

WQA's Government Affairs Report and 2015 Annual Recap

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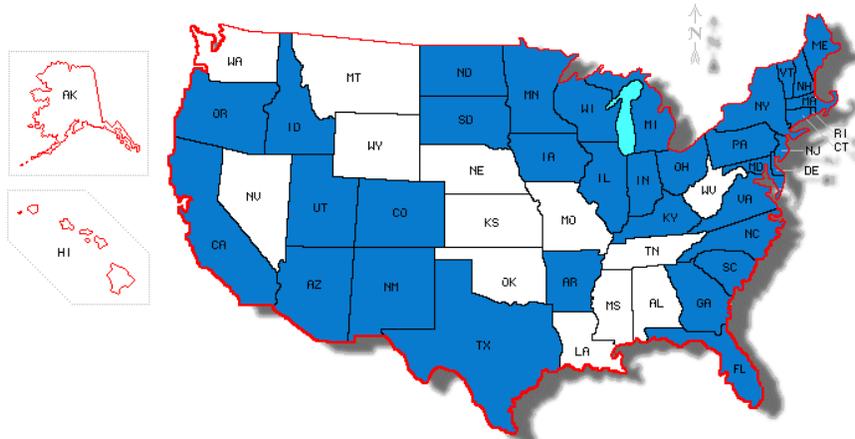
State Legislative Session

WQA Government Affairs focus this past year was enhancing partnerships with federal, regional and state WQAs, as well as, supporting or opposing legislation or regulations impacting the Association’s mission. During 2015, Government Affairs worked with affiliates to address professional licensing regulations and other state legislation, developed and implemented a government relations strategy with Gephardt Group, and built relationships with allied organizations. To further support membership, the department launched the Regulatory Info Search, a searchable database compiling codes, laws, and regulations at the state and federal levels, located on WQA’s website. Numerous handouts have also been created by Government Affairs to address specific issues and provide regulators and the public a quick look at the resources our industry can provide. These currently cover water scarcity, deteriorating infrastructure, contaminants in the water supply (arsenic, nitrates, lead), and flooding.



This report covers the main issues Government Affairs worked on in 2015 and gives an overview of industry related bills that became law this year. Over the course of 2015, Government Affairs monitored and reviewed over 80 bills directly or indirectly impacting the industry. Government Affairs is continuing its efforts to track and advocate for and against legislation and regulations at the federal level and in various states.

States WQA Government Affairs advocated and/or tracked legislation in during 2015



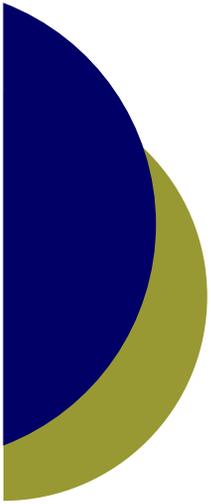


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Review of 2015

Gephardt Group

In the Spring of 2015, WQA hired Gephardt Government Affairs (GGA) to help increase WQA's visibility and presence around Washington, D.C. and to begin to insert us into Federal water policy advocacy. It is important for WQA to become a leading and respected voice on water services among the literally dozens of water trade associations working to advance the commercial interests of members. Specifically with our member's capabilities in administering water purification and filtration technology. With this goal in mind, GGA has created an industry specific approach to promote the viability of our members, their services, products and science as real solutions at affordable costs. WQA's profile has continued to rise at the state and national stages as GGA has proven to be a significant asset.

This year WQA has completed its first "DC Fly-In" where members fanned out over Capitol Hill to tell the WQA story in 35 meetings completed in one day. The Gephardt and WQA Government Affairs team has also completed dozens of other meetings with members and staff to introduce WQA and highlight the benefits of WQA members technology, services and products.

During the past several months, GGA not only established a WQA profile and identity with officials on Capitol Hill, but did the same at relevant regulatory agencies such as the U.S. Geological Survey, and at the White House. They have established WQA's relationships with trade associations by becoming part of the Plumbing Industry Leadership Coalition (PILC), broadening the relationship with the High Performance Building Congressional Coalition (HPBCC) and have been successful in working with other associations such as the National Groundwater Association and the National Rural Water Association to increase WQA's impact on regulatory issues. GGA's efforts have produced an effective legislative strategy including as part of the pending federal drought relief legislation, \$15 million to supply point-of-use and point-of-entry treatment to disadvantaged communities. In addition, GGA has consistently defended WQA's interests by monitoring and responding to legislation and regulatory issues that could have had potentially detrimental effects to the industry. In working closely with WQA's Board of Governors and staff, GGA will continue its efforts in 2016 to carry out WQA's mission.

GGA's bipartisan team offers decades of legislative, policy and communications experience. Dick Gephardt, President and CEO of Gephardt Government Affairs, is a former House Majority Leader who has 28 years of experience in public service. Tom Blank, Executive Vice President, has been working closely with David Loveday to execute the Government Affairs strategy at the state and federal level. Tom brings several years of experience working in Congress, Executive branch, and private sector. Jeremy Pollack, Director, has experience in coalition building and working on Capitol Hill. To learn more about Gephardt Government Affairs their website is: <http://www.gephardtgc.com/>

WQA Fly-In Day Washington, DC

In July, Bret Tangle, Don McGee, Chris Wilker, Steve Ver Strat, Bob Maisner, Cindy Gresham, D.J. Shannahan, Richard Mest, Mark Brotman, Mike Mecca, Shannon Murphy, Frank DeSilva, and Bob Boerner joined Pauli Undesser, David Westman, David Loveday, Kathleen Fultz and the Gephardt Group to participate in WQA's Fly-in Day in Washington, DC. This was an opportunity to be on the hill advocating for the Association. The group met with over 35 legislative assistants/directors /members of Congress. The main "ask" at every meeting was to consider WQA as a resource for water quality issues. To supplement the 15 minute meetings, WQA Government Affairs put together leave-behind folders, including the Water Treatment for Dummies booklet (this was a big hit!). These folders were reviewed and approved by the Gephardt Advisory Council before the visit.

Review of 2015

Arizona

Salinity Project

In 2014, Arizona WQA applied for a grant with the State of Arizona and received \$40,000.00 for an educational outreach program regarding salinity. Four education modules have been finalized for the education component. AWQA is now focusing on public outreach.

California

State Water Resources Control Board (SWRCB) Stakeholder Briefing

The Board held a stakeholders briefing on the draft regulations for point-of-use (POU) and point-of-entry (POE) treatment devices on Friday, October 9th. Both WQA and PWQA participated in the meeting and WQA Government Affairs sent a letter with recommendations to the board. At the meeting, there was significant support by the small water systems to make POU and POE treatment permanent solutions for small systems. The emergency regulations should be in effect January 2016 and the Board will begin working on permanent regulations.

California Drinking Water Program Transition Advisory Group (TAG)

Representatives of WQA and PWQA attended this month's TAG meeting run by the State Water Resources Control Board (SWRCB). A part of the discussion was focused on POU/POE. The SWRCB mentioned the emergency regulations for POU/POE will be going to the Board for approval early 2016 and permanent regulations should be expected in January 2018. Other topics discussed were the federal revision of the total coliform rule by making an MCL and the progress the SWRCB has made developing a rule regarding 123 TCP (trichloropropane). Additionally, California Senate Bill 385, addressing hexavalent chromium, was signed by the Governor. One engineer at the meeting brought up the idea of POU/POE possibly helping small communities with hex chrom. problems. Government Affairs will continue to monitor possible opportunities and challenges at these meetings.

Non Centralized Treatment (Assembly Bill 434)

Previous emergency regulations allowed small public water systems to use POU/POE treatment in lieu of centralized treatment after receiving permit approval. These regulations sunset January 1, 2014 and AB 434 reinstates them permanently unless amended or repealed by the SWRCB. Although the permit is limited to 3 years, small systems will be able to reapply for another permit. WQA Government Affairs sent a letter of support and so far, the law has been signed by Governor Brown and the SWRCB is working on draft regulations to be in effect the beginning of 2016.

Potential Bill on Usage of Treated Wastewater

Senator Robert Hertzburg (D) introduced a last minute bill to require half of the treatment wastewater to be used for beneficial purposes, including landscape watering, by 2026 and 100% usage by 2036. Hertzburg said he will not have the bill taken up by the legislature until next year.

Review of 2015

California

Governor Executive Order—Drought

California Governor Brown announced he wants to see a 25 percent cut in urban water consumption. The reduction goal does not include farms and places the responsibility on the local water supply agencies. Government Affairs is monitoring the new regulations addressing the drought conditions for potential impacts and opportunities.

State Water Resources Control Board Drought Regulations

After Governor Brown announced he wants to see a 25 percent reduction in urban water use, the SWRCB approved mandatory targets for every local water agency to reduce consumption. Enforcement is up to the local agencies with each community having to reduce between 8-36 percent depending on past use. Clear penalties for not meeting the target this year have not been set, but communities who do not meet their assigned target can face fines up to \$10,000 and the SWRCB has the authority to intervene when necessary. An economic analysis commissioned by the board estimated private water utilities and local water departments will lose about \$1 billion in revenue, possibly leading to higher water prices.

California Drought State of Emergency

In January, Governor Brown declared a drought State of Emergency. The Governor directed the Department of Water Resources and the SWRCB to look at the impact of the drought on fish and wildlife. The Governor signed SB 103 to allocate \$10 million dollars for water efficiency programs for on-form water conservation programs. On April 22, 2014 the SWRCB approved \$4 million in funding to provide interim replacement drinking water for economically disadvantaged communities with contaminated water supplies. WQA and PWQA met with the SWRCB to discuss opportunities for POU/POE.

Softener Bans and Rebate Programs

Government Affairs is continuing to monitor and when appropriate intervene in issues regarding bans on the installation of water softeners and rebate programs. With the drought, some communities are looking at bans or rebate programs on installation of water softeners. Government Affairs for more information.

California Passes New “Made in U.S.A.” Rule (Senate Bill 633)

Governor Brown signed Senate Bill 633, stipulating makers of California goods can use “Made in U.S.A.” if at least 95% of the parts are manufactured domestically. The new law replaces a 1961 state law.

Labeling Requirements from Assembly Bill 119

The labeling requirements under AB 119 (Health and Safety Code Section 116835(B) and 116835(c)) became effective July 1, 2015. The code can be found [here](#) and further clarification from the SWRCB is on their website with a specific section on labeling requirements for manufacturers:

http://www.waterboards.ca.gov/drinking_water/certlic/device/watertreatmentdevices.shtml

Review of 2015

California

Prop 65 Changes

Required under Proposition 65, businesses must provide clear and reasonable warnings to consumers if the product can expose them to a chemical listed as known to cause cancer or reproductive toxicity. California's Office of Environmental Health Hazard Assessment (OEHHA) has compiled a list of 957 chemicals as of December 2014 that can cause cancer or reproductive toxicity. Businesses can use warning methods and content OEHHA has considered clear and reasonable in Prop 65. The proposed changes to Prop 65 are focused on two areas of the regulation: (1) regulating the transmission and content of clear and reasonable warnings and; (2) the Lead Agency Website. The effective date of these changes is two years after its adoption. Review the proposed changes and the current Prop 65:

http://oehha.ca.gov/prop65/CRNR_notices/WarningWeb/pdf/Article6_sideby.pdf

There are also two continuing efforts regarding Prop 65:

1. Mateel Environmental Justice Foundation lawsuit to order OEHHA to withdraw the current 0.5 microgram/day safe harbor level for lead in Prop 65. The change would mean any products and/or facilities where lead can be detected would have to provide the proper Prop 65 warnings. The California Chamber of Commerce and the California Farm Bureau are the defendants, with the primary defendant being the California Attorney General's office, representing OEHHA. Government Affairs is continuing to follow this lawsuit. The Judge did not dismiss the case and would not stop the actions.

2. On July 3, Center of Environmental Health (CEH) has petitioned the OEHHA to demand the repeal and amendment of the Maximum Allowable Dose Level (MADL) for lead and to also clarify the lead MADL is based on a single day exposure, not an average exposure overtime. Even if the Mateel lawsuit is defeated, this petition would need to be fought in the regulatory process. Cal Chamber has stated any reduction of the already conservative lead MADL or to base the MADL on a daily exposure would have "extraordinary implications across all sectors of the business community". The Cal Chamber says, "Warnings regarding lead, as well as all lawsuits, will undoubtedly proliferate". Government Affairs is continuing to follow updates on the petition and Cal Chambers actions. WQA and PWQA have both signed on to the California Chamber of Commerce comment letter in response. Learn more:

<http://www.oehha.ca.gov/prop65/law/070315CEHlead.html>

Colorado

State Specialty License (Senate Bill 202)

SB 202 was signed by the Governor on June 5, 2015 and is effective April 1, 2016. It removes water conditioning from the definition of plumbing—this means water conditioning contractors no longer have to be plumbing contractors and hire a full time master plumber. Now there is the option to register with the State as a water conditioning contractor, water conditioning installer, or water conditioning principal. In order to register, the professional will need to be certified by a national water conditioning association recognized by the board. WQA and Colorado WQA have been involved in the rule making process to effectively implement SB 202. It was agreed WQA is the recognized national water conditioning association during the rule making discussions. Colorado is the 1st state to cite the WQA MEP program in law and it will be a key part of the licensing rules. MEP training sessions were held in Colorado in December.

For more information please e-mail education@wqa.org.

Review of 2015

Connecticut

Septic System Discharge

Currently, the Connecticut Public Health Code does not allow backwash of water softeners into septic systems, but will allow on-site disposal of water treatment system wastewater via a separate/dedicated subsurface disposal system in accordance with the Department of Environmental Protection or General Permit. A state mandated maintenance schedule and cleaning procedures for septic systems may be developed to limit potential system failures.

In March, a team from EWQA met with representatives from the State Department of Environmental Protection (DEP) and the Department of Health to discuss radionuclide treatment and softener discharge into onsite water systems. From the meeting, the DEP confirmed the definition of “domestic waste” excludes water softener discharge. This means softener discharge cannot be sent to the onsite waste system, but all other water treatment device discharge is allowed. Also, radionuclide treatment system discharge is allowed into an onsite waste system or a dry well. Because softeners can be used to treat radionuclides, they are being considered for discharge into onsite waste systems. By continuing the open dialogue with the DEP there are opportunities to revisit the policy on water treatment discharge into an onsite waste system.

David Loveday, Frank Brigano, Richard Mest, and Representative Candelora met on August 14, 2015 to look at possible legislative action in the next session. Following the meeting, an agenda was put together for a Water Treatment Discharge Small Committee. The Committee is comprised of Paul Hurlbut, Richard Mest, Frank Brigano, and David Loveday. Another meeting was held on October 27 to discuss future steps and possible legislation.

Delaware

Water Treatment System Discharge

WQA and the EWQA are working to change Delaware’s state regulation prohibiting water softeners from discharging into septic systems. WQA and EWQA had several meetings, hearings and workshops with the Department of Natural Resources and Environmental Control (DNREC) on this issue. The DNREC has outlined a procedure for the water softener industry to submit a one time formal waiver of the requirements in DAC 7101-3.31.4 to dispose regeneration water (backwash) into onsite wastewater treatment and disposal systems. This formal waiver will be a blanket approval for use of NSF/ANSI 44 third-party certified demand initiated regeneration (DIR) water softeners.

Florida

Local Licensing Interpretation

A local inspector misinterpreted the state licensing requirements for installing water treatment equipment and under this misconception sent out “Cease and Desist” notices to dealers. FWQA was notified of the issue and came to a quick resolution resulting in the letters being rescinded after education was provided on the state licensing requirements.

Review of 2015

Idaho

State Specialty License

ID WQA is involved in the process of creating a specialty license proposal for water conditioning installation to incorporate WQA MEP. Government Affairs is monitoring the proposal and supporting ID WQA. David Loveday visited Idaho in May to discuss the proposal with the Plumbing Board. So far no bill has been introduced.

Iowa

Nitrates

The Iowa Department of Natural Resources provided data on cities reporting nitrate levels of 5 milligrams per liter or higher. It reported 30% of the state's 880 municipal water systems are highly susceptible to nitrates and other pollutant contamination. Government Affairs is monitoring nitrates as a growing contamination problem in Iowa and has sent a "Contaminants in the Water Supply" handout focusing on nitrates to Iowa members and Iowa WQA.

Registration Program (House Committee Bill 580)

This bill was not able to pass out of the Senate. It would have terminated the registration program for water treatment devices making health claims and remove the buyer/seller signature requirement on product datasheets. Instead, water treatment devices making health claims would need certification by an ANSI third party certification body. This bill was not developed by WQA and it was halted by a lack of understanding surrounding the certification process. At the last hearing, the Attorney General said he does not think the intention of the bill will decrease consumer safety and the Department of Public Health supported cutting the registration program. WQA Government Affairs wants to reintroduce the bill in the next session and have more collaboration with interested parties to provide education upfront about certification.

Maryland

Water Treatment System Discharge

The State of Maryland has banned the discharge from water softeners into advanced treatment units. Carroll County is now banning the discharge of all potable water treatment units, except RO's, into any type of onsite system. WQA Government Affairs is working with the EWQA to get clarification on the county's rule.

Maine

Arsenic (L.D. 1162)

L.D. 1162, "An Act to Ensure Safe Drinking Water for All Maine Families", was a bipartisan bill raising awareness to get more people to test their water and address arsenic contamination. On June 30, the Governor vetoed the bill.

Review of 2015

Michigan

Lead in Flint, Michigan Water Supply

In March 2014, Flint switched from Detroit's water system to receiving water from Flint River. Since then, there have been alarming headlines about the city's rising lead levels in drinking water. When the city switched water supplies, customers complained of discoloration and sediment in the water and there were boil water alerts for high TTHM levels. Health officials commented the reasons were the use of river water and Flint's aging infrastructure including lead service lines. This Fall, Dr. Mona Hanna-Attisha released data showing elevated blood-lead levels in children living in Flint. Although the state jumped to discredit Hanna-Attisha's findings, officials later held a press conference confirming her data shows increases in blood-lead levels occurring when the city switched water supplies. Most recently, Flint officials have committed to reconnecting to the Detroit Water and Sewage Department and schools are working on installing filters as a result of Hanna-Attisha's study. Government Affairs has sent a press release and factsheet on lead.

Minnesota

Nitrates

Minnesota's drinking water report called out nitrates as a growing contamination problem in the state. WQA's president, Bret Tangley sent a letter to the Governor's office discussing WQA's mission and providing the Association as a resource to educate consumers and state officials on methods for removing nitrates from their drinking water.

Proposed Local Softener Regulations

The Citizen's Chloride Advisory Committee had a meeting discussing possible restrictions on water softeners. WQA's President, Bret Tangley sent a letter to the committee addressing their report, as well as, providing background on WQRF's "For the Reduction of Influent Chloride to Wastewater Treatment Plants by the Optimization of Residential Water Softeners" study, and the Battelle Study. WQA is continuing to monitor.

State Specialty License

Unfortunately, this bill was unable to meet the deadlines for this year's session, facing opposition from the pipe trades and mechanical contractors. There is still an effort to get a bill reintroduced.

Ohio

Department of Health Rulemaking Workgroups

The Department is beginning their review of the Private Water Systems Rules, which happens every 5 years. This time, they are looking at developing rules for the use of water reclamation treatment systems. This is being called "The Recycled Water Rules". They are also considering a specialty license for water treatment equipment. WQA presented the MEP program during the July 7th workgroup conference call. So far, OWQA has been working with the Department on both of these rulemaking workgroups.

Review of 2015

Ohio

Nitrates

June 8, 2015 the City of Columbus, enacted a public health advisory because the nitrate level in treatment water was over 10 milligrams per liter. Government Affairs is monitoring nitrates as a contamination problem in Ohio and sent a “Contaminants in the Water Supply” handout focusing on nitrates to the Ohio WQA. The advisory was lifted June 22nd.

Oregon

Governor Executive Order—Drought

Oregon Governor, Kate Brown, declared a drought emergency in 23 of the state’s 36 counties. The state’s goal is to reduce nonessential water use by an average of 15% across all state-owned facilities by the end of 2020. To read more visit: <http://www.governing.com/topics/transportation-infrastructure/tns-oregon-drought-conservation.html>

State Specialty License

A state licensing requirement is in development and WQA Government Affairs is involved in the discussions. So far no bill has been introduced.

Carbon Footprint Labeling Regulation (HB 2572)

House Bill 2572, would mandate carbon footprint labeling on all consumer products sold or offered for sale in Oregon. Additionally, it would give the Environmental Quality Commission authority to create a state carbon labeling program. The scope of this bill was not feasible, with the massive range of consumer products to consider and different factors going into determining whether a product is sustainable and environmentally preferable to another. WQA, as well as other organizations have signed onto a letter opposing the bill. No further action was taken by the legislature and the session adjourned July 11, 2015.

Pennsylvania

Proposed Local Softener Regulations

Buckingham Springs, proposed softener restrictions. Government Affairs worked with members from EWQA and Richard Mest sent a letter in June, addressing softener issues raised and explained the WQRF “For the Reduction of Influent Chloride to Wastewater Treatment Plant by the Optimization of Residential Water Softeners” study.

Rhode Island

State Specialty License

David Loveday went to Rhode Island in August to discuss proposed licensing legislation. The meeting was positive and the group is working on drafting legislation for next session. Currently, there are two draft bills focusing on residential and commercial application (piping exceeds 1.5” or the flow rate exceeds 80 gallons per minute). Rhode Island has been talking to contacts in Colorado about the state’s water conditioning specialty license utilizing WQA’s MEP program.

Review of 2015

Texas

Backflow Prevention Device Requirements

Some cities in Texas require additional backflow prevention devices (RPZ's or double check valves) beyond an air gap for plumbed in water treatment systems. TWQA and WQA developed an educational handout expressing our technical argument for air gaps being a sufficient backflow preventer. Most recently, Dallas Chief Building Official said he will allow systems without RPZ's or double check valves if they have a properly installed air gap.

Wisconsin

State Product Registration

New rule became permanent effective August 1st, 2015 and exempts products certified by an ANSI accredited certification body to material safety standards from state registration. Wisconsin WQA was vital to these efforts.

State Specialty License

Wisconsin WQA and WQA have been working on changes to the Journeyman Plumber-Restricted Appliance (JPRA) license for more than two years. Both Associations worked with the Department of Safety and Professional Services (DSPS) to approve Rule CR-14-010, removing the specified instruction time required in each area of instruction and unnecessary/outdated plumbing related math in the training. By making these changes, we are updating the current code to only include relevant areas needed to perform the job and allow flexibility to provide more or less hours of instruction in each area. Currently WQA and WQAW are writing the updated exam for the state. Going forward, WQA will be able to proctor the exam.

United States

Savings Act (House Bill 1160)

The Savings Act (Safe, Affordable, Viable, and Efficient Water Supply) aims to lessen the cost burden on federal, state and local levels to have high quality drinking water for the millions of people residing in rural/secluded areas by implementing well water systems as opposed to long pipe, centralized water systems. This act encourages well water systems as a cost-effective method for providing safe drinking water by assisting local governments and not-for-profit organizations with information and technical assistance to apply for federal drinking water grants/loans. The bill was reintroduced in the House and Richard Mest, past WQA President, sent a letter of support in June.

Senator Feinstein's California Emergency Drought Relief Act of 2015

Senator Feinstein's (D-CA) office reached out to WQA regarding a Washington Post article focusing on arsenic issues in California and mentioned POU technologies. Feinstein asked for more information about possible POU/POE programs. Government Affairs worked with members and the Gephardt Group to respond to Feinstein's office. This summer, SB 1894 was introduced by Feinstein and includes \$15,000,000 for up to 15 pilot programs to assist drought stricken communities. POU/POE are listed as eligible projects to receive funding. There is an additional \$30,000,000 for the period of 2016-2020 for the EPA to award grants to innovative technologies research and demonstration projects. WQA has sent a letter supporting drought legislation and is continuing to monitor the bill.

Review of 2015

United States

North American Energy Security and Infrastructure Act of 2015 (House Bill 8)

Section 4171, titled Smart Energy and Water Efficiency Pilot Program, would authorize the Secretary of Energy to establish a pilot program to increase the effectiveness of water distribution networks by delivering better quality water while using less energy. Under the program, a utility, municipality water district, or other authority providing drinking water, water recycling, or water reuse services would be able to compete for Department of Energy (DOE) project funds. Competitive grant selections for the projects will be based on several factors, including: a project's anticipated energy and cost savings; the predicted cost-effectiveness of the project due to energy efficiency savings, water savings or reuse, and averted infrastructure costs. Section 4172, titled WaterSense, would codify the voluntary WaterSense program at EPA. It specifies the categories of eligible products for WaterSense listing and also guidelines for developing criteria and reviewing standards and clarifies the distinction of authorities between the WaterSense and Energy Star programs should a project be eligible under both. WQA is supporting this bill and is recommending point-of-entry (POE) devices be included under Chapter 7 Section 4171 (d).

WaterSense Project (House Bill 291)

This is a bill to establish a WaterSense Program. In March 2015 it was referred to the Subcommittee on Water, Power, and Oceans. Government Affairs is continuing to track the bill.

Senator Boxer Drought Recovery and Resilience Act of 2015

Senate Bill 1837 was introduced by Senator Boxer and covers: (I) Emergency Drought Response Appropriations for Reclamation Funds; (II) New Water Infrastructure Program Authorizations; (III) Improved Infrastructure and water management; (IV) Planning for the Future (desalination/drought planning). Title IV Subtitle A focuses on desalination. It will establish a "Water Technology Award Program" to award prizes to eligible persons who achieve one of the following: (1) Demonstration of desalination of brackish or sea water with significantly less energy than commercially available reverse osmosis technology. (2) Demonstration of portable or modular desalination units that can process 1 to 5,000,000 gallons per day and could be deployed for temporary emergency uses in coastal communities or communities with brackish ground water supplies. (3) Demonstration of significant advantages over commercially available reverse osmosis technology as determined by the board. Government Affairs is continuing to monitor the bill.

Western Water and American Food Security Act of 2015 (House Bill 2898)

House bill 2898 was introduced to provide drought relief in California. It is sponsored by Representative Valadao (R-CA) and is co-sponsored by most California Republicans among others. This extensive bill covers: Sacramento-San Joaquin Delta and the Suisun Marsh smelt management; salmonid management; operational flexibility and drought relief; calfed storage feasibility studies; water rights protection; water supply permitting; bureau of reclamation project streamlining accelerated revenue, repayment, and surface water storage enhancement; and safety of dams. A letter of opposition to the bill was sent to all members of the California Congressional Delegation signed by numerous environmental groups. The White House sent out a letter in opposition of the bill stating it will be vetoed if it passes the Senate. The reasons given where it adds additional standards and rules resulting in a slower process of responding to the drought and it does not stay consistent with the Endangered Species Act. Government Affairs is monitoring the bill.

Review of 2015

United States

Draft House Bill - Water Use Act

Draft text has been distributed by the High Performance Building Congressional Caucus Coalition to be introduced by Congressman Cartwright. It codifies the WaterSense program and requires the EPA publicize the importance of proper installation of WaterSense plumbing products by a WaterSense-certified or, if WaterSense certification guidelines do not exist, licensed plumber or mechanical contractor, and the installation, maintenance, and audit of WaterSense irrigation systems by a WaterSense-certified irrigation professional. The bill authorizes \$7,000,000 for 2016, \$10,000,000 for 2017, \$20,000,000 for 2018, and \$50,000,000 for 2019 and each year thereafter to carryout WaterSense. Government Affairs is monitoring the status of the draft.

US Waters in the 21st Century (Senate Bill 176)

This bill was proposed in the wake of severe droughts in the Western states. It covers innovative financing, integrated regional water management, reclamation, recycling projects, research, efficient technology, and drought preparedness and resilience. When addressing technologies the bill wants to enhance public awareness of the WaterSense label. It also includes point-of-use water treatment devices in the term "residential water efficient product, building, landscape, process, or service". On January 20, 2015 the bill was referred to the Committee on Environment and Public Works.

EPA Rule on US Waterways

This rule became effective August 28, 2015, however Congress has introduced multiple bills to restrict or eliminate it. The rule is supposed to provide clarification on what is defined as a US waterway, but many representatives and senators caution it can later be interpreted to greatly enhance federal reach over land use originally under state jurisdiction. During the creation of this rule, several states and local governments argued they were not consulted by the agency. A problematic issue with the new definitions is they do not apply any measurability to the terms used. This leaves the rule too vague and subjective to serve the purpose of clarifying what constitutes a US Waterway or what further requirements will be needed if classified as such.

\$1.2 Billion Package for Drought Relief

Representative Jarad Huffman is drafting a bill to provide drought relief. The bill has not been introduced, but a draft is on Huffman's website. WQA and Gephardt Group are monitoring any developments. <http://huffman.house.gov/sites/huffman.house.gov/files/Huffman%20drought%20response%20bill%20for%20public%20review.pdf>

Canada

Products Containing Mercury Regulation

All products with mercury or any mercury compounds being imported to and manufactured in Canada fit within the scope of the new regulations. The regulations will become effective Nov. 5, 2015 and cover labeling, reporting, record keeping, and potential testing requirements and permits for certain products.

Review of 2015

Miscellaneous

Regulatory Info Search

The Regulatory Info Search is an informational tool providing industry professionals access to regulatory information by establishing a network of current laws, regulations, and codes related to the industry. It is maintained by Kathleen Fultz, Regulatory & Government Affairs Coordinator, and is on WQA's website. Moreover, it allows WQA to keep track of regulatory changes and improve its ability to address the regulatory needs of its members. To help guide the project, WQA assembled the Regulatory Database Advisory Committee which meets to contribute resources for the database and delivers feedback on how the information is being organized. Visit: <http://www.wqa.org/Regulatory-Info-Search>

Issue Tracking Database

With the Regulatory landscape always changing, Government Affairs created an issue tracking procedure to continue to monitor and execute appropriate action on regulatory issues affecting the water treatment industry. The focus of these regulations range from professional certification or licensing, to product registration. This database tracks updates to the policy and to WQA's strategy. Each issue is assigned a WQA staff member who is accountable for these updates and is responsible for communicating any changes impacting the industry.

Western Governors Association (WGA)

The association works on developing bi-partisan, consensus-based policy positions. David Loveday has been involved in WGA's Drought forum discussions and recently attended the WGA Winter Meeting in December 2015. Jim Ogsbury, Executive Director of WGA, also attended the 2015 WQA Convention and presented to the Government Affairs Committee. Drought relief remains a top priority for Western Governors.

Western Drought

In the fall of 2014, Western Governors Association (WGA) created the WGA Drought Forum. They had four meetings in 2014 and David Loveday attended the drinking water meeting in December 2014. WQA and Gephardt Group are monitoring possible state and federal bills addressing the drought.

National Electrical Code

The proposal began as an effort to assist electricians/installers in identifying the appropriate outlet to use when installing certain types of electrical equipment and has changed into a broader proposal to require all appliances maintain a third party electrical safety certification. The term "appliances" is not defined in the NEC. Without such definition, an interpretation of what constitutes an appliance will be needed. This proposed change does not impact devices already carrying third party electrical safety certification marks. WQA is monitoring impacts to the industry.

Regulating Nanoscale Materials

The EPA has proposed to collect data through a one-time reporting program involving companies manufacturing or processing chemical substances as nanoscale materials. Companies will be asked to report on chemical identity, product volume, and methods of manufacture, processing, use, exposure, release information, and available health and safety data. The EPA has explained their intention is to gather information to determine if further action is necessary. The EPA factsheet on this rule can be found at: <http://www.epa.gov/oppt/nano/>. There will be a public comment period for the EPA's proposal and the EPA plans to hold a public meeting. More information on the meeting can be found at: <http://www.epa.gov/oppt/nano/>

Legislation that Became Law in 2015

WQA actively engages in supporting/opposing/remaining neutral on various bills posing opportunities or challenges for the industry. Below are bill highlights from 2015:

California

Assembly Bill 434—Became law 10/9/2015

Emergency regulations were reinstated permanently to allow small public water systems the option to use point-of-use or point-of-entry (POU/POE) treatment in lieu of centralized treatment. The permits will be overseen by the State Water Resources Control Board (SWRCB). The emergency regulations should be in effect January 2016 and the Board will begin working on permanent regulations.

To read more visit: http://www.leginfo.ca.gov/pub/15-16/bill/asm/ab_0401-0450/ab_434_bill_20150219_introduced.htm

Assembly Bill 1531—Became law 10/9/2015

The SWRCB now has authority to adopt, as emergency regulations, any regulation necessary to ensure consistency with the requirements for state primacy enforcement responsibility under the federal act. The Health and Safety Code Section 116380 is amended to allow the board to include requirements for POU/POE treatment used by public water systems with less than 200 service connections in lieu of centralized treatment if centralized treatment is not economically feasible. The Health and Safety Code Section 116552 is amended to require the board to determine, after a public hearing, there is no substantial community opposition in installing the treatment devices.

To read more visit: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1531

Senate Bill 385—Became law 9/4/2015

The SWRCB can now grant time-variances to public water systems as they come into compliance with the new state rule governing chromium-6.

To read more visit: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB385

Colorado

Senate Bill 202—Became law 6/5/2015

Colorado removed water conditioning from the state definition of plumbing so water conditioning contractors no longer have to be plumbing contractors and hire full time master plumbers. Instead, a new option is registering with the state under a water conditioning specialty license.

To read more visit: http://www.leg.state.co.us/clics/clics2015a/csl.nsf/fsbillcont3/CBF90A96F187335F87257DD70079B876?Open&file=202_eng.pdf

Legislation that Became Law in 2015

Other legislation of interest:

United States—Federal

House Bill 212—Became law 8/7/2015

This amendment to the Safe Drinking Water Act requires the EPA submit to Congress a strategic plan for assessing and managing risks associated with cyanotoxins. This includes a published list of cyanotoxins determined to be harmful to human health when present in drinking water provided by public water systems and factors causing cyanobacteria to proliferate and express toxins.

To read more visit: <https://www.congress.gov/114/bills/hr212/BILLS-114hr212rds.pdf>

Senate Bill 611—Presented to the President 12/02/2015

The Safe Drinking Water Act was amended to reauthorize through FY2020 the EPA's program providing technical assistance to small public water systems in complying with national primary drinking water regulations. The EPA may use the funds to provide grants or cooperative agreements to nonprofit organizations that provide onsite technical assistance; circuit-rider technical assistance programs; multistate, regional technical assistance programs; onsite and regional training; assistance with implementing source water protection plans; and assistance with implementation monitoring plans, rules, regulations, and water security enhancements.

To read more visit: <https://www.congress.gov/114/bills/s611/BILLS-114s611rh.pdf>

California

Assembly Bill 1—Became law 7/13/2015

With the continuation of the drought in California, this bill does not allow, in a state of emergency (for a drought), a city or county, or city and county to give fines for not watering the lawn or having a brown lawn.

To read more visit: http://www.leginfo.ca.gov/pub/15-16/bill/asm/ab_0001-0050/ab_1_bill_20141201_introduced.html

Assembly Bill 496—Became law 10/9/2015

All California school districts must provide access to free, fresh drinking water during meal times in food services areas. Because there are high rates of unsafe water in school water systems, the State Department of Education is authorized to receive funds to allocate to school districts to comply with these requirements.

To read more visit: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB496

Legislation that Became Law in 2015

Other legislation of interest:

California

Assembly Bill 1482—Became law 10/8/2015

By July 1, 2017 and every 3 years thereafter, the Natural Resources Agency must update the state's climate adaptation strategy and state agencies will need to maximize specified objectives, including promoting the use of the climate adaptation strategy to inform planning decisions and ensure state investments consider climate change impacts, as well as promote the use of natural systems and natural infrastructure, when developing physical infrastructure to address adaptation. This bill expands the duties of the Strategic Growth Council to include identifying and reviewing the activities and funding programs of all state agencies and coordinate specified state objectives, including meeting the state's climate adaptation strategy.

To read more visit: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB1482

Senate Bill 84—Became law 6/24/2015

The Department of Housing and Community Development is authorized to provide temporary assistance to people moving out of housing units due to a lack of potable water if the person has exhausted all reasonable attempts to find a potable water source and the housing unit is served by a private well or water utility with fewer than 15 connections and is running out of potable water due to drought conditions. The department will administer the housing assistance or contract with qualified local government agencies or nonprofit organizations to administer the assistance. Funding through the Housing Rehabilitation Loan Fund is authorized to the extent made available by the Legislature for the purpose of the above-described housing relocation program. These provisions will be repealed June 30, 2017.

To read more visit: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB84

Senate Bill 633—Became law 9/1/2015

Makers of California goods can use "Made in USA" if at least 95% of the parts are manufactured domestically. The new law replaces a 1961 state law.

To read more visit: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB633

Legislation that Became Law in 2015

Other legislation of interest:

New Hampshire

House Bill 498—Became law 6/26/2015

This bill addresses the notification of radon, arsenic and lead paint prior to the execution of any contract for the purchase and sale of any interest in real property. The buyer must acknowledge receipt of this notification and sign a copy. The effective date is January 1, 2016. The notification is as follows:

“Radon: Radon, the product of decay of radioactive materials in rock, may be found in some areas of New Hampshire. Radon gas may pass into a structure through the ground or through water from a deep well. Testing of the air by a professional certified in radon testing and testing of the water by an accredited laboratory can establish radon’s presence and equipment is available to remove it from the air or water.”

“Arsenic: Arsenic is a common groundwater contaminant in New Hampshire that occurs at unhealthy levels in well water in many areas of the state. Tests are available to determine whether arsenic is present at unsafe levels, and equipment is available to remove it from water. The buyer is encouraged to consult the New Hampshire department of environmental services private well testing recommendations (www.des.nh.gov) to ensure a safe water supply if the subject property is served by a private well.”

“Lead Paint: Before 1977, paint containing lead may have been used in structures. The presence of flaking lead paint can present a serious health hazard, especially to young children and pregnant women. Tests are available to determine whether lead is present.”

To read more visit: <http://www.gencourt.state.nh.us/legislation/2015/HB0498.html>

Texas

Senate Bill 1356—Became law 6/19/2015

Products designated as a WaterSense certified product under the WaterSense program are exempted from the taxes imposed by chapter 151 under the Texas Tax Code.

To read more visit: ftp://ftp.legis.state.tx.us/bills/84R/billtext/html/senate_bills/SB01300_SB01399/SB01356E.htm