

## **Model State Legislation: “Get the Lead Out of School Drinking Water Act”**

### **Summary of Provisions**

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#### **Background**

The model legislation draws from laws in existing jurisdictions, including the District of Columbia and New York State. It requires schools and child care facilities to reduce lead in drinking water by installing filters on drinking water taps (before any testing), testing those taps (after filters are installed), and remediating the problem when lead concentrations exceed 1 part per billion (ppb).

#### **Rationale**

Nearly 74 million children attend the over 130,000 public or private schools and 800,000 child care facilities nationwide every school day. From classroom learning to extracurricular activities, children can spend over 35 hours each week at school. And for many children, schools are their main source of breakfast, lunch, and after-school snacks. Families depend on those schools being a safe and healthy place for their children, and that includes expecting the school drinking and cooking water to be free of seriously hazardous contaminants. But many of the water pipes and faucets in these aging schools contain lead, a dangerous neurotoxin that has no safe level of exposure for children, according to the American Academy of Pediatrics. The World Health Organization warns that, even at low levels, lead can affect children’s brain development and reduce attention span, and these neurological effects are understood to be irreversible.

Schools in urban areas or areas served by municipal water systems generally are not required under the federal Safe Drinking Water Act to test their taps for lead. States must step in to fill this health-threatening gap in legislation.

#### **Summary**

This act requires all public schools, charter schools, nonpublic schools, and child care facilities to provide drinking water with a lead concentration less than 1 part per billion, as [recommended](#) by the American Academy of Pediatrics; conduct an inventory of all drinking water outlets in a school building or child care center; remove water coolers that USEPA has determined are not lead-free; install signs on water outlets that are not to be used for drinking water; install filters on all potable water outlets (before any testing); test all potable water outlets for lead once each year (after filters are installed); provide free and safe potable water if lead contamination is found; provide parents and staff with the test results; develop and implement remediation plans; and post the test results and remediation plans.

Schools must send both the test results and remediation plans to the relevant state regulatory agencies, e.g., the state department of health and either the department of education or the state agency that licenses child care facilities.\* The state department of education is authorized to provide funding to schools for testing and remediation costs, and school districts may seek funding for testing and remediation under the national school breakfast and lunch programs, the national child and adult care food program, and the community benefit programs undertaken by hospitals pursuant to the Affordable Care Act. The federal government also has some funds available under the America’s Water Infrastructure Act and the Water Infrastructure Finance and Innovation Act to help schools and child care facilities address lead in water issues. The state department of health, along with the state department of education and the agency that licenses child care facilities, must also publish a biennial

report on the lead testing results. Water utilities are required to replace lead service lines at schools and child care centers, prioritizing low income and disadvantaged communities, and to bear the costs of those replacements. The state department of health must promulgate regulations, issue guidance on remediation plans and maintenance of filters, and provide training to school personnel.

*\*Note: References throughout this model legislation to “state department of education,” “state department of health,” “commissioner of education,” and “commissioner of health” should be modified to reflect the actual designations of those agencies and titles in each state, particularly the state agency that has assumed primacy for the state’s drinking water program pursuant to the federal Safe Drinking Water Act, and the agency that has regulatory oversight of child care facilities.*

## **Core Elements**

Section 1. Provides a short title of the bill.

Section 2. Provides definitions.

Section 3. Provides the requirements for schools and child care facilities to provide drinking water that does not exceed a lead concentration of one part per billion, inventory drinking water sources, remove water coolers recalled by the USEPA, post signs at taps that are not for drinking water purposes, install filters, test the water, provide a schedule for testing, post and submit the test results, shut off taps that test over one part per billion lead concentration, provide alternate source of water, and remediate any problems.

Provides that water utilities are to replace lead service lines at no cost to schools or child care facilities.

Provides that the state shall issue a biennial report, issue regulations, and provide guidance and training.

Section 4. Provides the requirements for compliance and enforcement.

Section 5. Provides the effective date.