

**H.542. Indoor Air Quality Testing for PCBs in Schools**  
**Side by Side of House Passed Bill and Senate Proposal of Amendment**

Issue or Provision Addressed	House Passed	Senate Proposal
<b>Who Does the Language Generally Apply To?</b>	Public schools and approved and recognized independent schools built or renovated before 1980.	Public schools and approved and recognized independent schools built or renovated before 1980.
<b>Does Bill Cease Testing of Indoor Air Quality in Schools for PCBs?</b>	Yes. Sec. 1 provides that “ANR shall cease testing” of schools and shall terminate any scheduled or ongoing testing for PCBs in Schools.	No. Sec. 1 extends until Aug. 1, 2035 the deadline for testing of applicable schools to be completed.
<b>How Does Bill Address Schools that Already Tested Positive for PCBs</b>	<p>See Sec. 1(a)(2). Where ANR previously completed PCB testing of a school and the school tested positive for 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.</p> <p>See, also Sec. 1(b)(1). If ANR completed PCB testing prior to the effective date of the act, and the school tested positive for PCBs in excess of school action levels, the State shall pay for the costs of the investigation, remediation, and removal of PCBs at the school.</p>	<p>See, Sec. 2, 10 V.S.A. § 6618a(a). Creates a School Polychlorinated Biphenyl Program to provide funding for the investigation, mitigation, and remediation of PCBs at schools.</p> <p>See also, Sec. 2, 10 V.S.A. § 6618a(b). ANR shall administer a grant program to pay the costs, to the extent that funds are available, of:</p> <ul style="list-style-type: none"> <li>○ PCB investigation as part of a facilities master plan or when a school voluntarily initiates testing;</li> <li>○ Development of PCB management plans;</li> <li>○ Costs of mitigation when results exceed immediate action levels;</li> <li>○ Cost of implementing a correction plan when, after mitigation, the school exceeds action levels; and</li> <li>○ The costs of implementing a corrective action plan as part of a school construction project.</li> </ul>

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<p><b>How Does the Bill Address Schools That Test Positive for PCBs in the Future</b></p>	<p>Any new school testing and remediation will be the responsibility of the school going forward.</p> <p>Does not authorize payment for schools that voluntarily tested in advance of being required to test by the State.</p>	<p>Schools will be eligible for funding from School Polychlorinated Biphenyl Program established in Sec. 2, 10 V.S.A. § 6618a.</p>
<p><b>How Does the Bill Address PCB Response When School is Implementing a School Construction Project?</b></p>	<p>See Sec. 1(c). If PCB detection was not part of required testing of indoor air of schools, the schools will be responsible for the costs of PCB response.</p>	<p>See Sec. 3, 16 V.S.A. § 3445. When school is seeking school construction aid and the school was constructed or renovated prior to 1980, the school is required to complete PCB indoor air quality testing as a part of the preliminary application for assistance.</p>
<p><b>Is There Available Funding for Any Action—Testing, Investigation, Remediation?</b></p>	<p>No. All appropriated monies have been spent or are allocated for corrective action at schools.</p> <p>If funds are available, they shall not be used for testing but for the costs of investigation, remediation, and removal of PCBs at a school where ANR conducted testing and the school tested positive for the presence of PCBs in excess of the State school action levels.</p>	<p>Not at this time. Both the School Polychlorinated Biphenyl Program Fund and the School Construction Fund presently have no funds.</p> <p>The School Polychlorinated Biphenyl Program Fund requires any litigation recovery by the State against PCB manufacturers to be deposited into the Fund. In addition, if a school recovers damages in litigation and the school received a State grant for PCB work, the school shall reimburse the State for the amount of the grant and deposited in the Fund</p>
<p><b>Is There a Proposal for Future, Ongoing, Funding</b></p>	<p>No. If the State lacks sufficient funds for the investigation, remediation, and removal of PCBs in schools where ANR testing was positive, ANR shall submit to the Legislature the amount of funds that should be appropriated to sufficiently fund the investigation, remediation, and removal of PCBs in schools where ANR testing was positive.</p>	<p>Yes. Partly. Creates the School Polychlorinated Biphenyl Program Fund at ANR to provide funding for investigation, mitigation, and remediation of PCBs at schools. There are no monies in the Fund.</p> <p>The Fund would be used to provide grants to schools to fund work on: PCB investigation as part of a facilities master plan, development of PCB</p>

<b>Issue or Provision Addressed</b>	<b>House Passed</b>	<b>Senate Proposal</b>
	<p>See Sec. 1(d) requiring ANR to report to the General Assembly with an long-term remediation plan for the remediation of PCB contamination in public schools and approved and recognized independent schools.</p>	<p>management plans; the costs of mitigation; the costs of corrective action plans; and costs of mitigation and investigation.</p> <p>See Sec. 4. ANR shall report to the General Assembly with: 1) an estimate of additional costs to the State to complete testing, mitigation, and remediation for PCBs at schools subject to testing; and 2) a plan to fund the estimated costs of completing testing, mitigation, and remediation..</p>
<p><b>Additional Provisions</b></p>	<p>If schools currently litigating against PCB manufacturers receive a damages award, they must reimburse the State for any previous State grants.</p> <p>If school discovers PCBs through a process other than ANR testing, the State is not responsible for any costs and the school must pay.</p> <p>ANR must report to the General Assembly regarding air testing of schools for PCBs, including funds expended, funds that remain, and funds needed to complete testing of schools</p>	