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November 1, 2021

The Honorable Michael Brady, Chair
The Honorable Kenneth Gordon, Chair
Joint Committee on Public Service
State House, Room 156
Boston, MA 02133

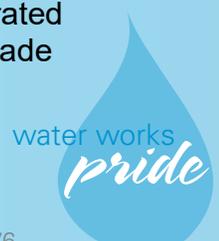
VIA Email to: Jessica.Foley@mahouse.gov

RE: House Bill 2667/Senate Bill 1728 – An Act relative to retirement classification of licensed drinking water operators

Dear Chairs Brady and Gordon, and Members of the Committee:

Massachusetts Water Works Association (MWWA) is a non-profit membership organization representing over 1,300 water supply professionals throughout the Commonwealth. Our membership consists of water operators, water system managers, consulting engineers, equipment manufacturers and vendors. Our members work hard to provide the most essential service – safe drinking water – and they play a critical role in assuring fire protection for a community. MWWA is submitting testimony in support of **House Bill 2667/Senate Bill 1728**, sponsored by Representative Pat Haddad and Senator Anne Gobi which was heard by the Committee on October 26th. This bill would reclassify **licensed** operators of drinking water utilities from Group 1 to Group 2 status.

Every Public Water System in the Commonwealth must have licensed operators. In Massachusetts, licensed operators fall under the jurisdiction of the Department of Professional Licensure and the Board of Certification of Operators of Drinking Water Supply Facilities (Board). Licensed operators must pass a national certification exam and take continuing education credits every two years to maintain their license. There are a range of licenses depending on the complexity of the treatment or the size of the distribution system. The following table is data provided by the Board showing the total number and types of Drinking Water Licenses in Massachusetts in 2020. Please note: Combined (C) licenses include both treatment and distribution certification which were granted to “grandfather” operators who were already working in a system when the Board separated licenses by duty. Treatment licenses are ranked Grades T1-T4, with Grade



1 being simple chemical addition and Grade 4 being the most complex treatment. Distribution licenses are ranked Grades D1-D4, with Grade 1 being smaller communities and Grade 4 being the largest communities. Both Treatment and Distribution have an OIT designation which stands for Operator-in-Training, or an operator who has not yet attained enough experience to be granted a full-status license. VSS and VNT licenses are very small systems or vending machines which are most often held by operators working in private systems.

License Type	2020 Licenses
C1	17
C2	31
C3	13
C4	62
D1	398
D2	618
D3	470
D4	247
D1- OIT	462
D2- OIT	310
D3- OIT	193
D4- OIT	195
T1	406
T2	368
T3	262
T4	277
T1- OIT	508
T2- OIT	337
T3- OIT	210
T4- OIT	188
VSS/VS/VT	211
Total Number	5,783

Please also note that some individuals hold multiple licenses, and some operators work for private companies who provide services to Public Water Systems, so while there are 5,783 licenses there are fewer individuals that this retirement reclassification would impact.

The duties of an operator have associated dangers that are like those professions currently included in the Group 2, or even Group 4 classifications. We note that a segment of the water supply profession, permanent watershed guards, already have Group 2 classification. Water operators, as part of their job requirements, are continually exposed to potentially disabling and loss of life events including, but not limited to:

- Unexpected chemical exposure
- Exposure to asbestos piping
- Road hazards – trench collapse/confinement; motor vehicle traffic; road noise; gas and electric utility lines; heavy equipment moving around
- Physical requirements – shoveling; heavy lifting; pipe cutting; trip, slip, and fall occurrences
- All weather conditions
- Long work hours regardless of day or night

The water profession does not receive similar public recognition; however, the work environment is closely similar in its potential devastating effects to both the individual and family as other professions already in the Group 2 classification. Regrettably, members of our profession have suffered injury¹ and death² in the line of duty. Of particular concern is that as operators age, it becomes more likely they are not able to keep up with the physical demands of the work. A further complication is that there are very few other roles to transition an operator to in a Public Water System. We would be remiss in not noting that operating Public Water Systems is very complex, even the slightest errors could endanger the public, and therefore mental acuity is essential to this work. MWWA would like the Committee to recognize the important work that licensed operators do and put them in a more proper category of Group 2.

In closing, MWWA notes that unfortunately there was an important omission made when we were drafting the bill, so prior to reporting the bill out of Committee, we would ask for the following technical amendment to the text of the bill:

“Section 3 of Chapter 32 of the Massachusetts General Laws subsection (g) is hereby amended by including ‘drinking water operators licensed by the Board of Certification of Drinking Water Supply Facilities pursuant to Chapter 112, Section 87C000’ **in the Group 2 category.**”

¹ https://www.thesunchronicle.com/news/local_news/two-wrentham-water-treatment-plant-workers-injured-during-chemical-leak/article_5136aeda-8724-555f-b057-6b6f47b5b6d8.html

² <https://www.boston.com/news/local-news/2014/02/04/long-time-natick-dpw-employee-killed-in-freak-accident-co-worker-injured/>
https://www.thesunchronicle.com/news/city-worker-struck-killed-by-driver-on-south-main-street/article_a3a56f59-db2d-5ede-a57b-6bf26985d857.html
<https://www.bostonglobe.com/metro/2018/01/05/mwra-worker-dies-after-collapsing-while-clearing-snow-arlington/K4iwtSoqTqZphbuzMKngiM/story.html>
<https://ccbfuneral.com/obituaries/robert-j-bob-walsh/>

MWWA has been trying and will continue to pursue the necessary cost estimate that shows the impact of the reclassification on the retirement system's unfunded liability, as required by the Committee's rules.

If you require more facts to support *"the current position is too demanding to be sustained until a given age and that sufficient suitable alternative jobs do not exist for workers with the skills that are exercised in current jobs"* and *"the physical exertion of the job makes it impossible to safely and effectively carry out the functions beyond age 60"* aside from the examples we have provided above, please let me know what specific data we can provide.

MWWA would request the committee's favorable report of House Bill 2667/Senate Bill 1728 with the requested amendment.

Sincerely,

A handwritten signature in black ink that reads "Jennifer A. Pederson". The signature is fluid and cursive, with the first name being the most prominent.

Jennifer A. Pederson
Executive Director