

Testimony
To the
Senate Industry, Business, and Labor Committee
on
SB 2253

Good morning, Chairman Larsen and members of the committee. I am Aaron Johnson and I work for Fargo Cass Public Health (FCPH) as an Environmental Health Practitioner. I am also the onsite septic system inspection program lead. Fargo Cass Public Health serves as the regulatory agency for all septic systems in Cass, Richland, Sargent, and Traill counties. We also provide septic system consulting in Ransom and Steele counties, which do not have septic inspection programs. Prior to my current position, I worked for 9 years as the septic system inspection lead for Custer Health in Mandan, which served 7 counties for onsite septic regulation.

Fargo Cass Public Health employs two Environmental Health Practitioners (EHP) that conduct onsite septic system inspections for installation, repair, and evaluation of condition. We hold national credentialing as Registered Environmental Health Sanitarians through the National Environmental Health Association, as well as state credentialing in North Dakota as licensed Environmental Health Practitioners. Additionally, we attend yearly continuing education through the University of Minnesota Onsite Sewage Treatment Program as well as in-state trainings to maintain these state and national credentials. In 2022, FCPH conducted 143 inspections which include site evaluation, design, and install follow up. There were 26 contractor licenses in 2022. An average of 4 hours is spent on each permit including travel time.

My testimony today is in opposition to SB2253. Local public health units continue to be committed to developing a statewide onsite septic code and having reciprocity of installer licensure between all health units. We support the concept of a statewide licensing board, and we support having industry involvement in deciding the way forward for both licensure and code development. SB2253 hinders these efforts in the following ways:

1. Section 1 part 6 caps the permit fee for local public health units in Century Code, which will result in requiring taxpayer dollars to support the mandated programs, especially in counties that currently do not have an inspection program. Historically, local public health has worked with installers and homeowners to keep costs of the programs low. There is no cost analysis provided for local public health, or a specific amount of taxpayer money requested to cover this unknown cost.
2. Section 2, Board Appointment 2. This section removes all public health professionals from the board after August 1, 2024 and replaces the board with 5 members who have no educational or background requirements. The concept of this board was to bring industry and regulation together, so that the experience of both combined with the scientific training of regulators could produce a code that can be adopted across North Dakota. Without public health regulators on the board, members will lack the training and scientific background necessary to adapt code to the wide variety of soil and ground conditions in North Dakota, and also removes the impartial third party when deciding on infractions of code. Public health will be required to enforce whatever code is developed,

and if that code is not created with best scientific practices in mind, inspectors cannot use it without violating the requirements of our state licensure.

3. Section 2, Licensure-Fees creates a gated licensure portal for installers that restricts entry into the field of septic system installation through an apprenticeship program. While public health supports the concept of a licensure board, this gated system would create potential hardships on new and expanding excavation businesses through increased costs and scarcity of willing mentor license holders. Education of installers in North Dakota has always been a combined effort of local regulators educating on-site, and industry professionals sharing their knowledge at in-state trainings.
4. Section 2, Statewide Technical guide 2.c. The requirement of engineered plans has historically been decided through the involvement of the Department of Environmental Quality (DEQ). This would best be addressed by the inclusion of a DEQ member on the board.
5. The board should be made up of 4 Public Health Environmental Health Practitioners, 4 installers with the addition of one Department of Environmental Quality representative. SB 2256 is a bill that includes the addition of DEQ to the board. This board composition holds true to the spirit of the legislation passed in 2021, and builds on it without creating unfunded mandates for both local public health as well as North Dakota installers.

Thank you for your time and attention on this important issue. Public health continues to be committed to improving onsite septic system regulations throughout the state.

I would be happy to answer any questions.