

1 H.302

2 Introduced by Representatives Strong of Albany, Brennan of Colchester,
3 Cupoli of Rutland City, Dickinson of St. Albans Town,
4 Gregoire of Fairfield, Morrissey of Bennington, and Rosenquist
5 of Georgia

6 Referred to Committee on

7 Date:

8 Subject: Health; conservation and development; education; drinking water;
9 lead

10 Statement of purpose of bill as introduced: This bill proposes to require all
11 schools in Vermont to test all drinking water outlets in each school building for
12 lead contamination. Under this bill, any school exceeding the lead action level
13 would be required to provide notice to all parents and guardians of students
14 attending the school and work with the Department of Health to remediate the
15 detected lead contamination below the action level.

16 An act relating to testing and remediation of lead in drinking water of
17 schools

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

19 Sec. 1. FINDINGS

20 The General Assembly finds:

1 (1) Lead is a highly toxic metal that can cause serious and permanent
2 health problems.

3 (2) Children and pregnant women are especially vulnerable to lead
4 poisoning.

5 (3) Lead in the body can damage the brain, kidneys, and nervous
6 system. Lead can slow down growth, development, learning, and cause
7 behavioral problems among children. The effects of lead poisoning are
8 irreversible, yet preventable.

9 (4) Lead normally enters drinking water from contact with lead pipes,
10 plumbing fixtures, and solder, which all could contain various levels of lead.
11 Lead can dissolve into water, especially if the water is corrosive.

12 (5) A 2017–2018 pilot program to test all fixtures that provide water for
13 drinking or cooking in 16 Vermont schools conducted by the Department of
14 Health and the Agency of Natural Resources found elevated lead levels that
15 were greater than or equal to 15 parts per billion in at least one water tap at five
16 of the participating 16 schools.

17 (6) Without further testing, the presence or quantity of lead in Vermont
18 school drinking water is unknown. Lead in water is colorless, odorless, and
19 tasteless.

1 (7) It is necessary that all schools test every fixture that provides water
2 for drinking or cooking to protect Vermont children from consuming water
3 with elevated levels of lead.

4 (8) In light of the State's role in education and public health, the State
5 should take a programmatic and financial leadership role in identifying and
6 addressing lead contamination in schools.

7 Sec. 2. 18 V.S.A. chapter 24 is added to read:

8 CHAPTER 24. LEAD IN DRINKING WATER OF SCHOOLS

9 § 1231. DEFINITIONS

10 As used in this chapter:

11 (1) "Action level" shall have the same meaning for lead as provided for
12 in the Vermont Water Supply Rule.

13 (2) "Commissioner" means the Commissioner of Health.

14 (3) "Department" means the Department of Health.

15 (4) "Outlet" means a potable water fixture currently or potentially used
16 for drinking or cooking purposes, including a bubbler, drinking fountain, or a
17 faucet.

18 (5) "School" means a public or independent school in the State.

19 "School" shall include a kindergarten, elementary school, and secondary
20 school as defined under 16 V.S.A. § 11.

1 § 1232. SCHOOL WATER TESTING FOR LEAD

2 (a) Initial testing. On or before June 30, 2020, all schools shall test all
3 outlets in each building of the school for the presence of lead.

4 (b) Continued Testing. After June 30, 2020, each school in the State shall
5 sample each outlet in each building of the school for the presence of lead
6 according to a schedule adopted by the Department under section 1235 of this
7 title.

8 (c) Procedure. Testing shall be done in accordance with procedures
9 published by the Department that are created in consultation with the Agency
10 of Natural Resources and the Agency of Education.

11 (d) Certification. Any laboratory used for testing shall be certified by the
12 Department pursuant to section 501b of this title.

13 (e) Exemption. Schools that have tested every outlet in each school
14 building since July 1, 2016, in a manner consistent with the Department's
15 adopted procedure, are exempt from the initial testing requirement.

16 § 1233. REMEDIATION OF LEAD IN SCHOOLS

17 (a) The State's objective is to minimize exposure to lead in schools.
18 Schools are required to achieve lead levels that are below the action levels
19 established by the Vermont Water Supply Rule. The Department shall provide
20 technical assistance to schools in achieving the lowest feasible level.

1 (b) Any outlet for which a test result is found to be equal to or greater than
2 the action level shall be discontinued in its use until such time as the outlet
3 tests below the action level.

4 § 1234. INFORMATION

5 (a) Distribution. Each school shall provide the information on the results
6 of the testing directly to the parent or guardian of any student attending that
7 school within 10 days of receiving the results. Such information shall also be
8 made publicly available on the school's website.

9 (b) Content. Notice to parents and guardians shall include testing results
10 using a standardized form that shall be created by the Department.

11 (c) Remediation steps. If any outlet tests above the action level, the school
12 will inform the parent or guardian of any student of the steps that have or will
13 be taken to remediate the presence of lead in the drinking water.

14 § 1235. RULEMAKING

15 The Commissioner, after consultation with the Secretary of Natural
16 Resources and the Secretary of Education, may adopt rules as necessary for the
17 purposes of implementing, administering, or enforcing the requirements of this
18 chapter.

19 Sec. 3. EFFECTIVE DATE

20 This act shall take effect on passage.