

Testimony to the House Political Subdivisions Committee on HB 1183

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Good afternoon, Chariman Dockter and members of the House Political Subdivisions Committee. My name is Aaron Johnson, and I am an Environmental Health Practitioner (EHP) employed by Fargo Cass Public Health, a local health unit overseeing septic programs in 4 counties in eastern North Dakota. I sit on the governing board of the North Dakota Environmental Health Association (NDEHA) and am the chairperson of the current North Dakota Onsite Wastewater Technical Review Board, which consists of regulators and industry professionals that make decisions regarding onsite septic technology application in participating counties in North Dakota. I am writing today in opposition of HB 1183 as currently written.

Local public health units that enforce onsite septic ordinances in North Dakota are currently doing so with no support from a State department, as the original administrative code regarding onsite septic contained in the State Plumbing Code is not enforced by the State Plumbing Board. As such, each local public health unit must pass their own ordinance and provide for their own enforcement. This creates large variation in requirements across North Dakota, which in turn increases confusion within the industry.

In order to eliminate this confusion and increase uniform enforcement across North Dakota, local public health units, along with NDSACCHO, have been advocating for the creation of a unified code housed in a State department. Local public health and NDEHA support the NDSACCHO position statement as follows: **The NDSACCHO supports statewide adoption of a unified onsite sewage treatment system consisting of basic standards while allowing for local modifications. This Association supports enabling legislation in ND Century Code with the technical code in administrative rules moved to the newly created Department of Environmental Quality. This Association further supports uniform interpretation,**

education of installers and inspectors, coordination with NDSU extension services for technical assistance and vendor product review at the State level.

Local public health and NDEHA also support the NDACo Onsite Wastewater Resolution: 2020-11. Onsite Wastewater Systems. Improper installation of onsite wastewater systems is a health threat to all of North Dakota's citizens and natural water resources. Over the years a patchwork of regulation has resulted in various standards leading to frustration of regulators, installers, and landowners. This Association supports legislation moving responsibility for uniform statewide minimum standards and installer licensing to a single state agency provided with adequate resources to fulfill the responsibilities. Further this Association supports the development and adoption of updated statewide onsite waste-water treatment standards and for uniform statewide educational requirements for licensed installers. However, this Association believes that responsibility for local licensure and inspections remain with the local public health unit and the fees supporting that activity be retained locally.

Local public health and NDEHA cannot support Section 2 of HB 1183 defining the technical board membership when the representation is disproportionate. Local public health must have equal representation on the board if the system is to be improved, as the local health units are the licensing authority for onsite septic system installers.

Under the Powers section, there are several powers of licensure given to the board. Local public health departments directly control the licensing of their installers because the ordinance they work under is local and unique to that health department, and centralization of licensure for decentralized codes will cause confusion and make regulation more difficult. Local public health must retain the power to license installers, as well as the right to retain the license fees, until such a time as a State department houses a statewide mandatory code.

Local public health and NDEHA cannot support HB 1183 in its current form and request that the bill be amended to meet local public health's concerns. We look forward to working with the legislature to improve and protect the public health of North Dakota and all its citizens.