



November 14, 2104

The Honorable John Shimkus
The Honorable Paul Tonko
Subcommittee on Environment and the Economy
Committee on Energy and Commerce
United States House of Representatives
Washington, D.C. 20515

Re: Statement for the Record for November 19, 2014 Hearing on Harmful Algal Blooms in Drinking Water

Dear Chairman Shimkus and Ranking Member Tonko:

I would like to take this opportunity to share the perspectives of the Association of State Drinking Water Administrators (ASDWA) in connection with the November 19, 2014 hearing on this subject before the Environment and Economy Subcommittee. ASDWA represents the collective interests of the fifty states, the five territories, the Navajo Nation, and the District of Columbia. We have provided our comments below in the form of answers to some commonly asked questions on this topic.

Why are Harmful Algal Blooms (HABs) of the type that took place in Toledo occurring across the country – seemingly, with increasing frequency? What can be done to address the root causes of these problems and prevent these kinds of incidents?

We believe these problems are ultimately the result of point and nonpoint sources of nitrogen and phosphorous pollution, coupled with recent extreme weather conditions that can exacerbate the proliferation of algae and may cause it to occur earlier and longer. Targeted efforts to address all sources of nutrient pollution are needed. Nonpoint sources of nitrogen and phosphorus, largely from agricultural sources, must be the target of voluntary and, where appropriate, mandatory conservation measures, supported by actions at the Federal, state, and local levels. Point sources of nitrogen and phosphorus from Publicly Owned Treatment Works (POTWs) – while typically not contributing the lion's share of these contaminants, can nonetheless be problematic in specific watersheds. Such pollutant discharges can be addressed through requirements in National Pollutant Discharge Elimination System (NPDES) permits. Failing on-site septic systems can be another significant contributor of nutrient loadings in localized areas. *This multi-faceted pollution challenge requires a cooperative and collaborative pollution control approach designed to leverage a variety of tools and authorities by a number of key stakeholders.*

Why not just simply remove algal toxins at the water treatment plant – why do we need to be proactive and preventative? Are there treatment approaches that are effective in removing algal toxins?

The most reliable -- and, in the long run, cheapest – approach to providing safe water at that tap is a *multi-barrier approach*, that starts with protecting sources of drinking water. A reactive approach to HABs and algal toxins that does not include source protection and places all of the burden for removing harmful algal toxins on the water treatment facility is an expensive, ineffective, and unpredictable way to proceed. While there are treatment techniques that can be effective in removing algal masses and oxidizing algal toxins, these approaches can be complicated, expensive, and challenging. For instance, certain kinds of treatment approaches can *lyse* the algal cells, thereby releasing the toxins. Treatment is one of the barriers in the multi-barrier approach to ensuring safe drinking water, but is most effective as one of the final barriers, rather than the *only* barrier. ***Both states and water systems would appreciate future guidance (by EPA as well by organizations such as the Water Research Foundation) on effective treatment approaches for removing algae and algal toxins.***

Are there health benchmarks to tell us serious an algal toxin problem is and when a “do not drink” order needs to be issued for a public source of drinking water? Is a Federally promulgated Maximum Contaminant Level applicable to water at the tap needed?

There are health benchmarks available from international consensus bodies, such as the World Health Organization. In addition, a number of states have developed their own health reference levels. We also understand that the U.S. EPA is planning to publish a Health Advisory (HA) value (which can serve as guidance for states and water systems) for some of the most commonly identified algal toxins in the Spring of 2015. ***We applaud and welcome those planned HA development efforts and recommend they be expedited.*** In addition, EPA has included cyanotoxins on their Contaminant Candidate List (CCL). The Agency will ultimately make a decision, based on their analysis of the best available health effects and occurrence data, whether or not algal toxins should be regulated by a National Primary Drinking Water Regulation. While we believe there is an immediate need for national advisory levels, we also believe that the deliberative Safe Drinking Water Act process should be carried out and not short-circuited by a legislative mandate to regulate one or more toxins. ***Targeted research on both health effects and occurrence levels should be carried out, as needed, to inform near term actions, such as periodic revisions to Health Advisory values as well as to support the longer term CCL process.***

What tools are needed to aid us in our collective efforts to both be proactive and to better respond to incidents when they occur?

There are currently several analytical methods for measuring the concentration of algal toxins in drinking water. Each has their advantages and disadvantages in terms of cost, precision, accuracy, and applicability. ***There is a near term need for national guidance on affordable and reliable analytical methods for algal toxins.*** Such guidance should address the appropriateness and uses of these various analytical methods, including guidance and information about what each method tells us and how analytical results from various methods can be used in tandem with one another (e.g., initial screening methods followed by more precise methods).

What steps can be taken to better and anticipate potential problem areas for the *next* algal bloom season?

We believe that an integrated and thoughtful approach to analyzing existing Federal, state, and local data and information can help us collectively better prepare for and anticipate future HAB challenges. For instance, ongoing support from NOAA/NASA in the identification of blooms, particularly in Lake Erie, but also in other water bodies can be extremely helpful. In addition, data bases maintained by U.S. EPA, such as the Nitrogen-Phosphorous Pollution Data Access Tool (NPDAT) can serve to help focus and concentrate our collective efforts. These national snapshots can then be informed by state and local data and information such as algal bloom histories and customer taste & odor complaints at water treatment facilities.

Thank you very much for this opportunity to provide these comments on this important and timely topic. Please contact me at 703-812-9505 or jtaft@asdwa.org if I can provide any additional information.

Sincerely,

A handwritten signature in cursive script that reads "James D. Taft". The signature is written in black ink and is positioned above the printed name and title.

James D. Taft, Executive Director
Association of State Drinking Water Administrators