

114TH CONGRESS  
1ST SESSION

# S. 460

To amend the Safe Drinking Water Act to provide for the assessment and management of the risk of algal toxins in drinking water, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 11, 2015

Mr. PORTMAN (for himself and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Safe Drinking Water Act to provide for the assessment and management of the risk of algal toxins in drinking water, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Drinking Water Pro-  
5 tection Act”.

1 **SEC. 2. ALGAL TOXIN RISK ASSESSMENT AND MANAGE-**  
 2 **MENT.**

3 (a) IN GENERAL.—Part E of the Safe Drinking  
 4 Water Act (42 U.S.C. 300j et seq.) is amended by adding  
 5 at the end the following:

6 **“SEC. 1459. ALGAL TOXIN RISK ASSESSMENT AND MANAGE-**  
 7 **MENT.**

8 “(a) DEFINITION OF FEASIBLE.—In this section, the  
 9 term ‘feasible’ has the meaning given the term in section  
 10 1412(b)(4)(D).

11 “(b) STRATEGIC PLAN.—

12 “(1) DEVELOPMENT.—Not later than 90 days  
 13 after the date of enactment of this section, the Ad-  
 14 ministrator shall develop and submit to Congress a  
 15 strategic plan for assessing and managing risks as-  
 16 sociated with algal toxins in drinking water provided  
 17 by public water systems.

18 “(2) INCLUSIONS.—The strategic plan shall in-  
 19 clude steps and timelines—

20 “(A) to evaluate the risk to human health  
 21 from drinking water provided by public water  
 22 systems contaminated with algal toxins;

23 “(B) to establish, publish, and update a  
 24 comprehensive list of algal toxins that the Ad-  
 25 ministrator determines may have an adverse ef-  
 26 fect on human health when present in drinking

1 water provided by public water systems, taking  
2 into account likely exposure levels;

3 “(C) to summarize—

4 “(i) the known adverse human health  
5 effects of algal toxins included on the list  
6 published under subparagraph (B) when  
7 present in drinking water provided by pub-  
8 lic water systems; and

9 “(ii) factors that cause toxin-pro-  
10 ducing cyanobacteria and algae to pro-  
11 liferate and express toxins;

12 “(D) with respect to algal toxins included  
13 on the list published under subparagraph (B),  
14 to determine whether—

15 “(i) to publish health advisories pur-  
16 suant to section 1412(b)(1)(F) for such  
17 algal toxins in drinking water provided by  
18 public water systems;

19 “(ii) to establish guidance regarding  
20 feasible analytical methods to quantify the  
21 presence of algal toxins; and

22 “(iii) to establish guidance regarding  
23 the frequency of monitoring necessary to  
24 determine if such algal toxins are present

1 in drinking water provided by public water  
2 systems;

3 “(E) to recommend feasible treatment op-  
4 tions, including procedures, equipment, and  
5 source water protection practices, to mitigate  
6 any adverse public health effects of algal toxins  
7 included on the list published under subpara-  
8 graph (B); and

9 “(F) to enter into cooperative agreements  
10 with, and provide technical assistance to, af-  
11 fected States and public water systems, as iden-  
12 tified by the Administrator, for the purpose of  
13 managing risks associated with algal toxins in-  
14 cluded on the list published under subpara-  
15 graph (B).

16 “(3) UPDATES.—The Administrator shall, as  
17 appropriate, update and submit to Congress the  
18 strategic plan developed under paragraph (1).

19 “(c) INFORMATION COORDINATION.—In carrying out  
20 this section, the Administrator shall—

21 “(1) identify gaps in the Agency’s under-  
22 standing of algal toxins, including—

23 “(A) the human health effects of algal tox-  
24 ins included on the list published under sub-  
25 section (b)(2)(B); and

1           “(B) methods and means of testing and  
2           monitoring for the presence of harmful algal  
3           toxins in source water of, or drinking water  
4           provided by, public water systems;

5           “(2) as appropriate, consult with—

6           “(A) other Federal agencies that—

7           “(i) examine or analyze cyanobacteria  
8           or algal toxins; or

9           “(ii) address public health concerns  
10          related to harmful algal blooms;

11          “(B) States;

12          “(C) operators of public water systems;

13          “(D) multinational agencies;

14          “(E) foreign governments;

15          “(F) research and academic institutions;

16          and

17          “(G) companies that provide relevant  
18          drinking water treatment options; and

19          “(3) assemble and publish information from  
20          each Federal agency that has—

21          “(A) examined or analyzed cyanobacteria  
22          or algal toxins; or

23          “(B) addressed public health concerns re-  
24          lated to harmful algal blooms.

1       “(d) USE OF SCIENCE.—The Administrator shall  
2 carry out this section in accordance with the requirements  
3 described in section 1412(b)(3)(A), as applicable.”.

4       (b) REPORT TO CONGRESS.—Not later than 90 days  
5 after the date of enactment of this Act, the Comptroller  
6 General of the United States shall prepare and submit to  
7 Congress a report that includes—

8           (1) an inventory of funds—

9               (A) expended by the United States, for  
10 each of fiscal years 2010 through 2014, to ex-  
11 amine or analyze toxin-producing cyanobacteria  
12 and algae or address public health concerns re-  
13 lated to harmful algal blooms; and

14               (B) that includes the specific purpose for  
15 which the funds were made available, the law  
16 under which the funds were authorized, and the  
17 Federal agency that received or spent the  
18 funds; and

19           (2) recommended steps to reduce any duplica-  
20 tion, and improve interagency coordination, of such  
21 expenditures.

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