



# KANSAS MUNICIPAL UTILITIES

*Testimony Provided to the*

**House Committee on Health and Human Services  
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**House Bill 2372**

Chairman Crum and Members of the Committee:

On behalf of the member cities of Kansas Municipal Utilities (KMU), I respectfully appear before you in opposition to HB 2372. KMU is the statewide association of municipally owned and operated electric, natural gas, water, wastewater, stormwater, solid waste and telecommunications utilities across Kansas. As a not-for-profit association established by its member utilities in 1928, KMU is dedicated to serving the needs and interests of these publicly owned utilities. Membership in KMU is open to any Kansas municipality that owns and operates its own utility and is interested in working together with other municipal systems for the advancement and protection of their utilities and, more importantly, for the citizens, businesses and industries that they serve.

Our testimony to the Committee is not to debate the issue of fluoridation of public water supplies. Instead, our testimony is offered on behalf of municipal public water systems to clarify the notification requirements as proposed by the bill.

Each of KMU's 172 member communities operates a public water system. These systems vary in size from very large - such as the City of Wichita serving a population of nearly 400,000 - to, more commonly, the very small. KMU's smallest member is the City of Longford with a population of 80. The water bills issued by these systems vary greatly, from a relatively simplistic postcard billing to more comprehensive bills that include all of a city's utilities and services (electric, natural gas, trash, sewer, etc.). Current billing software would not accommodate a fluoride warning message in every case.

Our municipal systems are already reporting on the levels of fluoride as a part of federally required reports sent to every customer served by that system. Public water systems are already required by the U. S. Environmental Protection Agency (EPA) to provide annual drinking water quality reports to every customer of the water system. The required

document is called the Consumer Confidence Report (CCR). The report provides water systems with a mechanism for providing its customers with fundamental information about their drinking water including:

- The source of the drinking water;
- The level (or range of levels) of any contaminant found in local drinking water including EPA's health-based standard (maximum contaminant level) for comparison;
- The likely source of contaminants in the local drinking water supply;
- The potential health effects of contaminants;
- The water utility's compliance with drinking water-related rules;
- Educational information on specific contaminants that may be a concern; and
- Other required information.

The report essentially provides consumers with water quality information on their drinking water supply to help them understand more about their water supply and improving the public's right-to-know. Fluoride is already one of the elements required to be included in the CCR along with the maximum health-based contaminant level approved by the EPA when it is detected in the drinking water supply.

If this bill is to move forward, we would suggest that any reporting requirements to consumers be incorporated to existing reporting requirements of the EPA (and KDHE as the primacy agency for enforcement) through the Consumer Confidence Report.

As with other drinking water rules, states may set their own regulations about the reports for systems within their jurisdiction as long as it is as stringent as the EPA regulation. The Safe Drinking Water Act and the Consumer Confidence Report Rule (CCR Rule) allow states the flexibility to set alternative report requirements after public notice and comment, but the rule does set baseline standards to ensure that all consumers receive reports that are comparable and which include the same type and amount of basic information. Both EPA and the states can take enforcement action to ensure that consumers' right-to-know is respected by all water suppliers.

Consumer confidence reports are the centerpiece of the right-to-know provisions in the 1996 Amendments to the Safe Drinking Water Act. The Amendments contain several other provisions aimed at improving public information about drinking water, including the annual public water system compliance report and improved public notification in cases where a water supplier is not meeting a contaminant standard.

We believe that with an existing water supply report already in place the Consumer Confidence Report provides the best mechanism for providing any necessary notifications to public water system consumers.

Thank you for the opportunity to offer our testimony on HB 2372.