

Act. 66 (2019) Water Testing for Lead in Schools and Child Care Facilities

Background and Timelines

Act 66 requires all school districts, supervisory unions, independent schools, and childcare providers to test for lead in the drinking water from outlets in each building or facility. The Vermont Department of Health is required to complete the initial sampling for this program on or before December 31, 2020. The results must be available for public record by March 1, 2021. The act also details deadlines for rulemaking pertaining to continued sampling and lead testing in schools and childcare facilities. The rules must be adopted by November 1, 2020 and are set to take effect January 1, 2021.

Act 66 devoted \$3,025,000 of FY2019 General Funds in FY19 to be carried forward as needed. The money was allocated as follows:

Department of Health:

\$125,000 to fund the limited service program position established in the act.

\$150,000 to fund program start-up and data management costs for the program.

\$2,562,500 to fund initial testing, retesting, and remediation eligible payments as set in the act.

Department of Environmental Conservation (DEC):

\$187,500 to fund the limited service remediation position established in the act, which is in addition to \$180,000 of federal funds available in the department budget for lead testing.

Total program cost including applied available federal lead testing funds is \$3,205,000.

Current Program Status

Based on information provided by the Dept. of Health prior to the closing of schools in mid-March they had completed testing of all stand-alone childcare centers and 68% of schools.

The Dept. of Health identified two impediments to achieving the Dec. 31, 2020 deadline for sampling:

1. Closure of schools inhibits the collection of the remaining samples
2. The personnel and the Public Health Lab resources that had been dedicated to Act 66 have transitioned to support COVID-19 testing.

Potential Fiscal Implications of Delay

The funding provided was sourced from surplus “one-time” general funds in FY19. The money will remain available until program completion. Upon completion if any additional funds remain, they would be legislatively reverted/re-allocated.

The act allocated \$125,000 to the Dept of Health and \$187,500 to DEC to fund limited service positions. JFO has requested information on the status of these positions and if additional funding or re-allocation of the testing/remediation funds will be required to extend these limited service roles for the delayed timeline. It is noted that a significant majority of testing has already been completed.