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THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

HB 1475, School Buildings - Drinking Water Outlets - Elevated Level of Lead (Safe School Drinking Water Act)

House Environment and Transportation Committee

March 6, 2020, 1:00pm

Chairman Barve, Vice Chair Stein, and Committee Members,

Thank you for the opportunity to present today on my legislation HB 1475, School Buildings - Drinking Water Outlets - Elevated Level of Lead (Safe School Drinking Water Act). This Committee voted in favor of this bill, 20-2 last session and the House passed it unanimously.

This bill passed last session, but the standard of 5 parts per billion (ppb) was removed and schools were encouraged to address any findings of lead in their drinking water above 5 ppb .

On January 27, 2020 the Senate unanimously passed the crossfile of this bill and reinstated the 5ppb standard for testing. The Senate bill included an amendment that I fully support. The amendment requires remediation of school drinking water tested on or before June 1, 2020 that was more than 5ppb but less than 20 parts per billion.

HB 1475 lowers the acceptable threshold for lead from 20 parts per billion (ppb) to 5ppb and creates a grant program to help school districts pay for the remediation. This bill does not create a new testing requirement and would simply require districts to fix any outlet that tested above 5ppb but below 20ppb – since they are exempt under current law.

Why the change from 20ppb to 5ppb?

- Both the Centers for Disease Control (CDC) and the American Academy of Pediatrics agree that there is no safe blood level of lead for children. Advice on the CDC’s website even goes so far as to call out the Environmental Protection Agency’s standard as incorrect.
- EPA’s original 20ppb standard was published as part of their 2006 “3T (*Training, Testing, Telling*). But in a recent Government Accountability Office (GAO) report, they verified that there was little scientific evidence behind it:
 - *“Although the guidance recommends that school districts prioritize taking action if lead levels from water fountains and other outlets used for consumption exceed 20 ppb (based on a 250 milliliter water sample), EPA officials told us when the guidance was originally developed in response to the 1988 LCCA requirement, the agency did not have information available to recommend an action level*

specifically designed for schools. Furthermore, EPA officials told us that the action level in the 3Ts guidance is not a health-based standard.”

- In fall 2018, EPA issued updated 3T guidance doing away with the 20ppb. The updated 3T language says there is no safe level of lead but suggests that school districts should take action for any outlet that tests above 5ppb.
- Our bill uses 5ppb as the standard because that is the Food and Drug Administration standard set in 1995 for bottled water – meant to limit the exposure of lead in food and drinks.
- An actionable level of 0ppb is impractical and impossible given testing constraints and environmental changes.
- The EPA is currently looking at updating their Lead & Copper Rule (LCR), so it is possible they may officially designate a lower level. The LCR is typically designated for municipal water systems but an updated rule could have impacts on school levels as well.

Who else is using 5ppb?

- The District of Columbia Public Schools has a limit of 5ppb; last year Montgomery County passed legislation requiring 5ppb and in October and the Baltimore County Board of Education did the same. Barbara Wolff, a school board member from Montgomery, and Moalie Jose (Molly – Jo-See), the board member who proposed the legislation in Baltimore will be testifying in favor of our bill.
- **Between Montgomery & Baltimore County – we have 2 of the 3 largest school systems in the state already at 5ppb.** Prince Georges is at 10ppb so this isn't that big of a move for them.
- Other state's and school districts across the country use 5ppb including Illinois and San Diego.

Cost Issue:

- In our bill last year, we were able to add lead in drinking water as an allowable use of the Healthy Schools Facility Fund, which was funded at \$30 million. School systems now have access to this money for remediation. In the Built to Learn Act, we extend that fund until 2022.
- The fiscal note does not mention that school systems have the option of turning off the water in any tap that tests above the limit. This is in the regulations that established the original testing protocol. If a school system does not have the money initially to fix everything – **THEY CAN JUST TURN OFF THE TAP.**

Unfortunately, we know the real costs of childhood lead exposure. The health risks for our most vulnerable children are too great and we can either pay now to protect our students, or pay later in health costs, incarceration, and reduced economic growth. **Let's make smart investments in our children's health and wellbeing and I urge a favorable report and thank you for your consideration.**

