



OREGON WATER UTILITY COUNCIL
Pacific Northwest Section, American Water Works Association

February 20, 2019

The Honorable Senator Taylor
The Honorable Representative Reardon
Co-Chairs, Joint Committee on Ways and Means Subcommittee on Natural Resources
900 Court St. NE
Salem, OR 97301

Subject: OWUC Comments on HB 5017

Dear Chair Taylor, Chair Reardon and Members of the Committee:

The Oregon Water Utility Council (OWUC) appreciates the opportunity to comment on the Oregon Department of Environmental Quality (DEQ) Budget. The members of OWUC collectively help manage water resources for more than 75% of Oregon's population and are committed to the protection of public health through the delivery of safe drinking water to the communities we serve.

In May 2018, a cyanobacteria bloom in Detroit Lake resulted in multiple detections of cyanotoxins above Health Advisory Levels set for vulnerable populations in the City of Salem's drinking water system. In response, the Oregon Health Authority (OHA) issued a temporary rulemaking process, requiring susceptible drinking water providers to test for cyanotoxins – total microcystins and cylindrospermopsin – every other week through October 31, 2018. At that time, water providers lacked an in-state laboratory to perform the analytical technique required by the rulemaking, enzyme-linked immunosorbent assay (ELISA). The Oregon Department of Environmental Quality (DEQ) Laboratory quickly developed the capabilities to perform cyanotoxin analysis via ELISA. The lab became a valuable resource for nearly all water providers required to perform cyanotoxin monitoring.

A policy option package (POP) submitted in Fall 2018 by DEQ for continued cyanotoxin analyses at their laboratory was not approved, followed by the final OHA rules, effective January 2019, requiring susceptible drinking water providers to test for cyanotoxins. While water providers are supportive of this monitoring requirement, the final rules pose significant challenges to water providers due to the lack of laboratory capacity to run the analytical technique.

As written, water providers cannot comply with the final OHA rules requiring laboratory accreditation for cyanotoxin testing because there are no labs that meet the standards required for accreditation. The final rulemaking specifically called out the use of the DEQ Environmental Quality Laboratory as a resource of water providers, or another accredited lab.

In summary, there are no Oregon Environmental Laboratory Accreditation Program (ORELAP) labs approved for the specified methods in the State of Oregon. Labs accredited for cyanotoxin analysis through the National Environmental Laboratory Accreditation Program (NELAP) can often fulfill this requirement; however, there are currently no labs in the country that meet the Oregon standard. Left



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unfunded, the DEQ lab cannot analyze any samples for water providers, leaving drinking water providers throughout the state of Oregon with no in-state laboratory capacity and no labs in the country that meet the accreditation standards specified in the final rules.

Furthermore, during the Summer of 2018, it was observed that the time to send samples to laboratories outside of Oregon and receive data resulted in days of waiting to determine if drinking water was safe. Timelines for receipt of data were even longer for samples collected over weekends and holidays. In the interest of public health, OHA's final cyanotoxin monitoring rules require samples to be analyzed within 24 hours (1-business day) of receipt of samples and data returned within 72 hours. Even if OHA provides an exception to laboratories that are approved by the US Environmental Protection Agency and NELAP, the turnaround time for sample analysis further limits options for water providers. Finding laboratories that can guarantee rapid laboratory analysis and reporting on routine samples can prove difficult and costly. Shipping samples overnight and out of state further delays processing and analysis.

Water providers understand the need for timely data analysis, and the lack of in-state laboratory capabilities presents a significant challenge in achieving these goals. The Oregon DEQ must be provided with the necessary funding to perform cyanotoxin analyses for drinking water providers. This laboratory provides in-state support of water providers and its proximity allows for more rapid data analysis and reporting, greatly enhancing public health protection.

Cyanotoxin events and monitoring during the Summer of 2018 highlighted an imperative need for laboratory analysis via ELISA to be available in-state. The time to send samples to laboratories outside of Oregon and receive data resulted in days of waiting to determine if drinking water was safe. The Oregon DEQ Laboratory filled this void, giving water providers a valuable resource to meet sampling and reporting timelines required by OHA, and more importantly, demanded by Oregonians. The lack of approval of the DEQ cyanotoxin analysis POP suggests disinvestment in the safety of the drinking water provided to Oregonians. **OWUC is urging legislators to invest in public health and safety, and help water providers serve our communities with clean, safe drinking water by including additional funding in the DEQ budget for the Oregon Department of Environmental Quality Laboratory to continue providing analysis for cyanotoxin monitoring.**

Sincerely,

Joel Cary
OWUC Secretary/Treasurer

Karen Kelley
OWUC Chair

Mike Grimm
OWUC Vice Chair