

## **S.40. An Act Relating to Testing and Remediation of Lead in the Drinking Water of Schools and Child Care Facilities**

### **Overview**

The Committee on Human Services proposes to amend the report of the Committee on Education in four ways:

1. To require the Department of Health (DOH) to consult with the Department for Children and Families (DCF) when completing the rulemaking and guidance documents required by the bill
2. To provide additional detail on two of the provisions that DOH must address in rulemaking.
3. To require DCF to amend its rules for regulated child care provider to conform to the requirements of S.40.
4. To require reimbursement of schools and child care providers for the actual costs of fixture replacement up to a maximum amount per fixture type when a fixture is replaced when water is at or above the action level of 5 ppb.

### **First Instance of Amendment—Sec. 1, 18 V.S.A. § 1246**

- Requires DOH to consult with DCF when DOH develops guidance on how a school or child care provider should develop a lead remediation plan. DCF is the State agency that regulates and provides assistance to child care providers and should be part of this process.

### **Second Instance of Amendment—Sec. 1, 18 V.S.A. § 1247**

- Requires DOH to consult with DCF when DOH adopts the rules required for implementation of the requirements to test for lead in drinking water in schools and child care facilities. As the State agency that regulates child care providers, DCF should be consulted during rulemaking.
- Clarifies that when DOH adopts rules it shall address the frequency for continued sampling of drinking water at schools and child care facilities, and that continued sampling shall be no less frequent than every 3 years.
- Clarifies that DOH has authority in rulemaking to adopt exemptions from the required testing for lead in drinking water at schools and child care facilities.

### **Third Instance of Amending—Session Law Directive to DCF**

- Directs DCF to amend child care provider rules to conform with the DOH rules for testing lead in drinking water
- DCF rules currently require child care providers to test for lead, but only every three years, at an action level of 15 ppb, and not from every drinking water outlet.

### **Fourth Instance of Amendment—Session Law Report on Status of Program**

- Requires DOH to consult with DCF prior to reporting to the General Assembly regarding the status of the requirements to test for lead in the drinking water of schools and child care facilities.

### **Fifth Instance of Amendment—Allocation of Funds**

- This amendment would replace the Committee on Education's recommended allocation of funds to require that DOH shall pay a school or child care provider the actual cost of replacing a drinking water fixtures up to a maximum amount per fixture type:
  - \$2,000 for public drinking fountains and ice machines
  - \$700 for cooking outlets
  - \$400 for all other outlets
- Also provides that the payments will be made from the one-time funds appropriated in the Budget Adjustment Act and that the funds appropriated to DOH can be allocated to other agencies to pay schools or child care providers