

March 30, 2023

Environment - Suppliers of Water - Notification Requirements (HB0624)

Position: FAVORABLE WITH AMENDMENT

Dear Chairman Feldman and Members of the Education, Energy, and the Environment Committee,

The undersigned organizations write to offer strengthening amendments for Environment - Suppliers of Water - Notification Requirements (HB0624). While this legislation aims to improve communication to the public about drinking water contamination, it does not go far enough and will not address key gaps in current policy that exacerbated a public health crisis in West Baltimore last year.

On Labor Day, Baltimore City residents awoke to confusing and incomplete messages on social media about potential *E. Coli* contamination in their drinking water. *Escherichia coli* (*E. coli*) are bacteria commonly found in the intestines and feces of people and animals. Some strains of *E. coli* can cause intestinal infections, urinary tract infections, meningitis, septicemia, and other illnesses.¹ Small children and the elderly are most vulnerable to *E. coli*.

At 7:43am on Monday, September 5th, the Department of Public Works (DPW) tweeted that water at a police station and fire station in West Baltimore had tested positive for *E. Coli*.²



WATER SAMPLING NOTICE: DPW has sampled several locations in City Council District 9: 1503 W. Lafayette Ave. (Fire Dept. Engine 8) and Police facilities at 1034 N. Mount St, 920 N. Carey St where total coliform, E.coli contaminants have been identified in the water.
(Read thread)

7:43 AM · Sep 5, 2022

318 Retweets 113 Quote Tweets 212 Likes

Four minutes later, DPW tweeted that “residents may want to consider boiling any water used from faucets.”³



Residents may want to consider boiling any water used from faucets. DPW will be in the area distributing water as needed today, Monday, Sept. 5., and will provide frequent updates.

7:47 AM · Sep 5, 2022

104 Retweets 76 Quote Tweets 82 Likes

¹ Water Science School. (5 June 2018). [Bacteria and E. Coli in Water](#). U.S. Geological Survey.

² Baltimore City Department of Public Works [@BaltimoreDPW]. (5 Sept 2022). “[Water Sampling Notice](#).” *Twitter*.

³ Baltimore City Department of Public Works [@BaltimoreDPW]. (5 Sept 2022). “[Residents may want to consider boiling any water...](#)” *Twitter*.

The Department shared a few more tweets about sites where residents could collect jugs of clean water and then went silent for **over nine hours**, leaving residents of the immediately affected area, all of Baltimore City, and many surrounding communities wondering what was happening. Baltimore City officials did not provide a press release about the *E. Coli* contamination or issue a boil water advisory until 4:38pm that evening.⁴

Later, DPW revealed that the first test for *E. Coli* came back positive at 11:30am on Saturday, September 3rd – **two days** before any information was communicated to the public. A second test confirming the contamination came back positive on Sunday, September 4th at 9am.⁵ City and Maryland Department of the Environment employees were apparently informed immediately when the second test came back positive, but that information was not provided to potentially impacted residents until those early morning tweets the next day (along with a few messages posted on NextDoor and flyers handed out to some residents door-to-door).⁶

In contrast, when a water main break reduced water pressure in northern Baltimore County last month, DPW issued a press release and a precautionary boil water advisory the following evening – even though no *E. coli* or other contamination had been detected.⁷ We are glad to see that residents of Baltimore County received information about potential contamination in their drinking water and were provided with timely, detailed instructions on how to take precautions while the water main was repaired. However, the stark difference in communication to the public about actual *E. coli* contamination and reduced water pressure with the potential to lead to contamination invites scrutiny, particularly given the demographic differences between West Baltimore and northern Baltimore County.

We hope that DPW learned valuable lessons from its poor handling of the September 2022 *E. coli* crisis in West Baltimore, leading to prompt and more thorough messaging in Baltimore County five months later. But it is not lost on us that predominantly Black and poor residents of West Baltimore were deprived of critical public health information in a timely manner after dangerous bacteria were positively identified in their water, while their wealthier, whiter counterparts in the County were warned much earlier about the *potential* for contamination.

This bill aims to improve communication about future drinking water contamination to prevent repeats of the mistakes made in September by requiring water suppliers to use at least three methods to communicate with the public and expanding the forms of communication to include text messages and robocalls. Hopefully these changes will reduce the likelihood that a supplier will rely so heavily on social media in the future; however, they will not address a key issue exposed during the 2022 *E. coli* crisis in Baltimore City: the timeliness of a boil water advisory.

Currently, water suppliers are not required to notify the public about *E. coli* or other contaminants in their drinking water until a second test verifies the positive result. We believe that residents have the

⁴ Baltimore City Department of Public Works. (5 Sept 2022). "[DPW Issues Boil Water Advisory for Parts of West Baltimore.](#)"

⁵ Baltimore City Council Rules and Legislative Oversight Committee. (15 Sept 2022). [Informational Hearing - 2022 Labor Day Weekend E. Coli Positive Tests and Baltimore City Government's Response.](#)

⁶ Emily Opilo, Christine Condon & Scott Dance. (6 Sept 2022). [Frustration builds over Baltimore E. coli contaminated water as day passes without updates.](#) *The Baltimore Sun.*

⁷ Baltimore City Council Rules and Legislative Oversight Committee. (14 Feb 2023). [Baltimore City Department of Public Works \(DPW\) Issues a Precautionary Boil Water Advisory for Northern Baltimore County Residents and Businesses Impacted by 20-inch Water Main Break.](#)

right to know about ANY positive test for bacteria or other contaminants in their drinking water as soon as they are discovered. That is why we recommended to your colleagues in the House that this bill include an amendment requiring the issuance of a precautionary boil water advisory within 2 hours of the first positive *E. coli* detection. While the House adopted several amendments to the bill, they do not address the key issue of timely public notification.

The amendment on page 3, line 13 that includes the term "confirmed" is confusing, and that term must be defined within the scope of this bill. **The spirit of the bill is to provide timely and adequate notification to residents upon the first discovery of bacteria contamination by a water supplier. Therefore, if the intent of including the term "confirmed" is to delay this notification until a second test confirms the first, this is antithetical to the purpose of the bill and the amendment should be withdrawn.**

Similarly, an amendment on page 3, lines 17-19 adds a requirement for water suppliers to "immediately begin preparations for a boil water advisory," but not to actually issue one within a specific time frame. Again, this language continues to allow for unnecessary delays in notification and should be further amended to require water suppliers to immediately issue a boil water advisory upon the first indication of bacteria contamination to the water supply.

We understand that there are concerns about false positives, but the priority when it comes to public health should always be precaution. Public officials should trust their constituents enough to provide us with timely information that impacts our health so that we can take any precautions we deem fit while secondary tests are completed and verified. The common retort that sharing preliminary positive results could lead to "panic" is, frankly, offensive and paternalistic. When the City bungled the response to the *E. coli* crisis in September, it was residents who stepped up to keep their neighbors safe by distributing water, information, and other forms of mutual aid. Given the complete breakdown in communication in Baltimore in September, it is clear that early and often communication must be the practice going forward.

The September 2022 drinking water crisis in West Baltimore was a stark reminder of the systemic problems with Baltimore's water infrastructure that stem from decades of inequitable infrastructure investments and environmental racism. While the work to rebuild, repair, and maintain Baltimore's water infrastructure is a long-term project, we must ensure that residents have access to timely and detailed information about the quality of their drinking water now. This bill, with our suggested amendment, will improve notification requirements to ensure that residents do not have to wait days to find out about potential contamination and are instead empowered with information so they can take steps to proactively protect themselves and their families while additional testing is conducted.

We urge a favorable report on HB0624 with these amendments.

Sincerely,

Blue Water Baltimore
Clean Water Action
Food & Water Watch
Waterkeepers Chesapeake