

Comparison of House Passed H.542 (An Act Relating to Terminating Testing of Schools in Vermont for Polychlorinated Biphenyls) and ANR Proposed Changes to H.542

	H.542 As Passed House	ANR Proposed Changes to H.542
Who Does the Language Generally Apply To?	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.
Does Bill Cease Testing of Indoor Air Quality in Schools for PCBs?	Yes. Sec. 1 provides that “ANR shall cease testing” of schools and shall terminate any scheduled or ongoing testing for PCBs in Schools.	No. See Sec. X. The testing requirement remains but <u>the deadline for testing is repealed.</u>
How Does Bill Address Schools that Already Tested Positive for PCBs	<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>	See Sec. C.112(b)(1) of Act 78 of 2023. The State is required to give grants to pay for 100 percent of the testing, mitigation, and remediation associated with PCBs in schools. This includes ongoing monitoring and remedial efforts at the school.
How Does the Bill Address Schools That Test Positive for PCBs in the Future	<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>If school is in facilities master planning process, the school shall conduct an investigation for PCBs. A school may voluntarily request ANR investigate.</p> <p>A school with an exceedance of the school action level shall develop a PCB management plan for managing the impacts from PCBs until the school implements an approved corrective action plan to remediate PCBs.</p>

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		<p>ANR shall mitigate any impact associated with PCBs identified by an investigation when concentrations exceed the immediate action level.</p> <p>ANR shall only require a school to implement a corrective action plan to remediate PCBs when the school is undertaking construction or renovation activities. But, if PCB concentrations, after mitigation, exceed the immediate action level, ANR shall remediate.</p>
Is There Available Funding for Any Action—Testing, Investigation, Remediation?	<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 clearly. The School Construction Project Fund is empty. The proposal is only triggered if a school initiates master facilities planning for a grant from the School Construction Project Fund.</p> <p>There may be some available funds in the Environmental Contingency Fund for response to any hazardous materials release, not solely for PCBs.</p>
Is There a Proposal for Future, Ongoing, Funding	<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. Currently, 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 management plans; the costs of mitigation; the costs of corrective action plans; and costs of mitigation and investigation.</p>

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Additional Provisions	<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 Legislature regarding air testing of schools for PCBs, including funds expended, funds that remain, and funds needed to complete testing of schools</p>	<p>If schools currently litigating against PCB manufacturers receive a damages award, the school must reimburse the State for any previous State grants.</p> <p>If a school discovers PCBs through a process other than ANR testing, grants potentially are available from the PCB Fund.</p>