



ARCHDIOCESE OF BALTIMORE † ARCHDIOCESE OF WASHINGTON † DIOCESE OF WILMINGTON

February 11, 2020

SB 371

Environment - Drinking Water Outlets in School Buildings - Testing for Elevated Level of Lead

Senate Education, Health & Environmental Affairs Committee

Position: Statement of Information w/ Amendments

The Maryland Catholic Conference offers this Statement of Information with Amendments regarding to Senate Bill 371. The Catholic Conference represents the public policy interests of the three (arch)dioceses serving Maryland, including the Archdioceses of Baltimore and Washington and the Diocese of Wilmington, which together encompass over one million Marylanders. Maryland's Catholic schools educate than 50,000 students statewide.

Senate Bill 371 makes changes to lead testing requirements in schools, mandating testing every 18 months, and lowering the standard for an "elevated level of lead" to 5 parts per billion (ppb), a quarter of that which is currently recommended as the standard for elevated levels by the U.S. Environmental Protection Agency.

When the General Assembly passed a bill (HB270) in 2017 to address lead levels in drinking water in schools, our Catholic schools worked closely with the Maryland Department of the Environment (MDE) in conjunction with our public school counterparts to help develop regulations with regard to the aforementioned requirements. At the same time as our public schools, hundreds of Catholic and other nonpublic schools complied and tested their water outlets for the presence of lead, many at considerable expense.

Currently, schools are required to a.) meet a standard of no more than 20 parts per billion recommended by the U.S. Environmental Protection Agency technical guidance and b.) complete testing every 36 months. Moreover, Catholic and other nonpublic schools are mandated to test on the same schedule and in the same manner as local school systems, but without grant funding for remedial costs.

The fiscal note to Senate Bill 371 provides that "[t]o the extent that nonpublic schools receive grant funding under the bill, those costs are mitigated to some extent." There is nothing to clearly indicate that nonpublic schools are part of the Healthy School Facility Fund for lead mitigation purposes. The change in testing schedule and newly mandated procedures that resulted from the 2017 legislation resulted in dozens of schools having to complete duplicate testing and incur significant costs in doing so. The new mandates provided for by SB 371 would further promulgate those issues. For these reasons, we respectfully request this committee to adopt the attached amendments to SB 371.



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Proposed Amendments to SB 371
Environment - Drinking Water Outlets in School Buildings - Testing for Elevated Level of Lead

Article – Education

5–322.

(a) *In this section, “Fund” means the Healthy School Facility Fund.*

(b) *There is a Healthy School Facility Fund.*

(c) *The purpose of the Fund is to provide grants to public primary and secondary schools **AND NONPUBLIC PRIMARY AND SECONDARY SCHOOLS IN ACCORDANCE WITH SUBSECTION (K) OF THIS SECTION** in the State to improve the health of school facilities.*

(k) (1) *Subject to paragraphs (2) and (3) of this subsection, the Interagency Commission on School Construction shall establish application procedures for school systems **AND NONPUBLIC SCHOOLS** to request funds under this section.*

(2) *The Interagency Commission on School Construction shall establish award procedures to make awards distributed from the Fund not more than 45 days after receiving an application.*

(3) (i) *The Interagency Commission on School Construction, in consultation with the Department of the Environment, shall establish application procedures for school systems **AND NONPUBLIC SCHOOLS** to request funds under this section to assist with the costs of implementing remedial measures to address the presence of lead in drinking water outlets in school buildings.*

(ii) *The application procedures established under subparagraph (i) of this paragraph shall include procedures for prioritizing applications, with priority first given to applications requesting funds for water fountains or bubblers, and then to applications requesting funds for:*

- 1. Faucets or taps that are used or potentially used for drinking or food preparation;*
- 2. Ice makers; or*
- 3. Hot drink machines.*