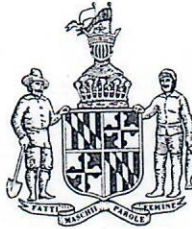


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ASSISTANT DEPUTY MAJORITY LEADER

Budget and Taxation Committee

Capital Budget Subcommittee

Health and Human Services Subcommittee

Pensions Subcommittee

THE SENATE OF MARYLAND  
ANNAPOLIS, MARYLAND 21401

### **Vote Yes on Senate Bill SB 992**

**Bill Title:** School Buildings-Drinking Water Outlets-Elevated Level of Lead  
(Safe Schools Drinking Water Act)

**Hearing Date:** February 11, 2020 at 1:00 p.m.

**Chair:** Paul Pinsky

**Education, Health and Environmental Affairs Committee**

Thank you for the opportunity to present today on my legislation **SB 992**, the Lead Reduction and Remediation Act. This bill builds on the work done by this committee with the leadership of Delegate Lafferty and others in 2017 to institute statewide school testing for lead levels and a threshold for remediation.

SB 992 lowers the acceptable threshold for lead from 20 parts per billion (ppb) to 5ppb. 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.<sup>1</sup>
- 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*

<sup>1</sup> Centers for Disease Control. "Lead Home – Prevention Tips – Sources of Lead – Water."  
<https://www.cdc.gov/nceh/lead/tips/water.htm>



*specifically designed for schools. Furthermore, EPA officials told us that the action level in the 3Ts guidance is not a health-based standard.*<sup>2</sup>

- 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?**

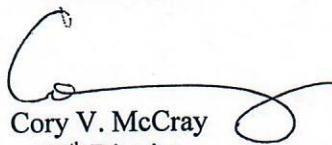
- The District of Columbia Public Schools has a limit of 5ppb, Prince Georges County uses 10ppb, and the Montgomery County Council is currently considering a bill to lower the county threshold to 5ppb.
- Other state's and school districts across the country use 5ppb including Illinois and San Diego.

#### **Is this needed?**

- As test results come back, we can see the number of water outlets that are not safe for our children.
- In Montgomery County, there are approximately 1200 additional outlets that would fail under this new standard.
- Anne Arundel County just completed its testing and also experience issues with lead. Parents in jurisdictions across the state are nervous and concerned.

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 on SB 992 and thank you for your consideration.**

Respectfully,



Cory V. McCray  
45<sup>th</sup> District

<sup>2</sup> Government Accountability Office "Lead Testing of School Drinking Water Would Benefit from Improved Federal Guidance." July 2018. b <https://www.gao.gov/assets/700/692979.pdf>