PSSAM
Public School Superintendents' Association of Maryland

BILL:	Senate Bill 546 – School Buildings – Drinking Water Outlets – Elevated Level of Lead (Safe School Drinking Water Act)
DATE:	February 24, 2021
POSITION:	**Favorable with Amendments**
COMMITTEE:	Senate Education, Health, and Environmental Affairs Committee
CONTACT:	Mary Pat Fannon, Executive Director

This bill (1) redefines "elevated level of lead" to mean a lead concentration in drinking water that exceeds five parts per billion (ppb) for the purposes of required lead water testing and remedial measures in public and nonpublic schools and (2) makes conforming changes to existing notice and remediation requirements. If a water test sample for a drinking water outlet was analyzed on or before June 1, 2021, and the analysis indicated a concentration of lead that was more than 5 ppb but less than 20 ppb, a school must take appropriate remedial measures by August 1, 2021. The bill takes effect June 1, 2022.

The Public Schools Superintendents' Association of Maryland (PSSAM), representing all twenty-four local school superintendents, **supports SB 546 with two amendments.**

Local superintendents recognize that elevated lead levels in drinking water is a critical safety issue and we support measures that reduce the exposure of our students to serious health problems. As a result of comprehensive legislation passed in 2017, all drinking water outlets in schools must be tested for elevated levels of lead. If test results from a fixture are found to be above 20 ppb, the action level designated by both the U.S. Environmental Protection Agency (EPA) and the Maryland Department of the Environment (MDE), local school systems must remove the fixture from use and implement remediation measures.

Further, Chapter 557 of 2019 expressed the intent of the General Assembly that schools work proactively to reduce the lead concentration in drinking water outlets to a level below 5 ppb, and that specified grant funds be made available via the Healthy School Facility Fund. The Interagency on School Construction (IAC), working with the Maryland Department of the Environment (MDE) have established the application process for these funds, as well as the required remediation procedures. The current application establishes funding eligibility for consumption outlets that test above 5 ppb, but outlets that test between 5 and 20 ppb are prioritized.

Unfortunately, these funds were not available to school systems last year due to budget concerns, and the Governor did not fund the Healthy School Fund in this year's budget. Currently, there may not be

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sufficient grant funds available, especially for smaller districts who are competing with large systems and other authorized uses of the Fund including air quality and HVAC projects. Air conditioning projects, generally, have been prioritized in the last few years.

According to last year's fiscal note, MDE estimated the cost to replace an outlet between $600 and $1,500. Further, based on initial testing required from Chapter 557 (2019), 3,865 outlets had lead water concentrations between 5 and 20 ppb. At that time the IAC estimated it would between $10-30 million to fully remediate affected outlets. This is down from MDE's original estimation in 2019 of $19.2 million to $47.9 million alone for just replacing the outlets.

Therefore, we seek an amendment that increases funding in the Healthy School Facility Fund directed towards these specified projects that test between 5 ppb and 20 ppb. This would not preclude school systems from applying for the existing grant funds that are prioritized for projects above 20 ppb in the Fund.

Returning children to classrooms is our top priority over the next several months, and our facilities and maintenance crews are working tirelessly to prepare the safest and healthiest physical environment for staff and students.

As such, our second amendment request is a one-year delay in the bill's implementation.

Therefore, PSSAM **supports SB 546 with two amendments** referenced above, and asks for a **favorable with amendments** committee report.