

August 1, 2018

The Honorable Anthony Portantino
Member
California State Senate
State Capitol, Room 3086
Sacramento, CA 95814

RE: SB 1422 (Portantino): California Safe Drinking Water Act: microplastics
Oppose, Unless Amended

Dear Senator Portantino:

On behalf of the California-Nevada Section of the American Water Works Association (Section), I regretfully must relay our position of “oppose, unless amended” on your Senate Bill 1422.

The Section represents water professionals throughout California who are dedicated to providing safe and clean drinking water, and are directly engaged in nearly all aspects of the water treatment and supply process. The Section’s membership spans a host of publicly owned utilities, investor owned utilities, and mutual water companies that are committed to advancing sound water policy in California.

Your SB 1422 would require the State Water Resources Control Board (SWRCB) to adopt requirements for the testing and reporting of microplastics found in the water, in addition to requiring the SWRCB to develop a methodology to test for microplastics outside the Administrative Procedure Act (APA) process. While preserving water quality is an important cornerstone objective of the Section, we respectfully believe that SB 1422 is premature in its approach. To understand the value of a test result and subsequent information shared, there needs to be a basis of identifying what is the actual effect upon human health. The regulated community has historically and consistently requested that the SWRCB utilize validated, peer-reviewed, science-based information before moving forward with any regulatory requirements. As of now, there is limited information, as microplastics is a relatively recently identified contaminant. This data void will have significant implications as information is released to the public without any guidance or basis to understand the effects.

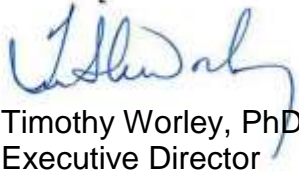
As with the bill in print, the Section also has significant concerns with regards to the exemption of the process from the APA process. The APA process, in which regulations are developed, is intended to be a public, transparent process, where the regulated community can provide comments and input on the proposed regulations. To require testing, reporting, and methodologies be developed outside this public scope,

particularly with the aforementioned lack of scientific information currently available, may result in questionable regulations.

The Section commits to working with you and your staff on amendments that can assist in proper data collection to underscore the impacts microplastics have on human health. The Section supports the concepts of an earlier set of proposed amendments by the California Municipal Utilities Association that establishes an expert panel to make recommendations to the legislature in addressing microplastics.

For these reasons, the Section must respectfully oppose your SB 1422, unless amended to address the fundamental need to have peer-reviewed, validated, science-based information on the health impacts related to microplastics in drinking water. Should you have any further questions on the Section's position on SB 1422, please feel free to contact me at 909-291-2102 or tworley@ca-nv-awwa.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "Timothy Worley".

Timothy Worley, PhD
Executive Director
California-Nevada Section
of the American Water Works Association

cc: The Honorable Lorena Gonzalez Fletcher, Chair, Assembly Appropriations Committee
The Honorable Frank Bigelow, Vice Chair, Assembly Appropriations Committee
Assembly Appropriations Committee Members
Jennifer Galehouse, Consultant, Assembly Appropriations Committee
Ellen Cesaretti, Fiscal Consultant, Assembly Republican Caucus