

**Testimony**  
**House Bill 1348**  
**House Human Services Committee**  
**January 26, 2021; 2:00 p.m.**  
**North Dakota Department of Environmental Quality**

Good afternoon Chairman Weisz and members of the House Human Services Committee. My name is David Glatt, Director of the Department of Environmental Quality (DEQ). The DEQ is responsible for implementing the primary environmental protection programs in the state of North Dakota. I am here today to provide testimony in opposition to HB 1348.

HB 1348 aims to restrict the collection of public health and environmental data relating to the current pandemic but also can act to restrict data collection required under other state and federal laws. The DEQ has historically collected environmental data testing our air, water and waste streams through the authority of federal and state laws such as the Clean Water Act and the Safe Drinking Water Act. Additional monitoring has also been conducted to determine emerging contaminants, such as Perfluorooctanoic Acid (PFOA), Perfluorooctanoic Sulfonate (PFOS) or the presence of potentially hazardous environments. Data collected by the DEQ provides the necessary information used to protect public and environmental health throughout the state.

There are several important points that we would like to note relating to HB 1348.

- HB 1348 conflicts with long-established monitoring requirements, mandatory under the Clean Water Act. This federal and state program requires the monitoring of wastewater by using indicators such as coliform bacteria to determine the potential presence of disease-causing organisms. Prohibiting this required monitoring would; 1) put communities in violation of the federal/state monitoring requirement resulting in potential enforcement action; 2) put the State/US EPA primacy agreement in jeopardy, resulting in a potential takeover of the programs by the federal government, and 3) most importantly, place the public at increased risk to exposure to disease.

- The concern that individuals could be identified as COVID carriers as part of this testing is not accurate. To put this into perspective, the study requires that a 250 milli-liter composite sample (0.066 gallons) be collected over a 24-hour period. One to four daily composite samples can be collected from a municipal wastewater collection system each week, depending on the system's size. Each sample is collected from a wastewater stream that can total 1,000's to millions of gallons per day. Sample collection sites are typically located near lift stations or central collection points. The bottom line is this testing program cannot identify single persons with COVID; rather it provides information on what is happening at the community level.
- Several municipalities have expressed their support for this monitoring program as it assists them in their goal to protect public health by giving them timely COVID data at the community level. It is important to note that the state has initiated COVID sampling programs only after each municipality provided prior authorization. All data generated is shared with each municipality and can help determine upward or downward trends of the virus in the community.

Wastewater testing continues to be an emerging science that can provide early warning of disease outbreaks. As a state, we have proven that by following sound science utilizing expertise at the municipal, local public health, university and state level, we can lead the dialogue in public and environmental health protection to the benefit of our state's citizens.

This concludes my testimony. I now stand for questions from the committee.