

**TO:** House and Senate Committees on Education  
State House  
115 State Street  
Montpelier, VT 05633-5301

**FROM:** David Englander, Senior Policy and Legal Advisor

**DATE:** December 15, 2019

**SUBJECT:** Written testimony per Act 66 (2019) An act relating to testing and remediation of lead in the drinking water of schools and child care facilities.

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Now comes the Vermont Department of Health providing written testimony regarding the implementation, schedule, administration, and financing of the requirements under 18 V.S.A. Chapter 24A that schools and child care providers sample for and remediate lead in drinking water. The testimony addresses recommendations, if any, for additional programmatic and technical requirements for sampling for and remediating lead in schools or child care facilities in the State and whether and how the State might assist any individual districts in the event of extraordinary remediation expenditures.

### *Implementation*

The State began preparing for the implementation of Act 66 (2019) months prior to passage through the use of the Health Department Operations Centers. In consultation with, and support from the Department for Children and Families, Agency of Education, and Agency of Natural Resources, the Health Department has established processes and required materials for lead testing. This include establishing the schedule and timeline of the project, developing a management system for child care and school related data, and making lead results and remediation plans available to the public. A summary of current testing data can be found at Appendix A and at the [testing results website](#).

The Department, in consultation with partners, has also created and continues to create comprehensive communication and guidance materials for schools, child care providers and the general public about all aspects of the project. Most of these materials and additional resources are available through the Health Department's website.



Website communication has been tailored to specific audiences and include:

- Lead Testing of Drinking Water in Schools and Child Care Facilities 2019-20 ([project landing page](#))
  - [What Schools Need to Do](#)
  - [What Child Care Providers Need to Do](#)
  - [Schools – Information for Parents, Guardians and Staff](#)
  - [Child Care Settings – Information for Parents, Guardians and Staff](#)

Communication and guidance materials include:

- Lead kit registration and ordering [survey](#) for schools
- FAQs for [schools](#), [child care providers](#), 211 operators, and the [public](#)
- [Tap inventory](#) template and example
- [Photos](#) of fixture types
- [Videos](#):
  - How to Complete Your Tap Inventory
  - How to Collect Water Samples
  - Returning Your Water Samples
  - Receiving and Sharing Results with Your Community
  - How to Complete Remediation
- [Pre-test notification letter template](#) ([translated](#) into nine languages)
- [Informational sheet](#) ([translated](#) into nine languages)
- How to fill out the water sample collection information form ([Kit DC – Lead](#) and [Kit SL – School Lead](#))
- Sampling instructions ([Kit DC – Lead](#) and [Kit SL – School Lead](#))
- Notices that instruct schools and child care providers when to collect water samples and how to return samples to the lab. These are unique for initial, diagnostic and follow-up testing.
- “Do Not Drink” and “For Handwashing Only” [signs](#)
- Remediation guidance for [schools](#) and [child care providers](#) with results at or above 4 ppb
- Post-test result notification letter templates
  - [Results BELOW 4 ppb](#) ([translated](#) into nine languages)
  - [Results AT OR ABOVE 4 ppb](#) ([translated](#) into nine languages)
- How to read you lead in drinking water test results (Certificate of Analysis that is sent to schools and child cares)
- Updated the Certificate of Analysis to show Act 66 action level, “For schools and child cares, the action level for lead is 0.004 mg/L (4 ppb).”
- [Plumbing Profile Questionnaire](#)
- Reimbursement request form [document](#) (PDF)
- [School Facilities Manager Training](#) – conducted in person at the Vermont School Custodian and Maintenance Association annual conference and recorded



- [Required Remediation Form](#) for taps with results at or above 4 ppb
- [Voluntary Remediation Form](#) for taps with results below 4 ppb
  - Result Website [FAQs](#)
  - [Tutorial Video](#)
  - How to submit remediation actions to the Agency of Natural Resources online [instructions](#)
- EPA's 3Ts [manual](#) for reducing lead in drinking water in schools and child care facilities
- 2017-2018 Vermont Lead in School Drinking Water Testing Pilot [Report](#)

### *Schedule*

The schedule for testing schools and child care has been logistically complex given the varying size, geographic spread, and various lines of authority and responsibility. For instance, some child care facilities are stand-alone entities, others are located in, and operated by schools, while still others lease rooms in schools but are not otherwise connected to the school or municipality.

It is also necessary for every school in a supervisory union to complete a “tap inventory” – a document detailing every fixture to be tested in order to allow the State to provide all of the testing materials and equipment – before that supervisory union can be scheduled for delivery of materials and pick up of samples.

Despite those challenges, with the cooperation of State partners and stakeholders such as the Vermont Superintendents Association and countless others, the scheduling and testing is going smoothly.

The testing schedule for [schools](#) and [child care providers](#) are updated and posted online.

### *Financing*

Act 66 (2019) amended Section 88 (a)(2)(C) of Act 6 (2019), the budget adjustment, to state: “\$2,837,500 to fund testing for lead in drinking water and retesting, and replacement of drinking water fixtures in schools and child care facilities consistent with in requirements in S.40 of 2010,” including “\$2,562,500 to fund the costs of initial testing, retesting, and replacement of drinking water fixtures.”

Below find a chart of funds expended by the Department of Health through September 31, 2019. These expenses included laboratory supplies, printed materials, shipping lab supplies to and from schools and child care centers, Agency of Digital Services charges, salary/fringe costs of Health staff, and sundry contracted expenses.





It is critical to note that very few schools or child care facilities have submitted documents necessary to be reimbursed for remedial work. The total cost for reimbursement remains unknown at this time.

VDH Lead in Schools & Child Cares Program Category:	Total Expenses through 9/31/19:
Operating	\$ 33,282
Personal Services	\$ 15,173
<b>Data Management &amp; Initial Start-Up Total</b>	<b>\$ 48,455</b>
Operating	\$ 110,493
Personal Services	\$ 258,060
<b>Testing &amp; Retesting Total</b>	<b>\$ 368,553</b>
Operating	\$ -
<b>Remediation Total</b>	<b>\$ -</b>
<b>Total VDH Expenses</b>	<b>\$ 417,007</b>

The Vermont Department of Environmental Conservation (DEC) lead remediation position created under Act 66 has spent a total of \$24,193.11 to date. DEC anticipates work performed under this position will extend through July 2021 as remediation activities will be on-going. That position is limited service and would not be available for future testing cycles. DEC has also contributed approximately 350 hours of staff time that has been absorbed by the program's budget.

DEC also maintains the [Lead in School and Child Care Drinking Water Results](#) website. Continued maintenance and necessary improvements to the site will cost ~\$7,500 annually.

### *Conclusion*

The Health Department is grateful for this opportunity to provide the Committees with a status update. We look forward to appearing before your committees in person in the weeks to come.



## Appendix A

### Summary Data

Overall Summary as of December 2, 2019

Category	Number	Percent of Total
Schools with results	71	16% of all schools
Schools with no taps at or above the action level	12	17% of schools with results
Schools with at least one tap at or above the action level	59	83% of schools with results
Child cares with results	701	78% of child cares not located within schools
Child cares with no taps at or above the action level	612	87% of child cares with results
Child cares with at least one tap at or above the action level	89	13% of child cares with results
Total samples analyzed	8,705	N/A
Total samples with results at or above the action level	870	10% of all samples
Total taps tested	4,711	N/A
Total taps with initial results at or above the action level	741	16% of all taps tested

