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H.441

Introduced by Representatives Weed of Enosburgh, Buckholz of Hartford,  
Burke of Brattleboro, Chesnut-Tangerman of Middletown  
Springs, Christensen of Weathersfield, Cina of Burlington,  
Colburn of Burlington, Connor of Fairfield, Donovan of  
Burlington, Gannon of Wilmington, Gardner of Richmond,  
Gonzalez of Winooski, Macaig of Williston, Masland of  
Thetford, McCormack of Burlington, McCullough of Williston,  
McFaun of Barre Town, Potter of Clarendon, Stevens of  
Waterbury, Troiano of Stannard, and Yantachka of Charlotte

Referred to Committee on

Date:

Subject: Health; environmental health; lead; schools

Statement of purpose of bill as introduced: This bill proposes to create a pilot  
program for testing potable water sources within schools for elevated  
concentrations of lead. It also creates a working group to assess whether soil  
surrounding schools and interior and exterior painted surfaces in schools  
should be tested for elevated concentrations of lead.

An act relating to lead testing in schools

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. PILOT PROGRAM; LEAD TESTING IN SCHOOLS

3 (a) The Departments of Health and of Environmental Conservation shall  
4 jointly administer a pilot program for the purpose of testing potable water  
5 sources within 12 geographically diverse schools throughout the State for  
6 elevated concentrations of lead. The Departments shall provide technical  
7 assistance regarding appropriate mitigation strategies to any school found to  
8 have elevated concentrations of lead.

9 (b) The Departments shall provide the results of testing conducted pursuant  
10 to subsection (a) of this section to each relevant school. The school shall  
11 provide the test results received from the Departments to parents and guardians  
12 of its students, school employees, school volunteers, and any community  
13 representatives regularly present at the school. Test results provided under this  
14 subsection shall be accompanied by information produced by the Departments  
15 on safe lead concentrations in water consumed by students under 18 years  
16 of age.

17 (c) On or before January 1, 2018, the Departments shall report on the  
18 results and their pilot program to the House Committees on Education, on  
19 Health Care, and on Natural Resources, Fish and Wildlife and to the Senate  
20 Committees on Education, on Health and Welfare, and on Natural Resources  
21 and Energy, including:

1           (1) the extent to which elevated concentrations of lead in sources of  
2 potable water were discovered at pilot schools;

3           (2) the number of schools requiring lead mitigation; and

4           (3) recommendations for expanding the pilot program statewide.

5           (d) As used in this section, “school” means a public school or independent  
6 school as defined in 16 V.S.A. § 11.

7           Sec. 2. WORKING GROUP ON LEAD TESTING IN SCHOOLS

8           (a) Creation. There is created a working group on lead testing in schools  
9 for the purpose of determining whether bare soil areas surrounding school  
10 facilities and interior and exterior painted surfaces within school facilities  
11 should be tested for elevated concentrations of lead.

12           (b) Membership. The Working Group shall be composed of the following  
13 members:

14           (1) the Secretary of Education or designee;

15           (2) the Commissioner of Health or designee;

16           (3) the Commissioner of Environmental Conservation or designee;

17           (4) a pediatrician specializing in toxicology, appointed by the Vermont  
18 Medical Society;

19           (5) a school principal, appointed by the Vermont Principals’  
20 Association; and

1           (6) a representative of an environmental organization in the State,  
2           appointed by the Governor.

3           (c) Powers and duties. The Working Group shall assess whether there is a  
4           need to test bare soil areas surrounding school facilities and interior and  
5           exterior painted surfaces within school facilities for elevated concentrations of  
6           lead, including recommendations on the following topics:

7                   (1) appropriate testing methodologies and frequency of testing;

8                   (2) cost-effective mitigation strategies in the event that elevated  
9           concentrations of lead are detected; and

10                   (3) potential funding opportunities and sources for lead testing and  
11           mitigation in schools.

12           (d) Assistance. The Working Group shall have the administrative,  
13           technical, and legal assistance of the Departments of Health and of  
14           Environmental Conservation.

15           (e) Report. On or before January 15, 2018, the Working Group shall  
16           submit a written report to the House Committees on Education, on Health  
17           Care, and on Natural Resources, Fish and Wildlife and to the Senate  
18           Committees on Education, on Health and Welfare, and on Natural Resources  
19           and Energy with its findings and any recommendations for legislative action.

1        (f) Meetings.

2            (1) The Commissioner of Health shall call the first meeting of the  
3        Working Group to occur on or before September 30, 2017.

4            (2) The Working Group shall select a chair from among its members at  
5        the first meeting.

6            (3) The Working Group shall cease to exist on January 31, 2018.

7        (g) Reimbursement. Members of the Working Group who are not  
8        employees of the State of Vermont and who are not otherwise compensated or  
9        reimbursed for their attendance shall be entitled to per diem compensation and  
10       reimbursement of expenses pursuant to 32 V.S.A. § 1010 for no more than  
11       three meetings.

12       (h) As used in this section:

13           (1) “School “ means a public school or independent school as defined in  
14        16 V.S.A. § 11.

15           (2) “School facility” or “facility” means all or any part of any building,  
16        improvements to real property, equipment, utilities, and other property, real or  
17        personal, necessary for the operation of a school.

18        Sec. 3. EFFECTIVE DATE

19           This act shall take effect on July 1, 2017.