State Legislation for Lead Testing in School Drinking Water

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What GAO Found

An estimated 43 percent of school districts, serving 35 million students, tested for lead in school drinking water in 2016 or 2017, according to GAO’s nationwide survey of school districts. An estimated 41 percent of school districts, serving 12 million students, had not tested for lead. GAO’s survey showed that, among school districts that did test, an estimated 37 percent found elevated lead (lead at levels above their selected threshold for taking remedial action.) (See figure.) All school districts that found elevated lead in drinking water reported taking steps to reduce or eliminate exposure to lead, including replacing water fountains, installing filters or new fixtures, or providing bottled water.

![Estimated Percentage of Public School Districts Reporting Lead Testing and Results for Drinking Water](source: GAO survey of public school districts. | GAO-18-382)
The Gap in Federal Regulation of School Drinking Water

- States and Community Water Systems are regulated through the Safe Drinking Water Act
- Safe Drinking Water Act and the Lead and Copper Rule do not require testing at schools
- Community Water Systems are responsible for the water in their systems, not for water coming out of specific taps
Figure 1. State Laws Concerning Lead Testing in School Drinking Water

States indicated in dark green have state laws that specifically address testing for lead in school drinking water.

- 1974: Safe Drinking Water Act passes
- 1986: Safe Drinking Water Act amended
- 1996: Safe Drinking Water Act amended
- 2014: Flint, Michigan water crisis begins
- May 2016: Ohio law enacted
- July 2016: Rhode Island law enacted
- Sept. 2016: New York law enacted
- March 2017: Virginia law enacted
- May 2017: Minnesota law enacted
- June 2017: Maryland law enacted
- June 2017: Colorado law enacted
- Aug. 2017: Oregon law enacted
- Sept. 2017: D.C. law enacted
- Oct. 2017: California law enacted
- Feb. 2018: New Hampshire law enacted
- March 2018: Washington law enacted
- May 2018: Louisiana law enacted
- May 2018: Tennessee law enacted
- June 2018: Pennsylvania law enacted
Table 1. State Law Features Influencing Potential Effectiveness

*Marks indicate that the feature identified is considered to have an impact on the specified aspect of effectiveness.*

<table>
<thead>
<tr>
<th>Feature</th>
<th>Coverage</th>
<th>Testing Implementation</th>
<th>Risk Reduction</th>
<th>Disclosure</th>
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</thead>
<tbody>
<tr>
<td>Nature of lead testing (e.g., mandatory or voluntary)</td>
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<td>Responsibility for testing</td>
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<td>Accountability and enforcement</td>
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<td>Financial burden</td>
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<td>Varying *</td>
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<td>Scope of testing:</td>
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<tr>
<td>- Schools covered</td>
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<tr>
<td>- Age of school buildings</td>
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<tr>
<td>- Outlets tested</td>
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<tr>
<td>Subsequent testing and frequency</td>
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<td>Action level</td>
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<td>Communication of testing results:</td>
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<tr>
<td>- Reporting to parents &amp; guardians</td>
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<td>- Reporting to the public</td>
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<td>- Reporting to state &amp; local agencies</td>
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<td>Stakeholder advisory group</td>
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*The impact of financial burden on whether testing is implemented is more important for voluntary programs.*
Mandatory vs. Voluntary

- Most laws passed so far require mandatory testing of schools
- Those that do not include Colorado and Washington, which have grant programs to assist schools with the cost of testing
- 22 schools have signed up for testing in Colorado, and 246 schools (out of 2,400) have signed up in Washington
Responsibility for Testing

• Most laws passed so far put responsibility for testing on the Local Education Agency.

• Washington, Rhode Island, and DC put state agencies in charge of testing.

• California has put responsibility in the hands of Community Water Systems, who have the equipment and personnel who are familiar with water testing protocols.
Action Level

- Most laws reference either the EPA action level of 15 ppb or its guidance that remediation be conducted if an individual outlet’s lead level is 20 ppb or higher
- Washington, DC set an action level of 5 ppb for remediation
- EPA’s guidance released in October stresses that there is no safe level of lead and that states and local officials should determine when remediation is needed
Ground Water and Drinking Water

3Ts for Reducing Lead in Drinking Water Toolkit

EPA’s 3Ts - Training, Testing, and Taking Action - provides tools for schools, child care facilities, states, and water systems to implement voluntary lead in drinking water testing programs.

Information at: www.epa.gov/ground-water-and-drinking-water/3ts-reducing-lead-drinking-water-toolkit
Ground Water and Drinking Water

Drinking Water Grants

Grant Programs

Water Infrastructure Improvements for the Nation Act (WIIN) Grants

WIIN addresses, supports and improves America’s drinking water infrastructure. Included in the WIIN Act are three new drinking water grants that promote public health and the protection of the environment. As part of the grant, the EPA will award approximately $1.2 million for fiscal year 2018 to support lead testing in drinking water at tribal schools and child care facilities.

- EPA launched the first of these three grants, Lead Testing in School and Child Care Program Drinking Water, on September 21, 2018.

Information at: www.epa.gov/ground-water-and-drinking-water/drinking-water-grants
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Download at: centerforgreenschools.org

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