

Joint Water Commission



February 19, 2019

Co-Chairs Senator Kathleen Taylor and Representative Jeff Reardon,
and Members of the Joint Committee on Ways & Means Subcommittee on Natural
Resources
900 Court St. NE
Salem, Oregon 97301

**Subject: HB 5017, Funding of Oregon Department of Environmental Quality for
cyanotoxin analyses**

Dear Senator Taylor, Representative Reardon, and Members of the Joint Committee
on Ways and Means Subcommittee on Natural Resources,

The Joint Water Commission (JWC) requests continued funding for the Oregon
Department of Environmental Quality (DEQ) to conduct analysis of samples for
cyanotoxins provided by drinking water providers under the newly adopted
permanent Oregon Health Authority (OHA) rule on Cyanotoxin monitoring (OAR 333-
061-0510 to 333-061-0580). Funding to support this analysis was included in DEQs
policy option package but was not included in the Governor's recommended budget.
The JWC appreciates the opportunity to convey the potential detrimental effects on
drinking water providers which would result from discontinued funding of the DEQ
laboratory.

Without funding of the DEQ laboratory for this work, there remains no other labs
that meet the standards for accreditation, leaving JWC, and all other water suppliers
unable to comply with OHA rules as they are written. With the current language, the
OHA rule states a water supplier must use a laboratory accredited according to the
Oregon Environmental Laboratory Accreditation Program (ORELAP), or the DEQ
Laboratory to analyze samples under OAR 333-061-0510 to 333-061-0580.

Therefore, water suppliers must rely solely on the DEQ Laboratory to perform this
technique to be in compliance with the rule. If continued funding for DEQ is not
supported, this places *all* public water systems in the precarious position of
potentially being out of compliance with OAR 333-061-0550.

Encouraging other laboratories to become ORELAP certified for OHA rule compliance
has been difficult. The OHA rule requires specific timelines for analyses of cyanotoxin
samples and specific timeline requirements for reporting of results. These
requirements are not a part of EPA Methods 545 or 546, more widely used
cyanotoxin detection methods. Private labs are not likely to enter into contracts for
analysis with drinking water providers that require these timelines. Even if other
laboratories became certified, these time requirements would force water providers
to pay laboratories for fast turnaround times to comply with OHA regulations which
will significantly increase costs of analyzing toxin samples. This, in turn, will create a
undue financial burden on water suppliers and rate payers. Additionally, there is

General Manager

Kevin Hanway
150 E. Main Street
Hillsboro, OR 97123
503-615-6585

Board of Commissioners

City of Hillsboro

John Godsey
David Judah
Deborah Raber

City of Forest Grove

Rod Fuiten
Carl Heisler
Peter Truax

City of Beaverton

Denny Doyle
Marc San Soucie
Mark Fagin

Tualatin Valley Water District

Jim Doane
Dick Schmidt
Bernice Bagnall



pressure on the public side to use Oregon-based laboratories for analyses as there has been significant public scrutiny against sending samples to out-of-state labs in the past.

It is currently unknown which laboratories other than DEQ, if any at all, will be able to test cyanotoxin samples as of July 1, 2019. The JWC believes it is imperative that the DEQ laboratory continues to be funded in order to ensure public safety during this regulatory season. Funding must be included in the DEQ budget in order for drinking water providers to establish inter-governmental agreements to cover the costs of analysis. The JWC urges Co-Chairs Senator Kathleen Taylor and Representative Jeff Reardon, and Members of the Joint Committee on Ways & Means Subcommittee on Natural Resources to support and advocate for funding DEQ for cyanotoxin analyses.

The JWC appreciates your sincere consideration and support with, as we believe that the funding of the DEQ laboratory for cyanotoxin analyses supports the strong partnership between the State and water providers that protects the public we all serve.

Sincerely,



Kevin Hanway
General Manager
Joint Water Commission