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H.542

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)

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

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

(b)(1) If ANR completed PCB testing at a public school or an approved and recognized independent school prior to the effective date of this act, and the

1 school tested positive for the presence of PCBs in excess of the State school
2 action levels, the State of Vermont, consistent with the requirements of 2023
3 Acts and Resolves No. 78, Sec. C.112, shall pay for the costs of the
4 investigation, remediation, and removal of PCBs at the school.

5 (2) If, as a result of ANR testing, a public school or an approved and
6 recognized independent school tested positive for the presence of PCBs in
7 excess of the State school action levels, the school shall not be required to
8 initiate or continue interim remedial measures for the management of PCB
9 exposure at the school, if:

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

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

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

14 (3) Any funds remaining from those monies appropriated to ANR in
15 2021 Acts and Resolves No. 74, Sec. E.709.1; in 2023 Acts and Resolves No.
16 78, Sec. C.112; or in any other appropriation for indoor air quality testing of
17 PCBs in public schools or approved and recognized independent schools shall
18 no longer be used for testing for PCBs and shall be used instead for the costs of
19 the investigation, remediation, and removal of PCBs at a school where ANR
20 conducted testing and the school tested positive for the presence of PCBs in
21 excess of the State school action levels.

1 (4) If the State lacks sufficient funds for the investigation, remediation,
2 and removal of PCBs in schools where ANR testing was positive for the
3 presence of PCBs in excess of the State school action levels, the Secretary of
4 Natural Resources shall submit to the House Committees on Education, on
5 Environment, and on Appropriations and the Senate Committees on Education,
6 on Natural Resources and Energy, and on Appropriations the amount of funds
7 that the General Assembly should appropriate to ANR or the Agency of
8 Education to sufficiently fund the investigation, remediation, and removal of
9 PCBs in the schools where ANR testing was positive for the presence of PCBs
10 in excess of the State school action levels.

11 (c) Notwithstanding subsection (b) of this section and the intent of the
12 General Assembly to pay for the investigation, remediation, and removal of
13 PCBs in schools that underwent testing and tested positive for the presence of
14 PCBs in excess of the State school action levels, the State of Vermont shall not
15 pay for the costs of the investigation, remediation, and removal of PCBs in
16 schools when the investigation, remediation, and removal was not in response
17 to indoor air quality testing required pursuant to 2021 Acts and Resolves No.
18 74, Sec. E.709.1 but was part of a planned renovation or construction project at
19 a school under which the PCBs would be remediated or removed as part of the
20 project. This subsection shall not apply to the \$16,000,000.00 reserved for the
21 Burlington School District under 2023 Acts and Resolves No. 78, Sec. C.112.

1 (d)(1) On or before January 15, 2027, the Secretary of Natural Resources,
2 after consultation with the Secretary of Education, representatives of schools,
3 and other interested parties, shall submit to the House Committees on
4 Education, on Environment, and on Appropriations and the Senate Committees
5 on Education, on Natural Resources and Energy, and on Appropriations a long-
6 term remediation plan for the remediation of PCB contamination in public
7 schools and approved and recognized independent schools in the State.

8 (2) On or before January 15, 2027, the Commissioner of Health shall
9 review and update the Commissioner's assessment of the health impacts on
10 students and staff of airborne PCBs in public schools and approved and
11 recognized independent schools in the State and shall submit the
12 Commissioner's updated assessment to the House Committees on Education,
13 on Environment, and on Appropriations and the Senate Committees on
14 Education, on Natural Resources and Energy, and on Appropriations.

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

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

3 (A) the number of schools tested;

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

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

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

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

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

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

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

19 Sec. 2. EFFECTIVE DATE

20 This act shall take effect on passage.