

H.542

Introduced by Representative Conlon of Cornwall

Referred to Committee on

Date:

Subject: Education; conservation and development; polychlorinated biphenyls;  
testing

Statement of purpose of bill as introduced: This bill proposes to terminate ongoing Agency of Natural Resources (ANR) indoor air quality testing for polychlorinated biphenyls (PCBs) in public schools and approved and recognized independent schools that were constructed or renovated before 1980. The bill would continue to require the State of Vermont to pay the costs of the investigation, remediation, and removal of PCBs at schools where ANR completed indoor air quality monitoring and the school tested positive for the presence of PCBs in excess of the State school action levels.

An act relating to terminating testing of schools in Vermont for polychlorinated biphenyls

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

Sec. 1. TERMINATION OF TESTING OF SCHOOLS IN VERMONT  
FOR POLYCHLORINATED BIPHENYLS (PCBs)

1       (a)(1) Except as provided for under subdivision (2) of this subsection and  
2       notwithstanding the requirement under 2021 Acts and Resolves No. 74, Sec.  
3       E.709.1 for the Agency of Natural Resources (ANR) to conduct indoor air  
4       quality testing for PCBs in public schools and approved and recognized  
5       independent schools that were constructed or renovated before 1980, ANR  
6       shall cease testing for PCBs in public schools and approved and recognized  
7       independent schools and shall terminate any scheduled or ongoing testing for  
8       PCBs in public schools and approved and recognized independent schools.

9       (2) Where ANR previously completed PCB testing of a public school or  
10       an approved and recognized independent school and the school tested positive  
11       for the presence of PCBs at a level that requires continued testing under State  
12       or federal law, testing for PCBs at the school shall continue and shall be  
13       funded by the State.

14       (b)(1) If ANR completed PCB testing at a public school or an approved and  
15       recognized independent school prior to the effective date of this act, and the  
16       school tested positive for the presence of PCBs in excess of the State school  
17       action levels, the State of Vermont, consistent with the requirements of 2023  
18       Acts and Resolves No. 78, Sec. C.112, shall pay for the costs of the  
19       investigation, remediation, and removal of PCBs at the school.

20       (2) If, as a result of ANR testing, a public school or an approved and  
21       recognized independent school tested positive for the presence of PCBs in

1 excess of the State school action levels, the school shall not be required to  
2 initiate or continue interim remedial measures for the management of PCB  
3 exposure at the school, if:

4 (A) the State is not fully funding the interim remedial measures;

5 (B) the most viable and effective form of remediation is the  
6 replacement of the school building that tested positive for PCBs; and

7 (C) federal law does not require immediate remediation of the PCBs.

8 (3) Any funds remaining from those monies appropriated to ANR in  
9 2021 Acts and Resolves No. 74, Sec. E.709.1; in 2023 Acts and Resolves No.  
10 78, Sec. C.112; or in any other appropriation for indoor air quality testing of  
11 PCBs in public schools or approved and recognized independent schools shall  
12 no longer be used for testing for PCBs and shall be used instead for the costs of  
13 the investigation, remediation, and removal of PCBs at a school where ANR  
14 conducted testing and the school tested positive for the presence of PCBs in  
15 excess of the State school action levels.

16 (4) If the State lacks sufficient funds for the investigation, remediation,  
17 and removal of PCBs in schools where ANR testing was positive for the  
18 presence of PCBs in excess of the State school action levels, the Secretary of  
19 Natural Resources shall submit to the House Committees on Education, on  
20 Environment, and on Appropriations and the Senate Committees on Education,  
21 on Natural Resources and Energy, and on Appropriations the amount of funds

1 that the General Assembly should appropriate to ANR or the Agency of  
2 Education to sufficiently fund the investigation, remediation, and removal of  
3 PCBs in the schools where ANR testing was positive for the presence of PCBs  
4 in excess of the State school action levels.

5 (c) Notwithstanding subsection (b) of this section and the intent of the  
6 General Assembly to pay for the investigation, remediation, and removal of  
7 PCBs in schools that underwent testing and tested positive for the presence of  
8 PCBs in excess of the State school action levels, the State of Vermont shall not  
9 pay for the costs of the investigation, remediation, and removal of PCBs in  
10 schools when the investigation, remediation, and removal was not in response  
11 to indoor air quality testing required pursuant to 2021 Acts and Resolves No.  
12 74, Sec. E.709.1 but was part of a planned renovation or construction project at  
13 a school under which the PCBs would be remediated or removed as part of the  
14 project. This subsection shall not apply to the \$16,000,000.00 reserved for the  
15 Burlington School District under 2023 Acts and Resolves No. 78, Sec. C.112.

16 (d) On or before January 15, 2027, the Secretary of Natural Resources,  
17 after consultation with the Secretary of Education, representatives of schools,  
18 and other interested parties, shall submit to the House Committees on  
19 Education, on Environment, and on Appropriations and the Senate Committees  
20 on Education, on Natural Resources and Energy, and on Appropriations a long-

1 term remediation plan for the remediation of PCB contamination in public  
2 schools and approved and recognized independent schools in the State.

3 (e) Beginning on January 15, 2027, and annually thereafter, the Secretary  
4 of Natural Resources, after consultation with the Secretary of Education and  
5 the Secretary of Administration, shall submit to the House Committees on  
6 Education, on Environment, and on Appropriations and the Senate Committees  
7 on Education, on Natural Resources and Energy, and on Appropriations a  
8 report regarding ANR's indoor air quality testing for PCBs in public schools  
9 and approved and recognized independent schools. The report shall include:

10 (1) the status of PCB testing in public schools and approved and  
11 recognized independent schools, including:

12 (A) the number of schools tested;

13 (B) the number of schools that remain to be tested;

14 (C) the number of schools where testing indicated the presence of  
15 PCBs in excess of the State school action levels;

16 (D) the remedial measures taken at schools that tested in excess of  
17 the State school action levels;

18 (E) remedial measures to be implemented at schools that tested in  
19 excess of the State school action level; and

20 (F) the amount of State funds expended for the testing, investigation,  
21 remediation, or removal of PCBs;

1           (2) the amount of the funds that remain at the ANR or the Agency of  
2           Education for testing or for grants to schools for the investigation, remediation,  
3           and removal of PCBs; and

4           (3) an estimate of additional funds necessary to complete the  
5           investigation, remediation, and removal of PCBs at schools that tested in  
6           excess of the State school action levels.

7           Sec. 2. EFFECTIVE DATE

8           This act shall take effect on passage.