



# Ohio Legislative Service Commission

## Bill Analysis

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### **S.B. 114**

131st General Assembly  
(As Introduced)

**Sens.** Skindell, Yuko, Brown, Tavares

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## **BILL SUMMARY**

- Requires the Director of Environmental Protection to adopt rules establishing (1) a level of microcystin in public water systems that is a threat to public health and (2) requirements and procedures for microcystin testing.
- Requires a public water system to conduct microcystin testing in accordance with the Director's requirements and procedures.
- Requires a public water system's owner or operator to notify the board of health when water in the system contains microcystin at a level that exceeds the one established by the Director.
- Requires the board of health to notify users and potential users of water from a public water system when the level of microcystin in the system approaches the level established by the Director.

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## **CONTENT AND OPERATION**

### **Microcystin in public water systems**

The bill requires the Director of Environmental Protection to adopt rules establishing both of the following:<sup>1</sup>

--A level of microcystin in public water systems that constitutes a threat to the health of persons using the water based on best available science; and

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<sup>1</sup> R.C. 6109.25(A).

--Requirements and procedures governing testing of public water systems for microcystin.

The rules must be adopted in accordance with the Administrative Procedure Act (R.C. Chapter 119.).

The bill requires a public water system to conduct testing for microcystin in accordance with the rules.<sup>2</sup>

If, at any time, water within a public water system contains microcystin at a level exceeding the level established by the Director in rules, the bill requires the system's owner or operator to notify the applicable board of health. The board of health must then notify users and potential users of the water that the level of microcystin is approaching a level that constitutes a threat to the health of persons using the water.<sup>3</sup>

As used in the bill, "board of health" means the board of health of a city or general health district or the authority having the duties of a board of health in a city.<sup>4</sup>

## Background

Microcystins are toxins produced by cyanobacteria. Cyanobacteria are also known as blue-green algae and are ubiquitous in surface water when conditions are favorable for growth and formation of algal blooms. Cyanobacteria release toxins upon cell death (or lysis). When released, toxins may persist for weeks to months.<sup>5</sup>

The federal Safe Drinking Water Act (SDWA)<sup>6</sup> protects public health by regulating the nation's public drinking water supply and its sources: rivers, lakes, reservoirs, springs, and ground water wells. The SDWA requires the U.S. Environmental Protection Agency (EPA) to publish a list of unregulated contaminants that are known or expected to occur in public water systems in the U.S. that may pose a

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<sup>2</sup> R.C. 6109.25(B).

<sup>3</sup> R.C. 6109.25(C).

<sup>4</sup> R.C. 6109.25(D).

<sup>5</sup> U.S. Environmental Protection Agency, *Drinking Water Treatability Database: Microcystins* (last visited June 19, 2015), available at <<http://iaspub.epa.gov/tdb/pages/contaminant/contaminantOverview.do?contaminantId=-1336577584>>.

<sup>6</sup> Title XIV of the Public Health Service Act, 42 United States Code (U.S.C.) 300f *et seq.*



risk in drinking water. This list is known as the Contaminant Candidate List (CCL).<sup>7</sup> Microcystins are on the list as cyanobacteria and their toxins.<sup>8</sup>

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## HISTORY

ACTION	DATE
Introduced	03-04-15

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<sup>7</sup> U.S. Environmental Protection Agency, *Cyanobacteria and Cyanotoxins: Information for Drinking Water Systems* (last visited June 19, 2015), available at <[http://water.epa.gov/scitech/swguidance/standards/criteria/nutrients/upload/cyanobacteria\\_factsheet.pdf](http://water.epa.gov/scitech/swguidance/standards/criteria/nutrients/upload/cyanobacteria_factsheet.pdf)>.

<sup>8</sup> U.S. Environmental Protection Agency, *Drinking Water Treatability Database: Microcystins* (last visited June 19, 2015), available at <<http://iaspub.epa.gov/tdb/pages/contaminant/contaminantOverview.do?contaminantId=-1336577584>>.

