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Memorandum

Date: May 3, 2019

To: The Honorable Senator Michael Dembrow, Chair
Senate Committee on Environment and Natural Resources

From: André Ourso, Administrator, Center for Health Protection

Subject: Requested information regarding OHA authority to regulate and set public drinking water standards

Thank you for the opportunity to testify in support of HB 2250 on Tuesday April 30, 2019. In response to Senator Bentz's question about whether the Oregon Health Authority (OHA) has the authority in state law to require certain drinking water standards and regulations that may fall under the purview of the federal Safe Drinking Water Act (SDWA) or to require drinking water standards and regulations absent those standards in the SDWA, the answer is yes.

ORS 448.123 sets forth the purpose of the statutes governing public water suppliers and water systems in Oregon. ORS 448.123 provides in part:

It is the purpose of ORS 448.119 to 448.285, 454.235 and 454.255 to:

- (a) Ensure that all Oregonians have safe drinking water.
- (b) Provide a simple and effective regulatory program for drinking water systems.
- (c) Provide a means to improve inadequate drinking water systems.

Further ORS 448.131 prescribes the authority of the OHA to set standards to ensure safe drinking water. ORS 448.131 provides in relevant part:

- (1) The Oregon Health Authority shall adopt water quality standards that are necessary to protect the public health through insuring safe drinking water within a water system.
- (2) In order to insure safe drinking water, the authority shall prescribe:
 - (a) Construction standards governing the performance of a water system insofar as they relate to the safety of drinking water.
 - (b) Standards for the operation of water systems insofar as they relate to the delivery of safe drinking water.
 - (c) Other standards and requirements considered necessary by the authority to insure safe drinking water.
