

The State of New Hampshire
Department of Environmental Services

Thomas S. Burack, Commissioner

*Celebrating 25 Years of Protecting
New Hampshire's Environment*



January 10, 2012

The Honorable Andrew Renzullo, Chairman
Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, New Hampshire 03301

Re: HB 1416, prohibiting the introduction of substances into the New Hampshire public water supply.

Dear Chairman Renzullo:

Thank you for the opportunity to comment on HB 1416, prohibiting the introduction of substances into the New Hampshire public water supply. Section 1 of this bill would prohibit the introduction of substances into New Hampshire public water supplies unless required "to make the water potable" and Section 2 would repeal the statutory procedures for local petitions and votes concerning the fluoridation of public water supplies at local discretion. As a result, HB 1416 would ban the fluoridation of all public water supplies in New Hampshire. The Department of Environmental Services (DES) defers to the Division of Public Health Services of the Department of Health and Human Services Division concerning the public health effects of fluoridation and of the proposed ban. Nonetheless, DES does not support this bill because the phrases "introduced into the public water supply" and "make the water potable" are ambiguous and could be applied far more broadly than just for fluoridation. Our concerns are explained further below.

First, we believe that the phrase "make the water potable" is ambiguous and problematic for public water suppliers who treat water supply sources at the point of entry into water distribution systems. For example, certain approved chemicals such as water supply grade calcium hydroxide (i.e., lime) and sodium hydroxide are routinely added to public water supplies to increase the pH, within acceptable ranges established by Safe Drinking Water Act standards, for purposes of corrosion control. These substances do not directly "make the water potable" but rather prevent metals such as lead and copper from leaching into the water supply from residential plumbing. Lack of corrosion control can result in water quality violations and thus public health hazards at the consumers' taps. It is unclear whether these standard practices would still be permissible if HB 1416 were to be enacted.

HB 1416 could also prohibit the introduction of substances to the sources of "public water supply of the state" such as lakes, rivers and aquifers, irrespective of where and why the substances are added. For example:

- Local highway departments, the New Hampshire Department of Transportation and private

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property owners routinely apply road salt for deicing of roads in water supply watersheds and such use could be prohibited by this legislation; and

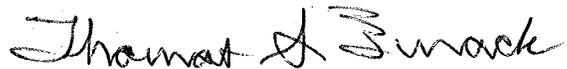
- Permitted herbicide applications to milfoil-contaminated areas of surface waters that are used for water supply could be banned on lakes and rivers irrespective of other criteria such as the distance of the application from the water supply intake (which is now considered). These herbicides are currently applied at locations and using methods to ensure that there will be no detection at public water supply intakes.

In both cases, substances added to source water at locations remote from where the water is removed for use do not "make the water potable" and, therefore, could also be banned in spite of other public benefits.

In summary, we believe that our concerns with the bill language described above would need to be addressed to avoid unintended consequences beyond the clear intent to ban fluoridation should HB 1416 be enacted.

Thank you for this opportunity to comment. Please call Sarah Pillsbury 271-1168, or me at 271-2958, if you have any questions or need additional information.

Very truly yours,



Thomas S. Burack, Commissioner

cc: Representative Cartwright
Representative Pettengill
Representative Mirski
Representative Tregenza
Representative Bergevin