



Sunset Review Committee Testimony Backflow Advisory Board

May 21, 2024

Chair Wilkin, and members of the Sunset Review Committee, thank you for the opportunity to present information to you on the Backflow Advisory Board. My name is Aaron Johnston and I am on behalf of the Ohio Department of Commerce, Division of Industrial Compliance.

The purpose of the Backflow Advisory Board (“Board”) is to advise the Superintendent of the Division of Industrial Compliance in matters pertaining to the training, testing and certification of Backflow Testers. The Board consists of not more than ten members: one from the Plumbing Section of the Division of Industrial Compliance, three recommended by the Plumbing Administrator of the Division of Industrial Compliance, one from the Drinking Water Program of the Ohio EPA, three recommended by the Ohio EPA Director and not more than two who are not employed by the Plumbing or Water Industry. The Board itself is made up of not more than ten members. R.C. 3703.21(A). At present, seven positions are filled, and three positions remain vacant. Two of the three vacant positions, however, are discretionary positions. The Board is appointed by the Superintendent and is directly involved in investigations, disciplinary actions and public concerns related to the Division’s backflow program.

In addition to providing oversight in the drafting of the *Ohio Department of Commerce Backflow Prevention and Cross Connection-Control Manual* (“Manual”), the Board provides necessary collaboration between the Ohio EPA and the Department of Commerce resulting in consistent training and testing procedures between the two agencies; both utilize the same training manual and same testing procedures avoiding duplication. Additionally, the Board provides mediation of conflicts that may arise between water purveyors and plumbing contractors.

The Board reviews the Manual every three years, conducts investigations on falsification of documentation, validates all backflow exam questions, considers atypical experience for license applicants, reviews all backflow training agencies for compliance with the backflow rules, and hears all complaints pertaining to backflow. On these matters the Board makes a recommendation to the Superintendent for final action.

The Board members are not paid and are not reimbursed for any expenses. The Backflow Program is administered by the Division of Industrial Compliance’s Superintendent, a Division attorney, and an administrative assistant. Approximately 180 staff hours each year are dedicated to assisting the Board.

The Backflow Program for Certification and Recertification is self-funded through application and renewal fees and generates approximately \$100,000.00 annually. Currently, there are approximately 3,400 active certified Backflow Technicians in the three classes of backflow license, with approximately 450 total license applications processed per year.

In summary, the existence of the Backflow Advisory Board has enabled the Department of Commerce and Ohio EPA to regularly collaborate ensuring compatible rules, training, and testing procedures of backflow devices, which are critical to the protection of the State's potable water system. Additionally, the Backflow Advisory Board has given the Superintendent recommendations on atypical experience that must be considered in the licensing of technicians and practical guidance on the impact and application of both administrative rules and divisional policies on licensees.

Mr. Chairman and members of the committee, thank you for the opportunity to present information on the Backflow Advisory Board, and I would be happy to answer any questions you may have.