

Senate Environmental Resources and Energy Committee

10/25/22, 10:30 a.m., Room 8E-B, East Wing

By Ashlee Reick, Pennsylvania Legislative Services

The committee held a hearing to discuss Legionnaires disease and Senate Bill 1125.

SB 1125 Pittman, Joe - (PN 1476) Amends Titles 27 (Environmental Resources) and 35 (Health and Safety) providing for Legionnaires' disease risk management in public water systems and the adoption of mandatory water management plans for public water systems. Provides for legislative findings of the General Assembly. Provides definitions for account, board, department, Legionella culture, Legionnaires' disease, public water system, ASHRAE-188, covered building, COVID-19 disaster emergency, local board or department of health, local health officer, and municipality. Provides the Environmental Quality Board, in conjunction with the Department of Environmental Protection, shall address the safety of public water systems across the commonwealth as they relate to the Legionella pneumophila bacteria. The Legionnaires' Disease Drinking Water Risk Management Restricted Account is established in the General Fund to provide grant awards to owners and operators of public water systems and covered buildings with bacteria water management plans. The board shall submit a report to state officials of its findings by December 31, 2022, and each year thereafter. Provides for regulations; owner and operator liability; and penalties, prosecutions, and fines for owners and operators of covered buildings and their water management plans. Effective in 90 days.

As per Minority Chairman Comitta, the hearing will cover the intersection between environmental issues and public health. She emphasized Legionnaires' disease is preventable. "I would like to thank Sens. Pittman and Fontana for introducing Senate Bill 1125," she said. Chairman Comitta expressed hope that they'd learn more about preventing Legionnaires' disease.

Dr. Meilin Young, pulmonologist, Allegheny He thanked the committee for considering Senate Bill 1125. She noted the issue is "near and dear to" her heart. According to Dr. Young, Legionnaires' disease is "a severe and sometimes deadly form of pneumonia" and first received recognition in 1976 after an outbreak in Philadelphia. She emphasized cases of Legionnaires' disease and pneumonia continue to rise. According to Dr. Young, Pennsylvania shows some of the highest rates. "There is an increase of an estimate of at least 66 percent," remarked Dr. Young. She suggested the percentage is likely higher due to the disease going undiagnosed. As per Dr. Young, some patients have a 50-50 rate of survival. "We know Legionnaires' disease is contracted by inhaling the bacteria that are living in...poorly treated water systems," she said. She argued Pennsylvania should act as the leader in preventing Legionnaires' disease and called on the committee to pass Senate Bill 1125.

Dr. Jen Clancy, chief scientist, Environmenta and Research Institute, thanked the committee for offering her the opportunity to testify. As per Dr. Clancy, Pennsylvania was the first state to recognize Legionnaires' disease. She noted people contract Legionnaires' disease "when contaminated water is inhaled by a susceptible individual." Dr. Clancy raised concerns about contaminated water in buildings. "The water may be safe to drink, but not safe to breathe," she stated. She noted the Environmental Protection Agency (EPA) expects to fund her organization's study on contaminants and water systems in the U.S. She referred to ASHRAE Standard 188-2018, establishes legionellosis risk management for building water systems. Dr. Clancy concluded, requesting support for Senate Bill 1125.

Ron Gribik, vice president of operations, CWM thanked members of the committee for inviting him to testify. He noted Legionnaires' disease poses a health risk. As per Gribik, he encourages clients to develop water management plans. He emphasized a school district in Sen. Pittman's district participates in

voluntary testing and reiterated the importance of water management plans. "I encourage the committee to continue in their efforts," stated Gribik. He argued solutions "don't have to be...expensive."

Patsy Root, senior manager of government affairs, thanked the committee for allowing her to testify. As per Root, the Legionnaires' disease is 90 percent preventable. She raised concerns about contaminants in water, echoing other testifiers' comments. As per Root, people can breathe bacteria in hotels in areas that are unused. Root called on buildings to develop water management plans. She noted she helped author ASHRAE Standard 188-2018. "This bill addresses the whole cycle," opined Root. She suggested the bill would help prevent Legionnaires' disease.

John J. Farmerie, executive consultant, Cyrus Consulting, Inc., said, "I support Senate Bill 1125." He reiterated previous testifiers' comments, emphasizing the importance of risk management plans and water management plans. Farmerie warned against solving the issue by just "adding more chlorine." He called for understanding the "mechanical aspects of the building."

Chairman Yaw noted the testifiers all agreed on water management plans. Farmerie spoke of a building in western Pennsylvania that took their recommendations for water systems. As per Root, ASHRAE Standard 188-2018 is optional. She argued most rules develop under an emergency situation and called for Pennsylvania to be proactive. "The time to do something is now when we can do it thoughtfully," remarked Root. She emphasized the importance of writing water management plans. Farmerie spoke of elderly care facilities, noting elderly people often store belongings in their bathtubs, causing them not to use the faucet and allowing bacteria to grow. "The people don't understand water and what's happening," he argued.

Chairman Comitta asked, "What would prevent a building owner from not implementing these prevention management techniques?" She argued the bill would offer incentives. Root emphasized ASHRAE 188-2018 is a "voluntary standard" and noted building owners view it as additional work. "Because it's voluntary, I think that's the barrier," she said. Dr. Clancy echoed Root's comments on ASHRAE 188-2018 and noted schools are "not as aware" of the issue of contaminants in water as they relate to Legionnaires' disease. She called on people to understand problems in their building to prevent water quality issues. "It does take some time," said Dr. Clancy. She noted using water management plans can prevent litigation. Chairman Comitta suggested Senate Bill 1125 would educate people but inquired as to how the public could receive further education on water management systems and Legionnaires' disease. Farmerie emphasized the importance of "turning...water on," especially in hotels as he doesn't "know how long that room has been used." Root called for addressing it with children but noted she does not "have any ideas" at the moment.

Sen. Fontana noted the bill would make it so that ASHRAE 188-2018 is no longer voluntary and inquired about the cost for building owners. Root suggested ongoing costs relate to testing every quarter. Sen. Fontana asked about the costs of testing. Root noted the tests cost "anywhere from \$25 to \$50 each." Sen. Fontana suggested the costs are not overwhelming, which Root affirmed. Dr. Young reiterated Legionnaires' disease can lead to "astronomical bills." She argued building owners can face lawsuits if they're found negligent, which "could get very nasty." Dr. Young emphasized on the importance of prevention, noting the investments are minimal.

Brad Considine, director of strategic initiatives to prevent Legionnaires' Disease, emphasized on the importance of using scientific data to prevent Legionnaires' disease. He reiterated the importance of educating people, as well as eradicating the root causes of the disease. Considine called for focusing on vulnerable populations, such as the elderly and immunocompromised people. As per Considine, "individual and sporadic case that are not part of outbreaks" are 96 percent of Legionnaires' disease cases. He noted the Alliance to Prevent Legionnaires' Disease remains committed to identifying the root causes of the disease.

Bob Bowcock, founder, Integrated Resource Man noted he consults with community water systems in his professional life. Bowcock reiterated Considine's comments, emphasizing 96 percent of Legionnaires' disease cases are individual cases. He noted New Jersey recently took over the water system in Trenton as a result of water quality issues. Bowcock emphasized the importance of preventing contaminants in water through regulations.

Daryn Cline, Global Cold Chain Alliance, noted equipment for refrigeration is safely managed. He emphasized the importance of food safety measures to prevent bacteria from spreading. Cline called on building owners to address water quality. "The cause of Legionnaires' disease...is best addressed upstream in the water supply," he concluded.

Andre Del Valle, vice president of government affairs, Pennsylvania Apartment Association, thanked the committee for the opportunity to testify at the hearing. As per Del Valle, the Pennsylvania Apartment Association remains committed to residents' safety. He noted members took precautions during the COVID-19 pandemic. "Many of our members have developed and implemented their own water management plans," said Del Valle. He highlighted members are still recovering from economic losses during the COVID-19 pandemic. "96 percent of Legionnaires' disease are single and sporadic in nature," he said. As per Del Valle, he is open to continuing to discuss the issue to compromise.

Chairman Yaw asked Del Valle if water management plans are the solution, to which Considine agreed.

Bob Iodice, Kennedy Wilson Property Services, thanked the committee for allowing him to testify. He emphasized four percent of Legionnaires' disease are outbreaks. He argued Senate Bill 1125 contradicts ASHRAE 188-2018. Iodice concluded as he noted his opposition to Senate Bill 1125.

Chairman Comitta inquired about New Jersey's bill, which is similar to Senate Bill 1125. She asked if the Global Cold Chain Alliance and Pennsylvania Apartment Association support that bill. Cline argued the bill differs from Senate Bill 1125. He noted he appreciates the conversation on water management risk but asserted there's not prescribed solutions. As per Del Valle, he is willing to work on developing a compromise. Chairman Comitta thanked the testifiers for offering their perspectives.

Sen. Fontana asked the testifiers if they'd support New Jersey's bill. Cline suggested he would "support the prescriptive things in the front end of that bill." Sen. Fontana asked Cline if he could provide a list of what he would compromise on, to which Cline stated he'd focus on voluntary adoption of standards. He noted the bill in New Jersey addresses issues within homes. Sen. Fontana reiterated, "There's issues in buildings too." Cline emphasized his organization supports voluntary adoption of the standards.

Chairman Yaw thanked the testifiers for providing their perspective on the issue. He expressed hope that the committee "would look into the issue further." He concluded the meeting, noting the committee will meet for another voting meeting, which he will announce off the floor.