

Proposed - Safe Water in Schools Act

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

SEC. 1. FINDINGS

The General Assembly finds that:

- (1) Lead is a highly toxic metal that can cause serious and permanent health problems.
- (2) Children and pregnant women are especially vulnerable to lead poisoning.
- (3) Lead in the body can damage the brain, kidneys and nervous system. Lead can slow down growth, development, learning, and cause behavior problems among children. The effects of lead poisoning are irreversible, yet preventable.
- (4) Lead normally enters drinking water from contact with lead pipes, plumbing fixtures, and solder, which all could contain various levels of lead. Lead can dissolve into water, especially if the water is corrosive.
- (5) A 2017-2018 pilot program to test all fixtures that provide water for drinking or cooking in 16 Vermont schools conducted by the Vermont Department of Health and the Vermont Agency of Natural Resources found elevated lead levels (greater than or equal to 15 ppb) in at least one tap at five of the participating 16 schools.
- (6) Unless every tap is tested, there is no way to know if lead is present in drinking water; lead in water is colorless, odorless, and tasteless.
- (7) It is necessary that all schools test every fixture that provides water for drinking or cooking to guard against Vermont children consuming water with elevated lead levels.

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

Sec. 2. 18 V.S.A. chapter 23 is amended to read:

Chapter 23, Water Pollution

Subchapter 1, Lead Contamination in Schools

§ 1231. DEFINITIONS

As used in this subchapter, unless the context requires otherwise:

- (1) "Outlet" means a potable water fixture currently or potentially used for drinking or cooking purposes, including but not limited to a bubbler, drinking fountain, or faucets.
- (2) "School" means a public or independent kindergarten, elementary, or secondary school as defined by 16 V.S.A. § 11.

§ 1232. SCHOOL WATER TESTING FOR LEAD

- (a) On or before June 30, 2020, all schools shall test all outlets for lead.
- (b) Testing. Testing shall be done in accordance with protocols published by the Department, created in consultation with the Agency of Natural Resources and the Agency of Education.
- (c) Any laboratory used for testing shall be certified by the Department pursuant to 18 V.S.A. § 501b.
- (d) Re-testing. The Department shall adopt rules that prescribe how frequently a school is required to retest outlets.

- (e) Exemption. Schools that have tested every outlet since July 1, 2016, in a manner consistent with the Department's protocol are exempt from the first round of testing.

#### § 1233. REMEDIATION OF LEAD IN SCHOOLS

- (a) The State's objective is to minimize exposure to lead in schools. Schools are required to achieve lead levels that are below the action levels established by the Vermont Water Supply Rule. The Department shall provide technical assistance to schools in achieving the lowest feasible level.
- (b) Any outlet for which a test result is found to be equal to or greater than the action level shall be discontinued in its use until such time as the outlet tests below the action level.

#### § 1234. INFORMATION

- (a) Distribution. Each school shall provide the information on the results of the testing directly to the parent or guardian of any student attending that school within 10 days of receiving the results. Such information shall also be made publicly available on the school's website or other means.
- (b) Content. Notice to parents and guardians shall include testing results using a standardized form that shall be created by the Department.
- (c) Remediation Steps. If any outlet tests above the action level, the school will inform the parent or guardian of any student of the steps that have or will be taken to remediate the presence of lead in the drinking water.

#### § 1235. RULEMAKING

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