



2022

# OHIO WATER POLICY PRIORITIES

Presented by Alliance for the Great Lakes and the Ohio Environmental Council



# PROTECTING OHIOANS FROM THE THREAT OF LEAD IN WATER

Ohio has a legacy of lead in its drinking water delivery systems. Lead poisoning from consuming contaminated water can cause irreversible brain damage in children that may take years to emerge. The Centers for Disease Control and Prevention has determined there is no safe level of lead in children. Approximately 3,500 children in Ohio had elevated levels of lead in their blood in 2019.<sup>1</sup> Currently, there are an estimated 650,000 lead service lines, the pipes that connect the water main to the plumbing systems in private homes, throughout Ohio.<sup>2</sup> Removing these lead service lines is critical to protecting Ohioans from the threat of lead poisoning.



## Lead Free Water Legislative Priorities

The Lead Free Water Legislative priorities aim to implement a cooperative state program that empowers public water systems to coordinate replacement of all lead service lines. We envision the creation of an Office of Lead Service Line Replacement within the Ohio Environmental Protection Agency to administer the program. Our Lead Free Water Legislative priorities will:

- Require the inventory of all water service lines by material type, including the private side of water service lines;
- Require all public water systems to fully replace lead service lines within 20 years;
- Ban partial lead service line replacements;
- Enable public water systems to develop and implement programs that reduce barriers to fully replacing lead service lines;
- Ensure Ohio EPA collaborates with public water systems to identify funding for lead service line replacement programs via grants;
- Encourage public water systems to create programs that provide financial assistance to low-income customers to replace their part of the lead service line; and
- Allow customers to pay the remaining costs for private lead service line replacement through their water bill.



# AFFORDABLE WATER FOR ALL OHIOANS

In 2016, more than 15 million Americans, or 1 out of every 20 households, had their water shut off due to being unable to pay their water bill.<sup>3</sup>



It is estimated that by the end of 2022, more than a third of all households across the nation will not be able to pay their water bill.<sup>4</sup>



The affordability of basic water and sewer services impacts Ohioans across the state in both urban and rural areas.



According to a 2019 report entitled *Water & Sewer Service Affordability in Ohio Assessment & Opportunities for State Policy*, a month of basic water and sewer service requires more than eight hours of labor at minimum wage for nearly 80% of Ohio communities.<sup>5</sup>



The Ohio report found that water costs are disproportionately felt by people of color whose communities have been redlined and disinvested in for decades, as well as people in rural communities with a small rate base.



Water is a basic human need. All Ohioans should have access to safe, clean water in their homes.

## Water Affordability Legislative Priorities

Ohio needs a statewide solution to help thousands of families across the state avoid the hard decision between putting food on the table or paying their water bill. When a utility cuts off water to a house or apartment, a family faces numerous hardships, including a home that is no longer habitable.

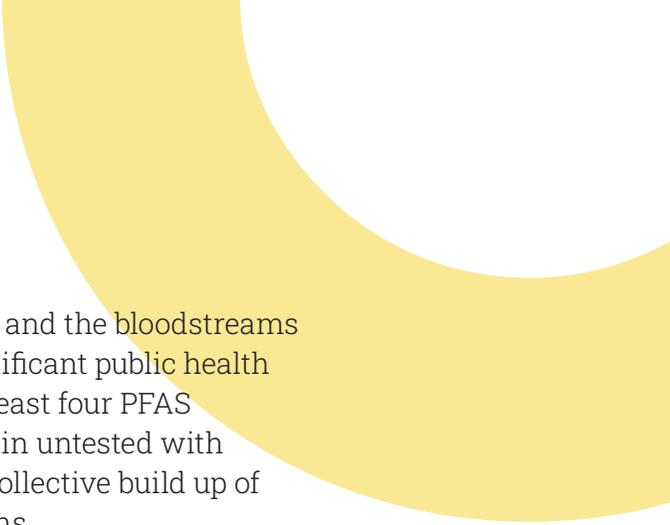
Our Water Affordability Legislative Priorities will:

- Ban water shutoffs for the inability to pay;
- Require public water utilities to create a water affordability program;
- Require public water utilities to develop an emergency water assistance program for people who cannot afford to pay their water bill when they fall on hard times;
- Provide an opportunity for debt forgiveness for Ohioans who are diligently working to pay down water debt for 2 years; and
- Allow water utilities to use funds generated from rate-payers to create customer assistance programs.



# PFAS POLLUTION STANDARDS NEEDED TO PROTECT OHIOANS' DRINKING WATER

PFAS, also known as “forever chemicals”, are a family of nearly 5,000 chemicals used to make many common-place products, from food packaging and carpeting to firefighting foams and more.<sup>6</sup> They were first introduced into consumer products in the 1940s. PFAS contamination is widespread in lakes, rivers, and groundwater reserves and has even been found in rainwater. PFAS enters into the environment through the emissions of polluting factories and leaching from consumer products.



PFAS can now be found in breast milk, umbilical cord blood, and the bloodstreams of most Americans. The science is certain. PFAS pose a significant public health risk to Ohioans and all Americans. Research shows that at least four PFAS chemicals are toxic for humans. Most PFAS chemicals remain untested with unknown health risks. Current evidence suggests that the collective build up of PFAS in the human body may cause serious health conditions.

Special attention is needed to prevent children's exposure to PFAS. Research suggests that children's exposure may be higher than that of adults. Children are also more vulnerable, having smaller bodies and developing brains. Any exposure to PFAS can lead to increased health risks for children.

## PFAS in Drinking Water

The Environmental Working Group estimates that more than 200 million Americans are likely drinking PFAS-contaminated tap water.<sup>7</sup> In December 2020, the Ohio EPA finished its final testing for the presence of certain PFAS in drinking water from Ohio's public water systems, bringing to a close the Agency's statewide sampling of almost 1,550 public water systems under Governor DeWine's PFAS Action Plan. Two public water systems had PFAS levels above the EPA-established health advisory level of 70 parts per trillion, and 106 public water systems had some detectable level of PFAS under the EPA health advisory level. The remaining public water systems had no traces of PFAS chemicals.<sup>8</sup>

Importantly, the Ohio EPA has not conducted comprehensive testing of surface and ground water for PFAS in Ohio, nor has the U.S. EPA.

## PFAS Policy Recommendations

Ohio should not wait to set limits on PFAS chemicals. Instead, it should join a growing number of states across the country taking action to protect their residents, especially children, from the known health impacts of PFAS chemicals. The longer we fail to act, the more health and treatment costs will continue to grow. Setting clear standards to reduce PFAS in our water will signal to polluters that they must take responsibility for their part in the PFAS problem.



# HARMFUL ALGAL BLOOMS IN LAKE ERIE

Western Lake Erie has suffered from an increase of harmful algal blooms (HABs) over the past decade. The blooms consist of cyanobacteria, also known as blue-green algae, that are capable of producing toxins that pose serious health risks to humans and animals. They can also create severe economic and environmental impacts on communities, businesses, and industries that depend on the lake.

HABs are fueled by excessive phosphorus from the use of fertilizer, animal manure on cropland, and pollution from raw and partially-treated sewage from cities and septic tanks. Major rivers deliver the phosphorus to Lake Erie during spring storms.

A majority of Ohio's funding to protect the state's water resources has historically been spent on addressing identifiable sources of pollution, such as waste discharged from factories and water treatment plants. Yet current water quality challenges—in particular, high levels of nitrogen and phosphorus—are driven by nonpoint sources. These nonpoint sources include excess fertilizers from farm fields that enter our lakes and rivers and promote the growth of HABs. Fertilizer runoff can create the "dead zone" in the Central Lake Erie Basin and negatively impacts Ohio's communities and businesses.

H2Ohio provides funding for activities that will reduce runoff as well as for more aggressive action to address failing septic systems and other water treatment needs across Ohio.

## H2Ohio Investments in Water Quality Improvements

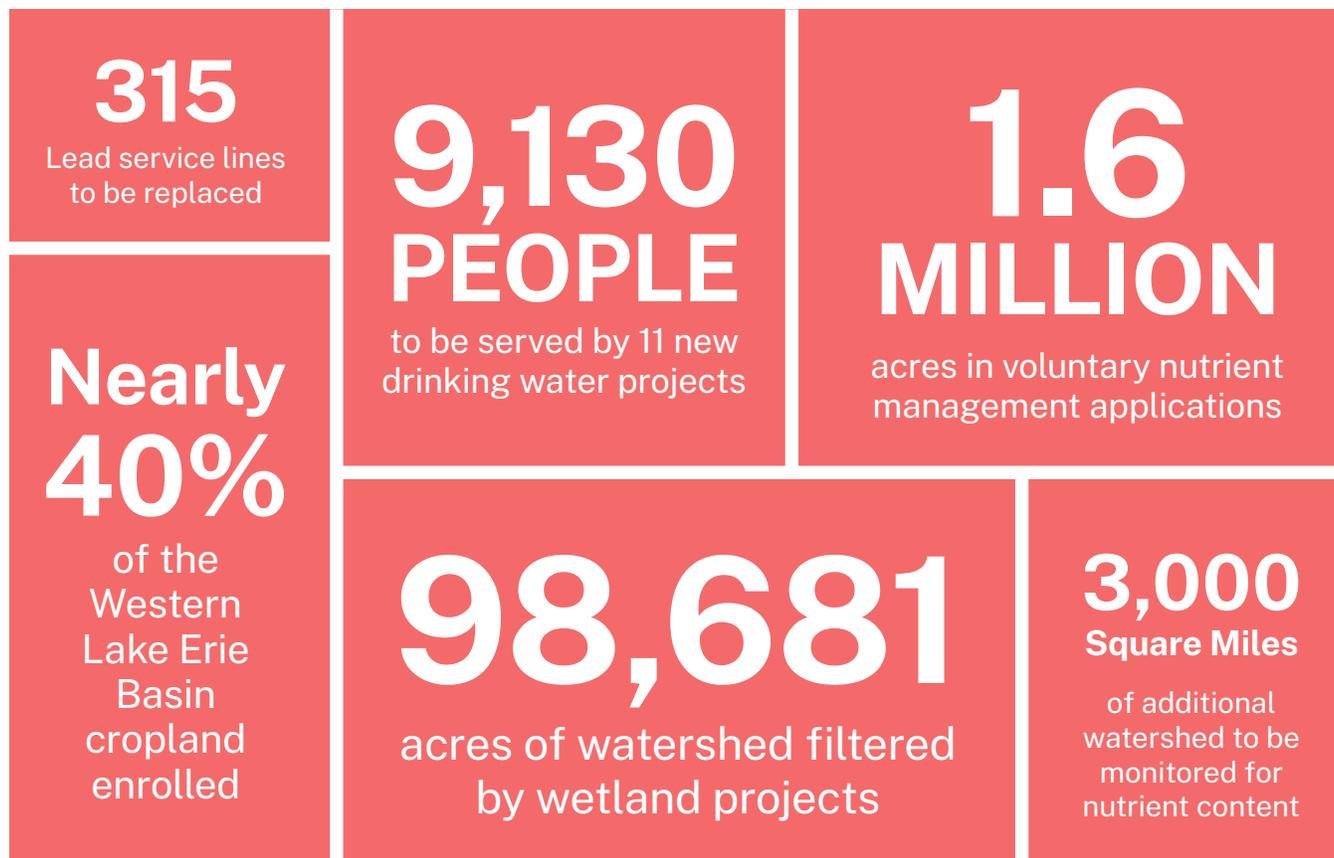


Figure Source: H2Ohio. (2021). About H2Ohio. <https://h2.ohio.gov/>



## H2Ohio Program

H2Ohio is a comprehensive effort designed to improve Ohio's water quality from source to tap. H2Ohio was championed by Governor DeWine and funded by appropriations from the state's General Revenue Fund. The H2Ohio program has committed to spend \$342 million dollars over 3 years on drinking water infrastructure and clean water initiatives.

H2Ohio benefits Ohioans across the state by improving water quality from Lake Erie to the Ohio River. The H2Ohio program is addressing the problem of harmful algal blooms in a number of ways. This broad approach will help keep nutrients like phosphorus out of our waterways while making our landscape and infrastructure more climate resilient. Some key elements of the program include:

- Giving incentives to farmers to implement new conservation practices that improve water quality using the Ohio Department of Agriculture's 10 most effective and cost-efficient practices to reduce HAB-inducing agricultural phosphorus runoff;
- Building and restoring wetland habitat primarily in the Maumee watershed in Northwest Ohio through the wetland program facilitated by the Ohio Department of Natural Resources. Additional projects have started around the state, including one near Chippewa Lake in Northeast Ohio, the state's largest glacial lake; and
- Allocating funding for infrastructure projects in disadvantaged communities through the Ohio Environmental Protection Agency to help ensure that Ohioans have safe drinking water and quality wastewater infrastructure. Projects include replacing hundreds of failing home sewage treatment systems in low-income households to prevent the release of raw sewage onto property or into waterways.

# H2Ohio Policy Recommendations

Many H2Ohio projects need to be in place long term to yield the water quality improvements that the program strives for. One possible vehicle for long-term investment in H2Ohio is through the implementation of a 10-year water bond. A water bond would provide dedicated funding over time, allowing state leaders to continually invest resources to support waterways across the state. Currently, the H2Ohio program is funded through the State Operating Budget, which can allow for drastic differences in funding levels every biennium.

To create a water bond, the General Assembly must pass a Joint Resolution that proposes a constitutional amendment for voters to consider during an upcoming election. After voters pass the ballot initiative, new language in the Ohio Constitution would allow the state to issue bonds to raise funds for more H2Ohio projects.

To ensure Ohio effectively implements a water bond, the joint resolution's language should include:

- Accountability metrics to ensure that water quality improvements are realized through the program; and
- A transparent process with community and stakeholder input for how the program will continue to be implemented.

The H2Ohio initiative, as well as any permanent water bond funding, must represent all the people of Ohio. In order to better achieve this goal, we recommend the creation of an H2Ohio Governance Body. This body should include representation from the community, as well as members with different racial backgrounds, professional backgrounds, and natural resource experiences. It also needs a formal governance structure that includes a diverse range of stakeholders who can provide insight and expertise to ensure the program can last beyond any administration or General Assembly.



## Footnotes

<sup>1</sup> Rachel Dissell. (22 October 2019). Gov. Mike DeWine's Lead Advisory Committee holds first meeting in Cleveland. <https://www.cleveland.com/>.

<sup>2</sup> Jesus Canchola Sanchez. (14 July 2021). 650,000 Lead Pipes May Deliver Water to Homes in Ohio. NRDC. <https://www.nrdc.org/>.

<sup>3</sup> We The People of Detroit. (2019). Water Affordability Pledge. <https://www.wethepeopleofdetroit.com/>.

<sup>4</sup> We The People of Detroit. (2019). Water Affordability Pledge. <https://www.wethepeopleofdetroit.com/>.

<sup>5</sup> Manuel P. Teodoro. (4 November 2019). Water & Sewer Service Affordability in Ohio Assessment & Opportunities for State Policy. EJ Metrics. <https://greatlakes.org/>.

<sup>6</sup> FDA. (24 February 2022). Polyfluoroalkyl Substances (PFAS). <https://www.fda.gov/>.

<sup>7</sup> Monica Armelo. (14 October 2020). Study: More Than 200 Million Americans Could Have Toxic PFAS in Their Drinking Water. EWG. <https://www.ewg.org/>.

<sup>8</sup> Ohio EPA. (2020 December). Ohio BUILDS Water Infrastructure Program. <https://epa.ohio.gov>.

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