

1 TO THE HONORABLE SENATE:

2 The Committee on Education to which was referred House Bill No. 873
3 entitled “An act relating to financing the testing for and remediation of the
4 presence of polychlorinated biphenyls (PCBs) in schools” respectfully reports
5 that it has considered the same and recommends that the Senate propose to the
6 House that the bill be amended by striking out all after the enacting clause and
7 inserting in lieu thereof the following:

8 Sec. 1. PCB TESTING AND REMEDIATION IN SCHOOLS

9 (a) If a school is required to test for the presence of polychlorinated
10 biphenyls (PCBs) pursuant to 2021 Acts and Resolves No. 74, Sec. E.709.1,
11 the Agency of Natural Resources (ANR) shall conduct the testing or pay for
12 testing conducted by the school.

13 (b) It is the intent of the General Assembly that ANR shall seek to hold the
14 manufacturers of PCBs liable under 10 V.S.A. § 6615 for the cost of PCB
15 investigation, remediation, environmental assessment, planning, management,
16 or removal in schools. Prior to any judgment or settlement under which PCB
17 manufacturers pay for PCB investigation, remediation, environmental
18 assessment, planning, management, or removal in schools, it is the intent of the
19 General Assembly, as signified by 2023 Acts and Resolves No. 78, Sec. C.112,
20 that the State of Vermont shall pay for the costs of investigation, remediation,
21 environmental assessment, planning, management, or removal of PCBs at any

1 school where testing under 2021 Acts and Resolves No. 74, Sec. E.709.1
2 exceeded the State school action levels. When a judgment or settlement is
3 reached under which PCB manufacturers pay for PCB investigation,
4 remediation, environmental assessment, planning, management, or removal in
5 schools, any funds received under the judgment or settlement related to PCBs
6 in schools shall first be used to reimburse the State for the costs related to
7 investigation, remediation, environmental assessment, planning, management,
8 or removal of PCBs at schools that exceeded the State school action levels.
9 Any reimbursed monies shall be deposited into the Fund from which the
10 money was expended.

11 (c)(1) Beginning on July 1, 2024 and every month thereafter, the Secretary
12 of Natural Resources shall report to the Secretary of Administration, the Joint
13 Fiscal Committee, and the Emergency Board the following information
14 regarding the funds appropriated to the Agency of Education and the Agency
15 of Natural Resources in 2023 Acts and Resolves No. 78, Sec. C.112 and
16 subsequent appropriations for investigation, remediation, environmental
17 assessment, planning, management, or removal of PCBs at schools that test at
18 levels exceeding the State school action levels:

19 (A) the amount of the funds that remain at the Agency of Education
20 for grants to schools and the amount of funds that remain under other sources

1 for investigation, remediation, environmental assessment, planning,
2 management, or removal of PCBs at those schools;

3 (B) whether the funds appropriated to the Agency of Education for
4 investigation, remediation, environmental assessment, planning, management,
5 or removal of PCBs in schools are sufficient to fully fund grants to complete
6 investigation, remediation, environmental assessment, planning, management,
7 or removal of PCBs at those schools that test at levels exceeding the State
8 school action levels but that have not received a grant; and

9 (C) when the Secretary of Natural Resources estimates the funds
10 appropriated to the Agency of Education for investigation, remediation,
11 environmental assessment, planning, management, or removal of PCBs in
12 schools will be insufficient to award grants to the remaining schools that will
13 be required to complete investigation, remediation, environmental assessment,
14 planning, management, or removal of PCBs.

15 (2) The Secretary of Natural Resources shall submit each report required
16 by this subsection to the House Committees on Education and on
17 Appropriations and the Senate Committees on Education and on
18 Appropriations. When the General Assembly is not in session, the Secretary of
19 Natural Resources shall also submit the report to the Joint Fiscal Committee
20 and the Emergency Board.

1 (3) If the Secretary of Natural Resources fails to submit a report
2 required by this subsection to the Secretary of Administration, the Joint Fiscal
3 Committee, or the Emergency Board, a school shall not be required to initiate
4 testing for PCBs until 15 days after the Secretary of Natural Resources has
5 submitted a required report to the Secretary of Administration, the Joint Fiscal
6 Committee, or the Emergency Board.

7 (d)(1) If the Secretary of Natural Resources reports under subsection (c) of
8 this section that there is \$4,000,000.00 or less of funds remaining at the
9 Agency of Education for the investigation, remediation, environmental
10 assessment, planning, management, or removal of PCBs, ANR shall not
11 initiate testing or payment for initial testing for PCBs at a school under
12 subsection (a) of this section, and a school shall not be required to initiate
13 testing for PCBs until such time as the General Assembly enacts a
14 comprehensive plan for funding PCB investigation, remediation,
15 environmental assessment, planning, management, or removal of PCBs in
16 schools or as provided in subdivision (2) of this subsection.

17 (2) If initial testing of a school for PCBs is paused under subdivision (1)
18 of this subsection when the General Assembly is not in session, the Emergency
19 Board is authorized to transfer \$2,000,000.00 from the Environmental
20 Contingency Fund to the Agency of Education for the purpose of providing
21 grants to schools for the investigation, remediation, environmental assessment,

1 planning, management, or removal of PCBs. Upon transfer under this
2 subdivision, ANR is authorized to restart initial testing or payment for initial
3 testing for PCBs at schools.

4 (e) If a school tested positive for the presence of PCBs in excess of the
5 State school action levels and the State lacks sufficient funds for the
6 investigation, remediation, environmental assessment, planning, management,
7 or removal of PCBs in the school, the Secretary of Natural Resources shall
8 submit to the House Committees on Education and on Appropriations and the
9 Senate Committees on Education and on Appropriations the amount of funds
10 that the General Assembly should appropriate to the Agency of Natural
11 Resources to sufficiently fund investigation, remediation, environmental
12 assessment, planning, management, or removal of PCBs in the school. As part
13 of the submission to the General Assembly, the Secretary shall recommend the
14 source of the necessary funds, provided that the Secretary shall first consider
15 all other sources of funding before recommending the Education Fund as a
16 source of the necessary funds.

17 (f) Notwithstanding subsection (b) of this section and the intent of the
18 General Assembly to pay for the investigation, remediation, environmental
19 assessment, planning, management, or removal of PCBs in schools, the State
20 of Vermont shall not pay for the costs of investigation, remediation,
21 environmental assessment, planning, management, or removal of PCBs in

1 schools when the investigation, remediation, environmental assessment,
2 planning, management, or removal was not in response to indoor air testing
3 required pursuant to 2021 Acts and Resolves No. 74, Sec. E.709.1 but was part
4 of a planned renovation or construction project at a school under which the
5 PCBs would be remediated or removed as part of the project. This subsection
6 shall not apply to the \$16,000,000.00 reserved for the Burlington School
7 District under 2023 Acts and Resolves No. 78, Sec. C.112.

8 Sec. 2. 2021 Acts and Resolves No. 74, Sec. E.709.1, as amended by 2022
9 Acts and Resolves No. 166, Sec. 8 and 2023 Acts and Resolves No. 78, Sec.
10 C.111, is further amended to read:

11 Sec. E.709.1 ENVIRONMENTAL CONTINGENCY FUND;

12 POLYCHLORINATED BIPHENYLS (PCBs) TESTING
13 IN SCHOOLS

14 (a) Notwithstanding 10 V.S.A. § 1283, of the funds transferred in Sec.
15 D.101(a) of this act to the Environmental Contingency Fund, the Department
16 of Environmental Conservation, in consultation with the Department of Health
17 and the Agency of Education, shall use up to \$4,500,000 to complete air indoor
18 quality testing for Polychlorinated Biphenyls (PCBs) in public schools and
19 approved and recognized independent schools that were constructed or
20 renovated before 1980. ~~All schools subject to this subsection shall test for~~
21 ~~PCBs on or before July 1, 2027.~~

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Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: _____)

Senator _____

FOR THE COMMITTEE