Green & Healthy Homes Initiative®

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Senator Paul G. Pinsky, Chairman
Senate Education, Health and Environmental Affairs Committee
Miller Senate Office Building, 2 West Wing
11 Bladen Street
Annapolis, Maryland 21401

Re: **SB371 – SUPPORT** – Environment – Drinking Water Outlets in School Buildings – Testing for Elevated Level of Lead

Dear Chairman Pinsky and Members of the Committee:

The Green & Healthy Homes Initiative ("GHHI") writes in support of Senate Bill 371. For decades, lead poisoning has been a leading contributor to learning disabilities, speech development problems, loss of IQ, attention deficit disorder and aggressive behavior, which results in poor school performance and increased school drop-out rates. Millions of dollars are spent on special education and juvenile justice costs in Maryland to combat the effects of lead poisoning, and thousands of children enter our public-school systems with impediments to their development, unable to achieve academically at the rate of their classmates.

Lead is a toxic substance that can accumulate in the body over time and drinking water alone can compose 20% or more of a person's cumulative exposure. During lunch, after gym class, on bathroom trips, between classes, before practice – our children's consumption of water is routine. We teach children that drinking lots of water is a healthy choice. Yet, their developing bodies and brains are especially susceptible to the harmful impacts of lead exposure. Testing of the water in Maryland's schools confirms that the lead levels in our schools' water exceeds allowable standards and we must take action. It is our moral imperative to protect children from the toxic effects of lead exposure.

The Maryland General Assembly passed HB1253 in 2019 establishing lead in water remediation in school drinking water outlets as an allowable use for $30 million in annual Healthy School Facility Funds and set a goal of reducing lead in drinking water outlets to a level below 5 ppb in Maryland. What the Bill failed to do was lower the definition of "elevated level of lead" to mean a lead concentration in drinking water outlets in school buildings exceeding 5 parts per billion and mandating lead hazard remediation whenever 5 ppb was exceeded.

Results from the 2018 drinking water testing of schools in Maryland underscores the importance of a primary prevention approach - nearly 4% of samples tested exceeded the current Maryland action level of 20 ppb, which was based on the older U.S. Environmental Protection Agency (EPA) guidelines at the time of the 2017 school testing legislation. Based on results reported, nearly **700** water outlets in Anne Arundel County schools[i] had lead levels dangerous enough that they must be turned off or removed. Montgomery County reported **238** of 13,248 fixtures tested had lead levels at or above 20 ppb[ii]. As a result, school fixtures were taken offline and students didn't have access to those drinking water sources until replaced.

Maryland must revise its antiquated lead in water standards for schools to reflect the current science and best practices in order to protect the health of its children. In 2018, the EPA eliminated the lead in water action level of 20 ppb from their Guidelines for schools. In doing so, the EPA reinforced that 20 ppb was not intended as a health-based standard or threshold. The American Academy of Pediatrics goes even further, recommending that state and local governments ensure that water fountains and other drinking water sources in schools do not exceed water lead concentrations of 1 ppb[iii]. In fact, the only safe level of lead in drinking water is 0 ppb – the EPA Maximum Contaminant Level Goal for lead in water.

Solution

To better protect children in school from harmful exposure to lead in water, SB371 seeks to codify the lowering of the action level for lead in school drinking water outlets from 20 parts per billion to 5 ppb in order to modernize Maryland's standards. SB371 also improves school safety standards by establishing a more frequent testing regimen for schools by requiring testing of each school at least once every 18 months rather than waiting three years under the current COMAR regulations.

Other Jurisdictions Have Passed Laws to Lower the Lead in Water Action Level for Schools

- **Montgomery County, Maryland** passed legislation in 2019 setting the action level for lead in water in schools in the County at 5 ppb.
- **The State of Illinois, the District of Columbia, and the City of Ann Arbor, Michigan** require that schools respond and take lead in water remediation measures at an action level of 5 ppb and above. The State of Illinois legislation also established a funding mechanism to support schools in their needed lead in water remediation efforts.
- **The State of Vermont** takes immediate action for any samples of drinking water in schools at or above 4 ppb.[iv]

Maryland students, parents, teachers and school administrators need to know that the regulatory standards we have set for lead in water in schools is based on current science and that the drinking water in their schools is safe. This legislation will modernize safety standards for lead in water remediation by our school systems. We urge you to support SB371 to better protect children's health and provide them with the opportunity to thrive.

WE ASK YOU TO SUPPORT SB371.

Respectfully Submitted,

Ruth Ann Norton
President and CEO

[i] https://www.capitalgazette.com/news/ac-cn-lead-update-20190224-story.html. February 26, 2019.
[ii] High levels of lead found in some water outlets in schools in Montgomery and Anne Arundel, Washington Post, Aug. 16, 2018, Jennifer Barios & Susan Svrluga
[iii] https://pediatrics.aappublications.org/content/138/1/e20161493