

- **Board of Directors**
Communications and Legislation Committee

June 10, 2008 Board Meeting

8-12

Subject

Express support for AB 2425 (Coto, D-San Jose): pharmaceuticals in drinking water

Description

A recent series by the Associated Press (AP) featured an investigation on the occurrence of pharmaceutical and personal care products (PPCPs) in the nation's drinking water supply. This series generated considerable media and public interest regarding the quality and safety of the water supply. Water utilities across the country were confronted with information requests about the nature of these compounds and health-related implications.

It is known that municipal sewage discharge can contain numerous pharmaceutical compounds. Individuals consuming prescription, non-prescription, or even illicit drugs can excrete high levels of these chemicals which can eventually enter wastewater treatment plants. While some of these compounds are removed during the wastewater treatment process, many can pass through the plant and ultimately enter rivers or reservoirs used for drinking water supplies. Typically, resulting concentrations in receiving bodies of water range from parts per billion (ppb) to parts per trillion (ppt) or orders of magnitude lower than the original therapeutic dose.

Agricultural run-off may also contribute to this contamination but little is known about the magnitude or scope of these sources. Regardless of the source, nationwide surveys have revealed that pharmaceutical compounds can be detected in almost all surface waters.

Recent studies have not found definitive human health effects associated with long-term exposure to PPCPs occurring at environmental levels. However, studies of aquatic organisms (e.g., fish) in polluted lakes and rivers have reported the association of impaired reproductive systems with the presence of pharmaceuticals. These findings have led some scientists to speculate that there may be synergistic effects to exposure of multiple PPCPs or that long-term exposure to these agents even at trace concentrations may result in adverse human health effects. Clearly, a substantial amount of investigative work will be required to resolve these questions. Due to the lack of human health effects data, regulatory agencies are reluctant to initiate standard setting processes. Nevertheless, academic institutions and research agencies such as the American Water Works Association Research Foundation (AwwaRF) have aggressively pursued studies to collect more information on PPCPs.

Prior to the AP story, an increasing number of water utilities, including Metropolitan, had voluntarily monitored for selected pharmaceutical related compounds. Monitoring conducted by Metropolitan, U.S. Geological Survey, and as part of an AwwaRF study, confirmed the presence of PPCPs in Colorado River and State Water Project water supplies. Metropolitan's findings have been consistently reported to its Board and member agencies.

The U. S. Senate Committee on Environment and Public Works, chaired by Senator Barbara Boxer (D-California), and its Subcommittee on Transportation Safety, Infrastructure Security, and Water Quality, chaired by Sen. Frank Lautenberg (D-New Jersey) conducted a hearing on April 15, 2008, on pharmaceuticals in the nation's water. Two panels provided expert testimony on the impacts of pharmaceuticals in the drinking water supply including U.S. EPA Assistant Administrator Benjamin Grumbles. Administrator Grumbles suggested that any regulation of pharmaceuticals would follow the process identified under the 1996 amendments to the Safe Drinking Water Act. Dr. Shane Snyder of the Southern Nevada Water Authority testified on behalf of the American Water Works Association and recommended improved pollution prevention measures, support for pharmaceutical disposal programs, research on health effects of trace levels of PPCPs, and a continued reliance on EPA's science-driven approach to monitoring and regulating.

To move beyond monitoring for substances, Metropolitan became a recent partner in the Los Angeles County Sanitation District's "No Drugs Down the Drain" program. This voluntary partnership is aimed at educating the public about the proper disposal of unused medications and pharmaceuticals.

AB 2425, as amended on May 23, 2008 (**Attachment 1**), seeks to amend the state's Health and Safety Code to establish a public-private partnership with the state Department of Public Health and others to advance knowledge about pharmaceuticals in the public's drinking water supply. The partnership would require a working group comprised of representatives from the pharmaceutical industry, state regulatory officials, public health officers, environmental groups and water and wastewater agencies. The working group would compile information and research on pharmaceuticals and prepare a report to the Legislature. AB 2425 would also require the working group to develop best practices for industry and individuals and make recommendations and offer options for the Legislature and Governor to consider no later than September 1, 2009, for addressing any concerns on the topic of pharmaceuticals in California drinking water supplies. This bill would also require the Department to provide relevant education information on the proper method of handling and disposal of pharmaceuticals and make it available on its Internet Web site.

Policy

Drinking Water Quality, M.I. 46191- April 12, 2005

Consumers' Right To Know and Understand the Quality of Their Drinking Water, M.I. 45255 - March 11, 2003

Source Water Quality Protection, M.I. 39929 – November 10, 1992; M.I. 40878 – June 14, 1994; M.I. 41222 – January 10, 1995; M.I. 42820 – February 10, 1998

Federal Safe Drinking Water Act, M.I. 39928 – November 10, 1992

California Environmental Quality Act (CEQA)

CEQA determination for Options #1 and #2:

The proposed action is not defined as a project under CEQA because it involves continuing administrative activities, such as general policy and procedure making (Section 15378(b)(2) of the State CEQA Guidelines). In addition, where it can be seen with certainty that there is no possibility that the proposed action in question may have a significant effect on the environment, the proposed action is not subject to CEQA (Section 15061(b)(3) of the State CEQA Guidelines).

The CEQA determination is: Determine that the proposed action is not subject to CEQA pursuant to Sections 15378(b)(2) and 15061(b)(3) of the State CEQA Guidelines.

CEQA determination for Option #3:

None required

Board Options

Option #1

Adopt the CEQA determination and express support for AB 2425 as amended.

Fiscal Impact: None

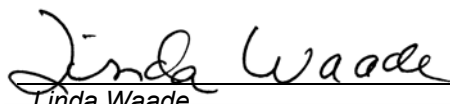
Option #2

Take no action.

Fiscal Impact: None


Staff Recommendation

Option #1


Linda Waade
Deputy General Manager, External Affairs

6/3/2008

Date


Jeffrey Lightlinger
General Manager

6/3/2008

Date

Attachment 1 – AB 2425 (amended May 23, 2008)

BLA #5354

AMENDED IN ASSEMBLY MAY 23, 2008

AMENDED IN ASSEMBLY APRIL 23, 2008

AMENDED IN ASSEMBLY APRIL 1, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 2425

Introduced by Assembly Member Coto

February 21, 2008

An act to add and repeal Chapter 6.62 (commencing with Section 25255) of Division 20 of the Health and Safety Code, relating to water quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 2425, as amended, Coto. State Department of Public Health: water quality: pharmaceuticals.

Existing law prohibits any person in the course of doing business from knowingly discharging or releasing a chemical known to the state to cause cancer or reproductive toxicity into water or onto or into land where such chemical passes or probably will pass into any source of drinking water, except as specified.

This bill would require every pharmaceutical manufacturer that does business with the state to enter into a public-private partnership with the State Department of Public Health to advance public knowledge about pharmaceuticals in public drinking water supplies, as prescribed. The bill would require the department to post links on its Internet Web site to other Web sites that have relevant educational information on the proper methods of handling and disposing of pharmaceuticals.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION. 1. The Legislature hereby finds and declares all of
2 the following:

3 (a) In the course of a major study conducted and reported by
4 the Associated Press, pharmaceutical products have been detected
5 in the drinking water supplies of 24 major metropolitan areas of
6 the country, including southern California.

7 (b) The federal government does not require safety testing of
8 pharmaceutical products in drinking water. Some local water
9 providers screen only for one or two pharmaceutical products, but
10 not other pharmaceutical products that can cause harm.

11 (c) An official of the United States Environmental Protection
12 Agency has acknowledged that pharmaceutical “contamination in
13 water supplies is a growing concern and that government has some
14 catching up to do.”

15 (d) It is the purpose of this act to provide more education on the
16 potential effects of pharmaceuticals entering drinking water
17 systems.

18 SEC. 2. Chapter 6.62 (commencing with Section 25255) is
19 added to Division 20 of the Health and Safety Code, to read:

20

21 CHAPTER 6.62. WATER CONTAMINATION FROM
22 PHARMACEUTICALS
23

24 25255. For purposes of this chapter, the following definitions
25 shall apply:

26 (a) “Pharmaceuticals” means any drug that is sold over the
27 counter and any drug that is required to bear the legend, “Caution:
28 Federal law prohibits dispensing without a prescription,” “RX
29 only,” or words of similar import.

30 (b) “Pharmaceutical manufacturer” means a drug manufacturer
31 as defined in Section 4033 of the Business and Professions Code.

32 25256. (a) Every pharmaceutical manufacturer that does
33 business with the state shall enter into a public-private partnership
34 with the State Department of Public Health in order to advance
35 public knowledge about pharmaceuticals in public drinking water
36 supplies.

1 (b) The partnership shall include the formation of a working
2 group that includes representatives from other entities. The working
3 group’s responsibilities shall include all of the following:

4 (1) Compiling research on the topic of pharmaceuticals in public
5 drinking water supplies in the state and the nation.

6 (2) Preparing a status report on the topic of pharmaceuticals in
7 public drinking water supplies in the state. This report shall, among
8 other things, identify methods of preventing and removing
9 pharmaceutical contaminants from the drinking water supplies of
10 the state *and include information provided pursuant to Section*
11 *47122 of the Public Resources Code.*

12 (3) Developing best practices for industry and individuals.

13 (4) Making recommendations and offering options for the
14 Legislature and Governor no later than September 1, 2009, to
15 address any concerns on the topic of pharmaceuticals in the
16 drinking water supplies of California.

17 (c) For the purposes of this section, “other entities” include, but
18 need not be limited to, the following:

19 (1) The California Pharmacists Association.

20 (2) The Office of Environmental Health Hazard Assessment.

21 (3) The State Water Resources Control Board.

22 (4) The Department of Toxic Substances Control.

23 (5) The California State Board of Pharmacy.

24 (6) The California Integrated Waste Management Board.

25 (7) Public health officers.

26 (8) Environmental groups.

27 (9) Public and private water agencies.

28 ~~(d) The department shall not expend more than forty-nine~~
29 ~~thousand dollars (\$49,000) annually from existing resources for~~
30 ~~the purposes of this chapter. The department may accept private~~
31 ~~donations for the purposes of this chapter.~~

32 (10) *The wastewater industry.*

33 25257. The State Department of Public Health shall post links
34 on its Internet Web site to other Web sites that have relevant
35 educational information on the proper methods of handling and
36 disposing of pharmaceuticals. These links may be to Web sites of
37 public agencies and nongovernmental entities, including, but not
38 limited to, nonprofit organizations and pharmaceutical
39 manufacturers.

1 25258. This chapter shall remain in effect only until January
2 1, 2014, and as of that date is repealed, unless a later enacted
3 statute, that is enacted before January 1, 2014, deletes or extends
4 that date.