A BETTER WORLD FOR ALL OHIOANS.

JENN KLEIN, PRESIDENT

significant health consequences in those individuals with functioning kidneys.

SB 143 would require the Ohio Environmental Protection Agency (OEPA) to set a maximum contaminant level (MCL) for aluminum in drinking water, and would set a ceiling for that MCL at 0.2 milligrams per liter (mg/L). OCTC does not support MCLs that include codified numerical limits or boundaries. We believe that authority should be controlled at the regulatory level, since regulatory bodies often employ and engage with stakeholders who are subject matter experts. It is also important to note that the ceiling of 0.2 mg/L in this bill is based on a secondary drinking water standard.

Secondary standards are non-enforceable guidelines designed to help manage drinking water for aesthetic, cosmetic and technical considerations. Aesthetic effects in drinking water include undesirable tastes and odors. Cosmetic effects can include teeth or skin discoloration. And, technical effects such as the one set for aluminum, is meant to prevent scale and other mineral deposits from building up and impairing the mechanical infrastructure of our water systems. Therefore, implementing a health-based MCL that is derived from a technical/mechanical standard is unscientific.

SB 143 would also require OEPA to consider the MCLs and MCL research of other states in their development of the standard. OCTC does not support using other states as a barometer for this type of policy, but rather would expect regulators to use the best available scientific evidence to make any such standard.

Additionally, the OCTC has concerns that SB 143 mandates the MCL be not less stringent than U.S. EPA health advisories. U.S. EPA health advisories are not subject to notice and comment rulemaking and are not intended as enforceable standards. The U.S. EPA does not currently have a health advisory on aluminum. Therefore, this bill would be delegating the formulation of Ohio's legally binding drinking water standard to a federal agency's internal processes.

OCTC supports regulations that are based in sound science and common sense and those that have been vetted through the appropriate state and federal regulatory agencies. SB 143 fails to meet any of these standards. Thus, OCTC opposes this legislation. Thank you for the opportunity to testify today, and I am happy to answer any questions you may have.