

Subcommittee on Minnesota Water Policy

Requirement for Water Testing of Private Wells

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The United States has a long history of ensuring public access to safe drinking water, which has been key to human health and development. A federal law enacted by Congress in 1974, the Safe Drinking Water Act (SDWA) ([U.S. EPA 1974](#)), authorized the U.S. Environmental Protection Agency (U.S. EPA) to set national drinking water standards to protect against health effects from naturally occurring and man-made contaminants. However, these enforceable maximum contaminant levels (MCLs) only apply to public water systems, not individual private wells.

Nearly 280 million citizens are supplied by over 170,000 public water systems and benefit from the protection of the SDWA and regular water quality monitoring. However, approximately 45 million mostly rural Americans dependent on private well water-- roughly one in every seven households. ([Maupin et al. 2014](#)). This percentage is greater in Minnesota. Therefore, the safety of their drinking water is unknown. The health risks from drinking potentially unsafe well water have been noted by the American Academy of Pediatrics (AAP), leading it to publish and to re-affirm a policy of annual water testing.

Testing of water from private wells is required in only a few states. Thirteen states require water to be tested for at least coliform bacteria when new private wells are constructed. Minnesota is one of those states and in Minnesota the new-well criteria also includes manganese, arsenic and nitrate. Oregon requires water to be tested during a real estate transaction, and Rhode Island and New Jersey require testing during property sales and when wells are constructed. Five states include arsenic as a parameter in these testing requirements. They include New Jersey, Oregon, Minnesota, Wisconsin, and North Carolina. Other states have attempted to introduce testing regulations; for example, Vermont passed a private well testing act that was vetoed by its governor, and private well testing bills in New York and Maine have not made it out of the state legislatures. Local governments have been more proactive; in 22 states (13 with no known state-wide regulation) local ordinances are stricter than state regulations, requiring testing at specific occasions or even requiring water to meet quality standards prior to its use as a source for drinking. Yet such regulations are the exception. In their absence the authorities of state and local authorities varies, ranging from actively encouraging private well owners to test their water, to remaining hands off and leaving responsibility to the private market and to the individuals who must be aware, willing, and capable to take the actions required to ensure safe drinking water for their household” ([Environ Health Perspect. 2017 Aug; 125\(8\): 085002.](#), Published online 2017 Aug 3. doi: [10.1289/EHP629](#), PMID: [PMC5783670](#), MID: [28893720](#))

Possible Legislative Action: Consider a bill that would require the testing of well water when properties are listed for sale. Chemicals for testing could be limited to “indicator” chemicals that are relatively inexpensive to analyze. These would include bacteria, nitrate, manganese and arsenic.

The water quality disclosure would be informative and would protect potential purchasers and sellers. There would not be a need for corrective action.

Alternatively, wells constructed after the state well code could be exempted because the code insure installation standards.