

1 TO THE HONORABLE SENATE:

2 The Committee on Education to which was referred House Bill No. 542
3 entitled “An act relating to terminating testing of schools in Vermont for
4 polychlorinated biphenyls” respectfully reports that it has considered the same
5 and recommends that the Senate propose to the House that the bill be amended
6 by striking out all after the enacting clause and inserting in lieu thereof the
7 following:

8 Sec. 1. 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
15 Sec. D.101(a) of this act to the Environmental Contingency Fund, the
16 Department of Environmental Conservation, in consultation with the
17 Department of Health and the Agency of Education, shall use up to \$4,500,000
18 to complete air indoor quality testing for Polychlorinated Biphenyls (PCBs) in
19 public schools and approved and recognized independent schools that were
20 constructed or renovated before 1980. All schools subject to this subsection
21 shall test for PCBs on or before ~~July 1, 2027~~ August 1, 2033.

22 Sec. 2. 10 V.S.A. § 6618a is added to read:

1 § 6618a. SCHOOL POLYCHLORINATED BIPHENYL PROGRAM FUND

2 (a) There is created the School Polychlorinated Biphenyl Program Fund to
3 be administered by the Secretary of Natural Resources to provide funding for
4 the investigation, mitigation, and remediation of polychlorinated biphenyls
5 (PCBs) at schools in Vermont. The Fund shall consist of:

6 (1) reimbursements from a school for work related to a grant issued by
7 the State for PCB investigation, mitigation, and remediation when that school
8 recovers money from litigation or other awards. The reimbursement shall be
9 limited to the amount of the grant awarded to the school or the amount of the
10 recovery, whichever is less;

11 (2) any recovery by the State for any claims for damages caused by
12 PCBs, except recoveries for damages to natural resources, which shall be
13 deposited in the fund established pursuant to section 1283 of this title;

14 (3) monies from time to time appropriated to the Fund by the General
15 Assembly; and

16 (4) other gifts, donations, or other monies received from any source,
17 public or private, dedicated for deposit into the Fund and approved by the
18 Secretary of Administration.

19 (b)(1) The Secretary of Natural Resources shall administer a program to
20 issue grants to school districts to pay the costs, to the extent funds are
21 available, of the following activities in order of the priority listed:

22 (A) PCB investigations that are a part of a facilities master plan;

1 (B) the development of PCB management plans;

2 (C) the costs of mitigation when results exceed the immediate action
3 level;

4 (D) the costs of implementing any approved corrective action plan
5 when, after mitigation efforts, the concentrations in the school exceed the
6 immediate action level;

7 (E) the costs of implementing a corrective action plan as a part of a
8 school construction project; and

9 (F) the costs of investigation when taken pursuant to subdivision
10 6615g(b)(2) or (3) of this title.

11 (2) The Secretary of Natural Resources shall not reimburse school
12 districts for the costs of investigation, remediation, and removal of PCBs in
13 schools when the investigation, remediation, and removal was not in response
14 to indoor air quality testing required pursuant to 2021 Acts and Resolves No.
15 74, Sec. E.709.1 or 10 V.S.A. §6615g, but was part of a planned renovation or
16 construction project at a school under which the PCBs would be remediated or
17 removed as part of the project.

18 (c) Notwithstanding any contrary provisions of 32 V.S.A. chapter 7,
19 subchapter 5, unexpended balances and interest earned by the Fund shall be
20 retained in the Fund from year to year.

21 (d) If a school district in the State recovers money from litigation or other
22 award for work covered under a grant issued under this section, the school

1 district shall reimburse the State the amount of the recovery or the amount of
2 the grant awarded to the school district under subsection (b) of this section,
3 whichever amount is less.

4 (e) In addition to any other remedy, the State may recover from a
5 manufacturer of PCBs monies expended or awarded by the State for PCB
6 investigation, testing, assessment, remediation, or removal of PCBs in a school
7 above the relevant action level.

8 Sec. 3. AGENCY OF NATURAL RESOURCES REPORT ON FUNDING
9 FOR PCB TESTING OF SCHOOLS

10 On or before January 15, 2027, the Agency of Natural Resources, in
11 consultation with the Agency of Education, shall submit to the Senate
12 Committee on Education and the House Committee on Education:

13 (1) an estimate of the additional cost to the State to complete testing,
14 mitigation, and remediation for polychlorinated biphenyls at public schools
15 and approved and recognized independent schools that were constructed or
16 renovated before 1980; and

17 (2) a plan to fund the costs estimated necessary to complete testing,
18 mitigation, and remediation.

19 Sec. 4. AGENCY OF EDUCATION; STATE AID FOR SCHOOL
20 CONSTRUCTION; RULEMAKING

21 On or before March 31, 2027, the Agency of Education, in consultation
22 with the State Aid for School Construction Advisory Board, shall adopt rules

1 on school construction and capital outlay pursuant to 3 V.S.A. chapter 25 and
2 16 V.S.A. § 3442(2), including rules to address:

3 (1) prioritization and bonus incentives that support the construction or
4 renovation of school facilities that support the consolidation of school
5 governance structures and improve access to educational opportunities for
6 public school students;

7 (2) investigation, mitigation, and remediation of polychlorinated
8 biphenyls (PCBs) in public schools and approved and recognized independent
9 schools that were constructed or renovated before 1980, including how
10 investigation, mitigation, and remediation shall be funded and when schools
11 subject to PCB investigation should be required to complete the initial testing;
12 and

13 (3) the treatment of school districts’ outstanding capital indebtedness as
14 of December 31, 2025.

15 Sec. 4. EFFECTIVE DATE

16 This act shall take effect on passage.

17 and that after passage the title of the bill be amended to read: “An act relating
18 to testing of schools in Vermont for polychlorinated biphenyls”

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20
21 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE