



2714 Hudson Street
Baltimore, MD 21224-4716
P: 410-534-6447
F: 410-534-6475
www.ghhi.org

February 22, 2021

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

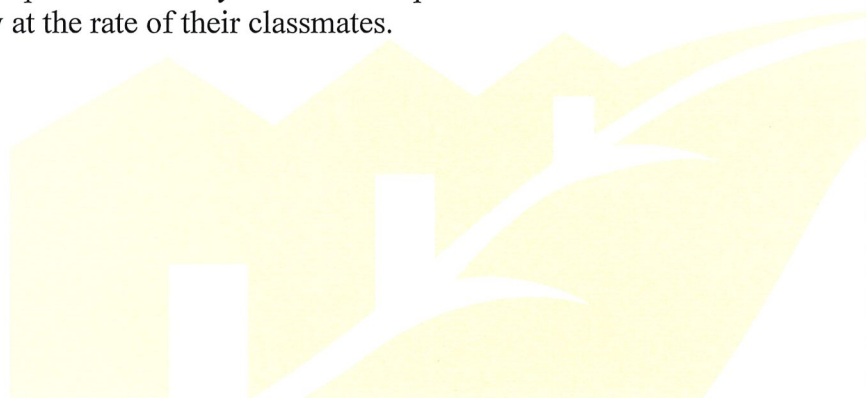
Re: **SUPPORT** – SB546 – School Buildings – Drinking Water Outlets – Elevated Level of Lead (Safe School Drinking Water Act)

Dear Chairman Pinsky and Members of the Committee:

On behalf of the Green & Healthy Homes Initiative (GHHI), I testify in strong support of SB546. As President & CEO of GHHI, I represent GHHI on the Environmental Protection Agency (EPA) Children's Health Protection Advisory Committee (CHPAC), the Steering Committee for the Maternal and Child Environmental Health COIIN Addressing Lead Exposure in Systems of Care and am a federally appointed liaison to the CDC's Advisory Committee on Childhood Lead Poisoning Prevention. In 2020, I was re-appointed to serve on the Maryland Lead Poisoning Prevention Commission.

Founded in Baltimore in 1986 as Parents Against Lead, GHHI has a long legacy of leadership in working to end the toxic legacy of lead and its negative and irreversible impacts on child development and long term health, economic, social outcomes. GHHI is dedicated to addressing the social determinants of health and advancing racial and health equity through the creation of healthy, safe, and energy efficient homes, schools and communities. GHHI has been at the forefront of working on lead in water issues beginning in the early 2000's with the lead in water crisis at the Baltimore City School system and stretching nationally to Flint, Philadelphia, Chicago and Milwaukee and to states like New Jersey where we serve on the New Jersey Water Works Lead in Drinking Water Task Force.

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. Our youngest school age children are most at risk. CDC states that children under age six are more at risk of absorbing lead from their environments and EPA models show that water serve as a significant source of exposure for this age group.ⁱ 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, in schools with lead-contaminated water, drinking water could cause harmful impacts on the developing brains and bodies of children, in the very buildings where they have come to learn and grow. **Enacting SB546 is an opportunity to advance high quality drinking water as a structural determinant of health, and advance health and racial equity by eliminating disparities in access to clean drinking water in schools.**

Current testing of the water in Maryland’s schools confirms that the lead levels in our schools’ water exceeds allowable standards. It is our moral imperative to protect children from the toxic effects of lead exposure. The Maryland Lead Poisoning Prevention Commission commissioned a comprehensive statewide asset and gap analysis, completed by GHHI in 2020. The results of this analysis indicated that lead in drinking water in schools is likely a contributing source of elevated blood lead levels statewide, which could be mitigated by relatively low-cost replacement of fixtures like water fountains and faucets.ⁱⁱ

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 be defined as 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.

First draw sample results reported for the 2018-2019 school year show:

- Over 400 samples from Baltimore County schools with elevated levels of lead (above 20 ppb);
- Over 230 from schools in Cecil County; and
- Over 1,400 samples showing elevated lead levels statewide.ⁱⁱⁱ

Modernizing Our Lead in Water in Schools Standards

Maryland must revise its antiquated lead in water standards for schools to better 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 the state and local governments ensure that water fountains and other drinking water sources in schools do not exceed water lead concentrations of 1 ppb.^{iv}

Maryland should change the action level for lead in water in schools to 5 ppb as the first step towards eventually lowering the level to 1 ppb. In fact, the only safe level of lead in drinking water is 0 ppb - the EPA Maximum Contaminant Level Goal for lead in water. To better protect children in school from harmful exposure to lead in water, SB546 seeks to codify the lowering of the action level for lead in school drinking water outlets from 20 ppb to 5 ppb in order to modernize Maryland's standards. SB546 also improves school safety standards by supporting a more frequent testing and public reporting regimen for schools.

Other Jurisdictions That Have Lowered the Lead in Water Action Level for Schools

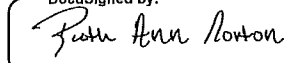
- **Montgomery County, Maryland** passed legislation in 2019 setting the action level for lead in water in schools in the County at 5 ppb.
- The public-school board of **Baltimore County, Maryland** has adopted a policy to shut off drinking water sources in public schools that have tested for lead above 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.^v

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 protect children and elevate the state of Maryland to a position of national leadership in this issue, by aligning safety standards for lead in water remediation with the most current science. The passage of SB546 will better protect children's health and provide them with the opportunity to thrive.

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We thank Senator McCray for introducing this important legislation and we request a favorable report from the Committee.

Respectfully submitted,

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Ruth Ann Norton
President and CEO

ⁱ "Populations at Higher Risk." 2020. <https://doi.org/10.1289/EHP1605>.

ⁱⁱ Norton, Ruth Ann et al. *Maryland Lead Poisoning Prevention Asset and Gap Analysis Report*. <https://www.greenandhealthyhomes.org/wp-content/uploads/Clean-MD-Asset-Gap-Report-5.5.2020.pdf>. May, 2020

ⁱⁱⁱ Based upon first draw sample results received as of January 25, 2021: https://mde.maryland.gov/programs/Water/water_supply/Documents/First_DrawSample_Results.pdf

^{iv} <https://pediatrics.aappublications.org/content/138/1/e20161493>

^v Barton, April. *Burlington Free Press*. "Vermont schools have lead in their water supply. How concerned should you be?" <https://www.burlingtonfreepress.com/story/news/2020/01/28/cermont-schools-test-lead-their-water-here-results/2756125001/>, January 27, 2020