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S.B. 143
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Sen. O'Brien

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SUMMARY

- Requires the Director of Environmental Protection to adopt rules establishing a maximum contaminant level (MCL) for aluminum in drinking water of 0.2 milligrams per liter.
- Requires the Director to consider certain factors in adopting the rules, such as MCLs established by other states and studies and scientific evidence reviewed by other states.
- Requires the Director to annually review the rules and to adopt, amend, or rescind any rules necessary to account for the most recent peer-reviewed scientific studies addressing the effects of aluminum on human health.

DETAILED ANALYSIS

Maximum contaminant level for aluminum

Background

The U.S. Environmental Protection Agency (USEPA) establishes national drinking water standards for certain contaminants under the Safe Drinking Water Act (SDWA).¹ USEPA also reevaluates contaminants every five years to identify additional contaminants that may pose a threat to public health. When USEPA identifies a contaminant that poses a threat, it establishes a maximum contaminant level (MCL) to ensure safe levels of that contaminant. An MCL is the maximum permissible level of a contaminant in drinking water. MCLs apply to public water systems and are legally enforceable by both the federal and state governments. States are authorized to adopt MCLs for a contaminant even if USEPA has not adopted an MCL under the national program.

¹ 40 Code of Federal Regulations 141.

USEPA also may set secondary maximum contaminant levels (SMCLs) for contaminants that cause certain undesirable aesthetic effects, such as water discoloration.² SMCLs are not mandatory and are established as guidelines to assist public water systems in managing these aesthetic effects.³ Currently, there is an SMCL for aluminum that is set at 0.05 to 0.2 milligrams per liter (mg/L). However, the SMCL is a range, with the precise level applicable to each public water system to be determined by the Ohio Director of Environmental Protection.⁴

Aluminum

The bill requires the Director to adopt rules establishing an MCL for aluminum in drinking water of not more than 0.2 mg/L. The bill requires the Director to consider certain factors when adopting the rules, including all of the following:

- MCLs established by other states;
- Studies and scientific evidence reviewed by other states;
- Materials produced by the federal Agency for Toxic Substances and Disease Registry; and
- Recent independent and government agency peer-reviewed scientific studies.

The Director must ensure that the rules establishing the MCL are not less stringent than any MCL or health advisory established by USEPA. Further, the Director must annually review the rules and adopt, amend, or rescind any rules necessary to account for the most recent peer-reviewed scientific studies addressing the effects of aluminum on human health. Finally, the bill specifies that procedural requirements (requiring that existing rules be rescinded before the adoption of new rules) do not apply to the rules adopted by the Director regarding the MCL for aluminum.⁵

HISTORY

Action	Date
Introduced	03-23-21

S0143-I-134/ks

² USEPA, Secondary Drinking Water Standards: Guidance for Nuisance Chemicals, <https://www.epa.gov/sdwa/secondary-drinking-water-standards-guidance-nuisance-chemicals> (last visited March 24, 2021).

³ <https://www.epa.gov/sdwa/secondary-drinking-water-standards-guidance-nuisance-chemicals>.

⁴ Ohio Administrative Code 3745-82-02.

⁵ R.C. 6109.26.