

Analysis

Item 70: Department of Environmental Quality

Lab Testing for Cyanotoxins

Analyst: John Terpening

Request: Allocate \$380,000 from the Emergency Fund and establish four limited duration positions (1.50 FTE) for lab testing for cyanotoxins in the state's drinking water supply.

Analysis: The detections of cyanotoxins in Salem's drinking water caused by harmful algal bloom prompted the Oregon Health Authority (OHA) to implement temporary rules requiring drinking water systems susceptible to harmful algae blooms to routinely test for cyanotoxins. This testing could be performed by laboratories certified to test public water supplies, including the Department of Environmental Quality's (DEQ) lab, using an ELISA method. OHA's temporary rules required water suppliers to test their raw water every two weeks, and then every week if a test came back positive for one of two toxins. DEQ began performing the monitoring analysis the week of July 16, at no cost to water suppliers, with sampling scheduled to continue through October 31.

Under the temporary rule, DEQ's laboratory has provided testing for over 90 facilities, monitoring the drinking water source for about 56% of the state population that receives drinking water from surface water sources. On average, DEQ has been testing about 50 samples per week. To accommodate this additional workload, DEQ has reprioritized existing laboratory staff and hired two temporary positions, a Chemist to provide analysis of samples and a Natural Resource Specialist to act as project lead on cyanotoxin work flowing through the lab. DEQ is requesting the two temporary positions become limited duration positions for the remainder of the biennium. Additionally, the request includes two limited duration seasonal positions to assist with work in the spring when the harmful algal bloom season begins; however, the Department is better suited utilizing temporary employees for this role.

OHA intends to adopt permanent cyanotoxin monitoring rules by January 2019. DEQ has submitted a policy option package in its 2019-21 agency request budget to request permanent funding for cyanotoxin testing. DEQ does note that the testing requirements included in the permanent rules could impact its 2019-21 funding request, which may then need to be modified as it is taken under consideration by the Legislature.

Legislative Fiscal Office Recommendation: Allocate \$380,000 from the Emergency Fund for lab testing for cyanotoxins in drinking water, authorize the establishment of two limited duration positions (Chemist and Natural Resources Specialist) for the remainder of the biennium (0.75 FTE), and defer the request for two seasonal positions to the 2019 session. LFO also recommends directing the Department to report to the Joint Committee on Ways and Means during the 2019 legislative session to provide a summary on the results of testing in 2018, an update on the impact to the Department from permanent rules on drinking water testing adopted by the Oregon Health Authority, and the feasibility of using temporary positions instead of seasonal positions for testing needs.

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Department of Environmental Quality
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Request: Allocate \$380,000 from the State Emergency Fund for responding to Harmful Algal Blooms and the establishment of four limited duration positions.

Recommendation: Approve the request.

Discussion: The Department of Environmental Quality (DEQ) is requesting a \$380,000 General Fund appropriation for reimbursement of Harmful Algal Bloom (HAB) emergency related costs incurred since June 2018 and to establish four limited duration positions (1.50 FTE) at the DEQ laboratory in Hillsboro through the end of the biennium.

DEQ along with the Oregon Health Authority (OHA), the Department of Agriculture (ODA), the Oregon Military Department, the Oregon Emergency Management (OEM), municipalities, nonprofit organizations and community partners are working together to protect the public from cyanotoxins found in algal blooms. The June and July 2018 detections of cynotoxins in drinking water caused by HABs have raised health concerns.

OHA recently completed a temporary rule requiring drinking water systems using water sources susceptible to HABs to routinely test for cyanotoxins. Tests required by temporary rule are being carried out by DEQ at no cost to system providers. Analytical costs incurred by DEQ to respond to HAB emergencies are currently unfunded.

When other designated management agencies are unable to collect and analyze water samples, DEQ allocates resources to do so. In order to provide this coverage, it has been necessary for DEQ to shift resources from other activities. To continue the coverage of providing monitoring, analysis and coordination of the temporary rule, the following four limited duration positions (1.50 FTE) are needed at the DEQ laboratory:

1. Natural Resource Specialist 1 (seasonal)
2. Chemist 2 (full-time)
3. Chemist 1 (seasonal)
4. Natural Resource Specialist 3 (full-time)

Legal Reference: Allocate \$380,000 from the State Emergency Fund to supplement the appropriation made by chapter 591, section 1, subsection 2, Oregon Laws 2017, for the Department of Environmental Quality.



Oregon

Kate Brown, Governor

Department of Environmental Quality

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TTY 711

August 27, 2018

The Honorable Senator Peter Courtney, Co-Chair
The Honorable Representative Tina Kotek, Co-Chair
State Emergency Board
900 Court Street, NE
H-178 State Capitol
Salem, OR 97301-4048

Dear Co-Chairpersons:

Nature of the Request

The Department of Environmental Quality (DEQ) is requesting a \$380,000 General Fund appropriation to address costs associated with responding to harmful algal blooms, which can produce toxins that threaten drinking water supplies and disrupt recreational activities.

Agency Action

Recent detections of cyanotoxins in drinking water caused by harmful algal blooms (HABs) have raised health concerns across the state. The Oregon Health Authority (OHA), Department of Environmental Quality (DEQ), Oregon Department of Agriculture (ODA), Oregon Emergency Management (OEM), Oregon Military Department, municipalities, nonprofit organizations and community partners are working together to protect public health from the risks posed by cyanotoxins.

OHA and DEQ coordinate monitoring and response for HABs statewide, but until this point there has been no federal or state requirement for the testing of HAB-related toxins. OHA recently completed a [temporary rule](#) that requires drinking water systems using water sources susceptible to harmful algae blooms to routinely test for cyanotoxins. The systems are required to issue do-not-drink advisories when levels of cyanotoxins exceed health-based guideline values.

The rule establishes a baseline for testing, requiring water systems to test their raw water at least every two weeks. If a detection at or above the health advisory level is found, systems must increase monitoring to weekly of both the raw intake and finished water. If any finished water detection occurs, monitoring of finished water must occur daily. If testing of water samples from a finished water sampling point exceeds the health advisory level and is confirmed by a subsequent analysis, a health advisory is required.

DEQ tests for cyanotoxins by the ELISA method, commonly used in other states and required by the temporary rule. Tests that are required under the temporary rule are currently being carried out by DEQ at no cost to system providers. This is to ensure analytical quality and so that data regarding HABs are collected and can be assessed as state and local partners develop a longer term strategy for HABs monitoring and response. Analytical costs incurred by DEQ to respond to HAB emergencies are currently unfunded.

Additional key elements of a comprehensive HAB response strategy also remain unfunded – including resources for DEQ to collect and analyze water samples when no other designated management agency (DMA) is able or willing to do so. To perform this type of sample collection and analytical work, it has been necessary for DEQ to shift resources from other priority activities. DEQ's workload and costs increase as HABs become more common and demand for data intensifies.

Despite these current funding limitations, OHA and DEQ are working closely with water suppliers to ensure compliance with the new rules so that cyanotoxins are kept out of drinking water and people in Oregon can be kept safe from exposure to toxins.

DEQ has a Policy Option Package (POP) for consideration in the 19-21 budget that would provide funding to make these positions permanent and support local restoration efforts to minimize the frequency and severity of HABS in the future.

Action Requested

DEQ requests a \$380,000 General Fund appropriation for reimbursement of HAB emergency related costs incurred since June 2018 and to support four limited duration positions at the DEQ laboratory in Hillsboro through the end of this biennium. These positions will provide monitoring, analysis and coordination to the temporary rule on drinking water. Specific positions include:

- NRS 1 Seasonal – This position provides field work and sampling during the HABs season
- Chemist 2 Full time – This position provides analysis of samples
- Chemist 1 Seasonal - This position provides analysis of samples
- NRS 3 Full time – This position is the project lead overseeing the work flowing through the lab and coordinating with OHA and partners sending work to the laboratory.

This funding will cover work through June 30, 2019.

Legislation Affected

None.

If you have any questions regarding this request, please contact Brian Boling at 503-693-5745. Thank you for your consideration of this request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard Whitman". The signature is fluid and cursive, with the first name "Richard" and last name "Whitman" clearly distinguishable.

Richard Whitman
Director