

March 26, 2024

The Honorable Dan Frankel
Chair
House Health Committee
P.O. Box 202023
Harrisburg, PA 17120-2023

The Honorable Kathy Rapp
Chair
House Health Committee
P.O. Box 202065
Harrisburg, PA 17120-2065

RE: **House Bill 2145 – Legionnaires’ Disease Risk Management**

Dear Chairs:

The Pennsylvania-Section, American Water Works Association (PA-AWWA) consists of 2,500 + members representing all classes of water utilities in Pennsylvania, including those PUC regulated, authorities, and municipalities, plus regulators, vendors, contractors, engineers, and others dedicated to promoting the health and welfare of Pennsylvania by providing affordable drinking water of superior quality and sufficient quantity. The Water Utility Council of PA-AWWA (WUC) includes representatives from the National Association of Water Companies, Pennsylvania Chapter; Pennsylvania Municipal Authorities Association; Pennsylvania Rural Water Association; and Water Works Operators' Association of Pennsylvania.

The WUC **opposes** House Bill 2145 (Smith-Wade-El-D), which was referred to the House Health Committee on March 25, 2024.

[House Bill 2145](#) (Smith-Wade-El-D) amends Title 27 (Environmental Resources) of the Pennsylvania Consolidated Statutes, providing for Legionnaires' disease risk management; and imposing penalties.

This legislation would require the Department of Environmental Protection (DEP) to promulgate regulations specifying all the following:

- Disinfectant or sampling requirements for a public water system to minimize the growth and transmission of Legionella bacteria.
- The monitoring of a public water system during a planned disruption or unplanned disruption.

Notwithstanding the drinking water standards, a supplier of water shall have the following duties:

- Maintain a detectable residual disinfectant level of **at least 0.5 milligrams per liter (mg/L)** of chlorine, not to exceed the maximum residual disinfectant level set by the EPA, in a public water system.
- At frequent and regular intervals, conduct water sampling and analysis of residual disinfectant concentrations to determine the residual disinfectant level of chlorine at each point in a public water system.

In addition, as soon as practicable, but no later than four hours after a supplier of water becomes aware of a public water system disruption that may result in increased levels of Legionella bacteria in the public water system, a supplier of water shall conduct sampling and analysis for all the following:

- Legionella bacteria.
- The residual disinfectant level of chlorine.

Finally, this legislation provides for substantial civil penalties for a supplier of water in violation of this act.

Legionella is a premise plumbing issue and as such, the building owners should address mitigation and control strategies, within the buildings, including situations where a campus consists of multiple buildings. Legionella occurrence in buildings is due to exposure to water within the buildings either in the building distribution system or other water appurtenances such as fountains, cooling towers, and etc. **Public water systems have no regulatory authority to control the water systems located within buildings.** Moreover, **public water systems do not have responsibility for water quality beyond the point of connection to the customer's service line, including large facilities and buildings.**

The **current minimum chlorine residual required in public water distribution systems** is always **0.2 mg/L** (free or total residual). This disinfection residual regulation was established in the revised Disinfection Requirements Rule (DRR) published in the PA Bulletin on April 28, 2018ⁱ (most recent revisions to 25 PA Code, Chap. 109) following an extensive 2-year regulatory development process that included input from scientific and engineering experts, research by the DEP regarding chlorine residual policies in other states, as well as significant input from all sectors of the public water supply industry regarding consumer and regulatory compliance impacts anticipated with elevated chlorine residual requirements in the distribution systems.

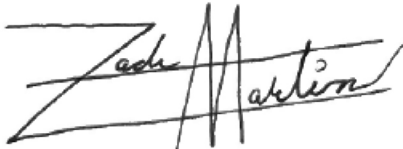
Public water systems must balance the effects of raising the minimum chlorine residual in the distribution system with maintaining acceptable levels of disinfectant by-products (DBPs) within regulatory compliance. DBPs are known carcinogenic compounds with Maximum Contaminant Levels (MCLs) mandated by the U.S. Environmental Protection Agency (EPA) and regulated by DEP. **The higher the chlorine residual applied to the public water distribution system, the higher the potential for the formation of DBPs.** Additionally, increased chlorine residuals in the public water supply distribution systems may result in having consumers abandon tap water for much more expensive bottled water or vended water.

Universally raising the chlorine residual in public water supply systems is not the appropriate means to address Legionella control in buildings. Legionella control within buildings should occur within the premise plumbing of these buildings. Realistically, given the complexity of the plumbing systems in the buildings and in most cases the overall size of these facilities, it is not reasonable that the “elevated” chlorine residual from the public water system would carry throughout the entire building without additional water treatment needing to be provided within the distribution system of the building.

While the WUC supports the control of Legionella in buildings through building water management plans developed using the ANSI/ASHRAE 188 Standard – *Legionellosis: Risk Management for Building Water Systems*,ⁱⁱ we do not support the proposed changes related to public water systems.

Therefore, we respectfully request your opposition to House Bill 2145.

Respectfully submitted,



Zach Martin
PA-AWWA




Marc A. Lucca
NAWC-PA



Jennie Shade
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Serena DiMagno
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Pat Caulfield
WUC Chairman

ⁱ Disinfection Requirements Rule, *Pennsylvania Bulletin*, 48 Pa.B. 2509, April 28, 2018

<https://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol48/48-17/667.html>

ⁱⁱ ANSI/ASHRAE 188 Standard – Legionellosis: Risk Management for Building Water Systems

<https://www.ashrae.org/technical-resources/bookstore/ansi-ashrae-standard-188-2018-legionellosis-risk-management-for-building-water-systems>