

Health and Human Services Committee

LB 19

January 30, 2015

**Dr. Joseph Acierno, Chief Medical Officer
Division of Public Health
Department of Health and Human Services**

Good afternoon Senator Campbell and members of the Health and Human Services Committee. My name is Dr. Joseph Acierno (J-O-S-E-P-H - A-C-I-E-R-N-O). I am the Chief Medical Officer and Director of the Public Health Division in the Nebraska Department of Health and Human Services. I am testifying on behalf of the Department in opposition to LB 19.

I would just like to note that my staff did try to get more information from the Senator's office to learn the genesis of this bill, and it was suggested that we review the Statement of Intent. I feel the lab does a good job and that is why I have to respectfully oppose the bill as drafted.

LB 19 requires that the Public Health Environmental Laboratory certify other laboratories. This is unnecessary since the Laboratory currently will certify any laboratory that meets the regulatory requirements for certification purposes of testing drinking water.

Section 1 of the bill amends the Nebraska Safe Drinking Water Act

1. To allow that testing performed on non-compliance water samples need not be performed by the same method as compliance samples. While on the surface this seems innocuous enough, this will affect both public water systems and private water systems. For example, if a public water system sends their samples to a laboratory that switches methods, a certified method for compliance testing and a non-certified method for the non-compliance testing, the public water system may have little assurance of the quality of the results, since the method chosen for the non-compliance samples may not be a certified method. The same would be true for private well owners that send their samples to this laboratory.

Our experience with laboratories that use non certified methods is they use shortcuts, cutting back on quality control and proficiency testing. This allows them to offer a cheaper price for the test, but they have cut quality to do it.

2. Requires the Director to certify and enter into authorization agreements with laboratories to perform tests on drinking water for compliance and monitoring. This will include all analytes required for compliance.

Currently all compliance testing is performed by the DHHS Public Health Environmental Lab, with the exception of one test other labs are permitted to do, Coliform. Six (6)

certified laboratories in Nebraska, in addition to DHHS, perform coliform testing for compliance testing, due to the short holding time for samples for coliform testing.

The decision to have all compliance testing performed at the DHHS Public Health Environmental Laboratory was made to maintain capacity in the State of Nebraska at a reasonable cost. Allowing compliance testing to be performed by outside certified laboratories will in all likelihood leave the DHHS laboratory with only the more specialized and expensive testing. This will require the raising of fees for these tests. A good deal of testing capacity may move out of the State of Nebraska since there is currently not enough testing capability for drinking water in the state except in the DHHS Public Health Environmental Laboratory.

3. LB19 will have significant effects on the state's public water systems. The state has approximately 1300 public water systems. Customer service and technical assistance are the primary foci of our Public Health Environmental Laboratory and the Drinking Water Program. These programs provide the electronic scheduling of required water sampling events between the drinking water program and the laboratory, the automatic sending of sample kits by the laboratory to the public water system, the electronic transmission of laboratory results to the public water system and the Drinking Water Program. In those situations where other laboratories are performing the compliance testing, the automatic scheduling and sending of sample kits is not available to the public water system. The public water system is then responsible for tracking and scheduling all testing and requesting sample kits with the testing laboratory. Currently, the testing laboratory is required to call in any positive coliform. The rest of the results are sent electronically weekly to the Drinking Water Program. This eliminates part of the service we are now able to provide.

We believe the system in place best serves the public water systems and private well owners in Nebraska. A quality product, a reasonable price and customer service that is specialized for each system.

I would be happy to answer any questions.