SB546WrittenSupport.pdf
Uploaded by: Belin, Gerimi
Position: FAV

The Baltimore Teachers Union

AFT 340 AFL-CIO
Seton Business Park
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Baltimore, MD 21215-3209

Written Testimony Submitted for the Record to the Maryland House of Delegates
Before the Senate Education, Health, and Environmental Affairs Committee
Testimony by Gerimi Belin, Public School Teacher, Green Street Academy, Baltimore
February 24, 2021
SB 546 – School Buildings - Drinking Water Outlets –
Elevated Level of Lead (Safe School Drinking Water Act)
SUPPORT

Good afternoon Chair Pinsky, Vice Chair Kagan, and members of the Education, Health, and Environmental Affairs Committee

My name is Gerimi Belin. I am a science teacher at Green Street Academy who has been teaching biology and chemistry for nine years in Baltimore City Public School System. I am also an active member of the Baltimore Teachers Union. For my colleagues and students at Green Street Academy, as well as all schools in the public school system, I ask for a favorable report for Senate Bill 546.

Mister Chair and members of the committee, school buildings in Baltimore City are some of the oldest public school buildings in the state. For a number of years now, because of fears that the pipes that bring drinking water to our students contain unacceptable levels of lead, the school district has made the decision to import bottled water into our schools rather than risk poisoning our students and staff with unsafe drinking water.

Lead is known in the scientific community to be one of the most devastating neurotoxins known to man. The state's own Department of Health found that, between 1993 and 2013, 65,000 children in Baltimore City tested positive for dangerously high levels of lead in the blood. Science has also confirmed that an elevated level of lead in the bloodstream is especially harmful to children as they grow and develop. Even small amounts of lead have been associated with learning disabilities, speech delays, lack of impulse control, aggressive tendencies and ADHD. And while having Baltimore City Public Schools pay to import bottled water for students and staff to drink, it is merely an unsustainable remedy to this problem, draining an already strained city schools budget.

Mister Chair and members of the Committee, SB 546 will go far in addressing these issues by setting an appropriate definition of what constitutes an unsafe level of lead in the drinking water. By changing what counts as an "elevated level" of lead in the drinking water in our public schools from the current standard of 20 parts per billion—which was intended for defining safe drinking water for an adult—to 5 parts per billion. Children are much more susceptible to the harmful effects of lead in the drinking water than adults, hence the need to lower this standard for our schools.

Members of the Committee, for too long, the students of Baltimore City have gone to schools where we as a state cannot be certain of the safety of the drinking water provided to them through drinking fountains. The science is clear, any level of lead is detrimental to the vital development of children, and these damages last a lifetime. My colleagues in the Baltimore Teachers Union and I call for a favorable report on SB 546. Thank you.

BaltimoreCounty_FAV_SB0546.pdf
Uploaded by: Conner, Charles
Position: FAV

JOHN A. OLSZEWSKI, JR.
County Executive

CHARLES R. CONNER III, ESQ.
Director of Government Affairs

JOEL N. BELLER
Deputy Director of Government Affairs

BILL NO.: **SB 546**

TITLE: School Buildings - Drinking Water Outlets - Elevated Level of Lead (Safe School Drinking Water Act)

SPONSOR: Senator McCray

COMMITTEE: Education, Health, and Environmental Affairs

POSITION: **FAVORABLE**

DATE: February 24, 2021

Baltimore County **SUPPORTS** Senate Bill 546 – School Buildings - Drinking Water Outlets - Elevated Level of Lead (Safe School Drinking Water Act). This legislation would redefine what classifies as an "elevated level of lead" in the drinking water from school buildings.

As a former Educator, Baltimore County Executive Olszewski is devoted to ensuring that school is a safe place for all children. School buildings should not cause harm to our students and expose them to life altering chemicals. Parents deserve the assurance that are sending their children to an environment that prioritizes health and will not cause harm to their child.

This legislation would decrease the minimal acceptable level of lead found in drinking water from 15 parts per billion to 5 parts per billion. The deleterious effects of lead have higher impacts on the health of children whose bodies are still developing, and children's drinking water should be more strictly regulated to reflect their increased vulnerability. By decreasing the acceptable levels of lead in school drinking water, this legislation makes school a safe place for our students.

Accordingly, Baltimore County requests a **FAVORABLE** report on SB 546. For more information, please contact Chuck Conner, Director of Government Affairs, at cconner@baltimorecountymd.gov.

2021 MSPA SB 546 Senate Side.pdf
Uploaded by: Faulkner, Rachael
Position: FAV

Delegate Paul G. Pinsky, Chair
Delegate Cheryl C. Kagan, Vice Chair
Education, Health, and Environmental Affairs Committee
2 West, Miller Senate Office Building
Annapolis, MD 21401

Bill: Senate Bill 546 – School Buildings-Drinking Water Outlets-Elevated Level of Lead (Safe School Drinking Water Act)

Position: Support

Dear Chairman Pinsky, Vice Chair Kagan, and Members of the Committee:

I am writing on behalf of the Maryland School Psychologists' Association (MSPA), a professional organization representing about 500 school psychologists in Maryland. We advocate for the social-emotional, behavioral, and academic wellbeing of students and families across the state.

This letter is to provide support for Senate Bill 546. The bill alters the definition of "elevated level of lead" and ensures ongoing testing for the presence of lead in drinking water outlets in schools. Specifically, the bill lowers the threshold for "elevated level of lead" to 5 parts per billion, which is lower than the U.S. Environmental Protection Agency's guidelines of 15 parts per billion.

Lead exposure impacts children's development in several ways. Children exposed to lead have more attention problems[1] and have higher levels of impulsive behaviors[2]. They are more likely to engage in socially inappropriate behaviors, have difficulties in language, and have difficulties with adaptive behaviors, among others[3]. These students are also less likely to complete high school[4]. Importantly, research tells us that there is no safe level of lead

[1] Benfer, E.A. (2017). Contaminated childhood: How the United States failed to prevent the chronic lead poisoning of low-income children and communities of color. Harvard Environmental Law Review, 41, 3549-3561.

[2] Erickson, L., & Thompson, T. (2005). A review of a preventable poison: Pediatric lead poisoning. Journal of Specialists in Pediatric Nursing, 10, 171-182.

[3] Hou, S., Yuan. L., Jin, P., Ding, B., Qin, N., Li. L.,…&Deng, Y. (2013). A clinical study of the effects of lead poisoning on the intelligence and neurobehavioral abilities of children. Theoretical Biology and Medical Modeling, 10, 1-9.

[4] World Health Organization (2010). Childhood lead poisoning. Geneva, Switzerland: Author

exposure. Altering the guidelines to 5 parts per billion allows for safer drinking outlets and less exposure to this dangerous neurotoxin.

MSPA supports SB 546 and we urge a favorable report. If we can provide any additional information or be of any assistance, please contact us at legislative@mspaonline.org, or Rachael Faulkner at rfaulkner@policypartners.net or (410) 693-4000.

Respectfully submitted,

Kyle Potter, Ph.D., NCSP
Chair, Legislative Committee
Maryland School Psychologists' Association

MAP- SB 546 Safe Drinking Water- SUPPORT.pdf
Uploaded by: Jefferson , Stacey
Position: FAV

MARYLANDERS AGAINST POVERTY

Member Agencies:

Advocates for Children and Youth
Baltimore Jewish Council
Behavioral Health System Baltimore
CASH Campaign of Maryland
Catholic Charities
Episcopal Diocese of Maryland
Family League of Baltimore
Fuel Fund of Maryland
Health Care for the Homeless
Homeless Persons Representation Project
Job Opportunities Task Force
League of Women Voters of Maryland
Loyola University Maryland
Maryland Catholic Conference
Maryland Center on Economic Policy
Maryland Community Action Partnership
Maryland Family Network
Maryland Hunger Solutions
Paul's Place
Public Justice Center
St. Vincent de Paul of Baltimore
Welfare Advocates

Marylanders Against Poverty

Stacey Jefferson, Co-Chair
P: 410-637-1900 ext 8578
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Julia Gross, Co-Chair
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TESTIMONY IN SUPPORT OF SB 546

School Buildings - Drinking Water Outlets - Elevated Level of Lead (Safe School Drinking Water Act)

Senate Education Health and Environmental Affairs Committee
February 24, 2021

Submitted by Stacey Jefferson and Julia Gross, Co-Chairs

Marylanders Against Poverty (MAP) strongly supports SB 546. Surveys from 2016 estimate that 15 to 22 million people across the country have lead water pipes.[1] The American Water Works Association did a study recently which found that nearly a third of U.S. water lines contain lead.[2] The estimate is that there are six million lead service lines across the U.S.[3] Lead exposure happens "through the corrosion of lead service lines (the part of a water pipe that connects a…building to the public water main)."[4] As Child Trends points out, "**no level of lead in the blood is considered safe."** [5] In fact, research shows that even lower levels of lead in the blood (3-5 µg/dl) "can damage the brain, leading to impaired memory and executive functioning skills."[6] It is also important to note that not all children are equally impacted by lead poisoning. Children of color are more likely to experience lead poisoning than white, non-Hispanic children.[7]

Children who are lead poisoned are 7 times more likely to drop out of school and 6 times more likely to become involved in the juvenile justice system.[8] Given the racial disparities in who experiences lead poisoning, this is another driver of the racial disparities in educational outcomes and criminal justice system involvement. Learning disabilities that can affect children who have been lead poisoned include: violent, aggressive behavior; speech delays; Attention Deficit Disorder; hyperactivity; diminished IQ; hearing and memory problems; and reduced motor control and balance.[9] SB 546 ensures that "elevated level of lead" includes any lead concentration in drinking water than exceeds 5 parts per billion.

In 2019, the General Assembly passed the Lead Reduction and Remediation Act, though this did not guarantee sufficient funding for all affected schools to repair and/or replace lead-contaminated pipes or water outlets. **MAP appreciates your consideration and urges the committee to issue a favorable report for SB 546 to help eliminate the exposure to lead poisoning that Maryland's children currently face in their schools and to help avoid the lifelong impacts the lead poisoning can have.**

Marylanders Against Poverty (MAP) *is a coalition of service providers, faith communities, and advocacy organizations advancing statewide public policies and programs necessary to alleviate the burdens faced by Marylanders living in or near poverty, and to address the underlying systemic causes of poverty.*

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[1] https://www.childtrends.org/publications/united-states-can-eliminate-childhood-lead-exposure/
[2] https://www.sciline.org/evidence-blog/lead-drinking-water
[3] Id.
[4] https://www.childtrends.org/publications/united-states-can-eliminate-childhood-lead-exposure/
[5] Id.
[6] Id.
[7] Id.
[8] http://www.greenandhealthyhomes.org/home-health-hazards/lead
[9] Id.

SB 546- Testimony 2021.pdf
Uploaded by: Jose, Moalie
Position: FAV

February 22, 2021

TO: Members of the Senate Education, Health, and Environment Committee (EHE)
RE: **SB 546-** Voluntary Admission
POSITION: SUPPORT

Chair, Vice-Chair and Members of the Committee, I am here today to voice my support for Senate Bill 546.

My name is Moalie Jose and I currently serve as a member-at-large on the Baltimore County Board of Education. I am also a licensed Environmental Engineer with 20 years of experience in Water Resources. I speak as a Board member and not on behalf of the Board. Lead in school water has been an issue plaguing not just Baltimore County but all of Maryland. Baltimore County Public Schools (BCPS) began testing for lead in school water in 2016 and completed them in fall of 2019. We looked at lead test results for over 150 schools. As is protocol, faucets that had lead levels above 20 parts per billion (ppb) were shut down and listed for replacement. Since the action level was 20 ppb, faucets that tested between 5 ppb and 20 ppb, were considered "safe." In 2019 I introduced a motion to reduce the action level for BCPS from 20 ppb to 5 ppb. That motion passed unanimously.

Our current state action level of 20 ppb of lead is inadequate. We know that even low levels of lead in children can cause behavior and learning problems, slowed growth and hyperactivity. Lead is a heavy metal and a neurotoxin and there is no level of lead that is considered safe. Lead is introduced in our water through aging infrastructure, lead fixtures and faucets. Turning a faucet off that exceeds the action level of lead has no costs associated with it, but letting our children drink that water does. The US EPA's revised Lead and Copper Rule which will be finalized this year will expand sampling to schools and childcare facilities.

The tenet of this Bill takes a proactive approach to help protect our children's health in all Maryland Schools.

SB0546_FAV_MedChi, MDAAP_Lead - School Drinking Ou
Uploaded by: Kasemeyer, Pam
Position: FAV

MedChi

The Maryland State Medical Society

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www.medchi.org

Maryland Chapter
American Academy of Pediatrics
Speaking for Maryland Kids!

TO: The Honorable Paul G. Pinsky, Chair
Members, Senate Education, Health, and Environmental Affairs Committee
The Honorable Cory V. McCray

FROM: Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman

DATE: February 24, 2021

RE: **SUPPORT** – Senate Bill 546 – *School Buildings – Drinking Water Outlets – Elevated Level of Lead (Safe School Drinking Water Act)*

On behalf of the Maryland State Medical Society and the Maryland Chapter of the American Academy of Pediatrics, we submit this letter of **support** Senate Bill 546.

The provisions of Senate Bill 546 propose to strengthen the testing thresholds and requirements for school drinking water outlets that were enacted through legislation passed in 2019. The bill amends the current threshold for a determination of an elevated lead level in a drinking water outlet for the Environmental Protection Agency (EPA) recommended standard that is not defined to a specific standard of 5 parts per billion.

It is well recognized that no safe blood lead level in children has ever been identified. Children can be exposed to lead from a number of sources, including tap water. Lead exposure from tap water comes from the decay of plumbing or the solder that connects pipes, and the risk is higher in older buildings. Water that remains in pipes overnight or when schools are not in session stays in contact with lead pipes or lead solder and could contain higher levels of lead. As such, it is important to identify elevated levels of lead in drinking water in schools in order to reduce or prevent a child's exposure to lead.

High levels of lead in tap water can cause health effects if the lead in the water enters the blood. A high blood lead level can cause damage to the brain and kidneys and can interfere with the production of red blood cells that carry oxygen to all parts of the body. Children under the age of six are especially vulnerable to lead poisoning, which can affect their health and development, such as impaired mental and physical development as well as hearing problems. Specifying a specific threshold for defining an elevated blood level provides clear direction to the schools with respect to their responsibilities to address the elevated level and protect the children they serve. It also enhances the safety and well-being of our children from the negative health impacts associated with lead exposure. A favorable report is requested.

For more information call:
Pamela Metz Kasemeyer
J. Steven Wise
Danna L. Kauffman
410-244-7000

SB 546 testimony.pdf
Uploaded by: McCray, Cory
Position: FAV

Cory V. McCray
Legislative District 45
Baltimore City

Budget and Taxation Committee

Capital Budget Subcommittee
Health and Human Services Subcommittee

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Cory.Mccray@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Vote Yes on Senate Bill 546

Bill Title: The Safe School Drinking Water Act – Testimony in Favor

February 24, 2021

Chairman, Vice Chair, and Members of the committee,

Thank you for the opportunity to present today on my legislation SB 546, School Buildings - Drinking Water Outlets - Elevated Level of Lead (Safe School Drinking Water Act).

In 2020, after working out a compromise, the Senate unanimously passed this bill 11-0. This bill passed on the Senate floor (46-0) and agreed to the 5ppb standard for testing. The Senate bill included an amendment that I fully support. The amendment requires remediation of school drinking water tested on or before June 1, 2020 that was more than 5ppb but less than 20ppb

This year's bill includes the compromise from last session adjusted for new dates. It lowers the acceptable threshold for lead from 20ppb to 5ppb and requires by August 1, 2022 a school to fix any outlet that tested above 5ppb but below 20ppb on or before June 1, 2021. This bill does not create a new testing requirement.

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.
- 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 specifically designed for schools. Furthermore, EPA officials told us that the action level in the 3Ts guidance is not a health-based standard."

- 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; in 2019, both Montgomery County and the Baltimore County Board of Education passed legislation requiring 5ppb. Barbara Wolff, a school board member from Montgomery, and Moalie Jose), the board member who proposed the legislation in Baltimore County will be testifying in favor of our bill.
- **Between Montgomery & Baltimore County – we have 2 of the 3 largest school systems in the state already at 5ppb.** Prince Georges is at 10ppb so this isn't that big of a move for them.
- Other state's and school districts across the country use 5ppb including Illinois and San Diego.

Cost Issue:

- In 2019, we were able to add lead in drinking water as an allowable use of the Healthy Schools Facility Fund, which was funded at $30 million. School systems now have access to this money for remediation. In the Built to Learn Act, we extend that fund through 2022.
- If a school system does not have the money initially to fix everything – **they can just turn off the tap**.

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 and thank you for your consideration.**

Respectfully,

Cory V. McCray
State Senator

SB546- Family League Written Support.pdf
Uploaded by: Millard, Demaune
Position: FAV

Testimony in Support of Senate Bill 546

School Buildings – Drinking Water Outlets – Elevated Level of Lead (Safe School Drinking Water Act)

TO: Chair Pinsky and Members of the Education, Health, and Environmental Affairs Committee
FROM: Demaune A. Millard, President & CEO, Family League of Baltimore
DATE: February 24, 2021

Family League of Baltimore (Family League) supports Senate Bill 546 as it would alter the definitions of "elevated level of lead" for the purposes of certain provisions of law requiring certain testing for the lead in certain drinking water outlets in certain occupied public and nonpublic school buildings. This bill would also require schools to take certain measures to remediate a certain drinking water outlet. The alteration in the definition of "elevated level of lead" would change the level of lead detection to 5 parts per billion instead of 20 per billion.

This bill is particularly important because of the potential learning disabilities and additional health challenges that even limited lead consumption can cause children. Studies show that children consuming low amounts of lead can lead to behavioral issues, learning problems, slowed growth and hyper-activity. Students that don't consume lead have higher chances of finishing high school and avoiding the criminal justice system.

This bill requires and provides to schools to update the pipes/ faucets that would be used for students to drink water. Currently, Montgomery County has taken lead remediation steps to ensure that children can safely drink from fountains. It is necessary for the remaining counties in Maryland to adopt the same changes to ensure that children remain healthy and can perform at their best while in school. In Baltimore City, water is imported into schools so that students and staff can have access to clean and safe drinking water. Although the imported water can be used as a solution to drinking water, the faucet water is still used by kitchen staff. Statewide legislation would show that Maryland recognizes clean drinking water as a necessity rather than an option for all students. While there is a cost associated with it, the long-term effects of completing these measures would be worth it. In addition, treating one child with the effects of lead can be more costly than making that changes that SB546 would require.

As the designated Local Management Board for the City of Baltimore, Family League works collaboratively to support data-informed, community-driven solutions to align resources to dismantle systemic barriers that limit the possibilities for children, families, and communities. Our policy advocacy work is also guided by and in support of the Governor's Office Of Crime Prevention Youth And Victim Services' Results for Child Well-Being. Through our Strategic Planning Process, we have prioritized three of these results areas, focusing on the success of Baltimore City's children in school; the economic stability of families; and the safety of communities for children, youth, and families. We support SB546 in particular because of its alignment with these result areas, working to ensure that "Children are Healthy"; subsequently resulting in "Children (who) are Successful in School," "Youth (that) Will Complete School," and "Communities (that) are Safe for Children, Youth and Families."

For more information contact Keontae Kells, Public Policy Assistant kkells@familyleague.org.

GHHI Written Testimony - SB546.pdf
Uploaded by: Norton, Ruth Ann
Position: FAV

Green & Healthy Homes Initiative®

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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.

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

Respectfully submitted,

DocuSigned by:
Ruth Ann Norton
1A42B3060D6A435...

Ruth Ann Norton
President and CEO

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[i] "Populations at Higher Risk." 2020. https://www.cdc.gov/nceh/lead/prevention/populations.htm#:~:text=Children%20less%20than%20six%20years,lead%20dust%2C%20into%20their%20mouths; Zartarian, Valerie, Xue Jianping, Tornero-Velez, Rogelio and Brown, James. "Children's Lead Exposure: A Multimedia Modeling Analysis to Guide Public Health Decision-Making." (2017). 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

SB0546 MD NARAL SUPPORT.pdf
Uploaded by: Philip, Diana
Position: FAV

SB0546 - School Buildings – Drinking Water Outlets – Elevated Level of Lead
Presented to Hon. Paul Pinsky and the Senate Health, Education, and Environment Affairs Committee
February 24, 2021 at 1:00 p.m.

POSITION: SUPPORT

NARAL Pro-Choice Maryland urges the House Environment and Transportation Committee to issue **a favorable report on SB0546 - School Buildings – Drinking Water Outlets**, sponsored by Senator Cory McCray.

Our organization is an advocate for reproductive health, rights, and justice. As part of our efforts to protect reproductive freedom for all Marylanders, we work to ensure every individual has the right to decide if, when, and how to form their families, and to parent in good health, in safety, and with dignity. We work to ensure equitable access to basic human rights, including safe drinking water. This is a reproductive health issue as studies have shown that lead exposure can cause miscarriage, still births, and infertility. High-level health risks from lead poisoning include anemia, weakness, and brain damage. [1]

Lead in drinking water is a critical health threat to children, with lead poisoning harming children of marginalized identities. Historically, Baltimore City has been disproportionately affected by high rates of lead exposure within their water and infrastructure. Baltimore City schools have completely shut off water fountains and rely on water coolers as a means in accessing drinking water because of its high lead concentration. This lead issue also affects other Maryland counties, such as Montgomery and Harford, which are also seeing troubling rates of lead concentration in their drinking water. [2] There is great concern that schools with the worst rates are located in neighborhoods that are primarily comprised of people of color, This bill reduces environmental racism efforts by ensuring water levels meet the Centers for Disease Control standards of "elevated levels of lead" in all Maryland schools.

Requiring the testing of drinking water is to ensure better health outcomes for Maryland students. We hope that not only will this testing improve drinking water, but also water accessed through any sink in a school that can be used to wash one's hands after using menstrual products or rinse breast pump equipment used by parenting students, faculty, and staff.

For these reasons, NARAL Pro-Choice Maryland **urges a favorable committee report on SB0546 - School Buildings – Drinking Water Outlets.** Thank you for your time and consideration.

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[1] "Health Problems Caused by Lead," Centers for Disease Control and Prevention (Centers for Disease Control and Prevention, June 18, 2018), https://www.cdc.gov/niosh/topics/lead/health.html

[2] https://www.nbcwashington.com/news/local/high-lead-levels-costly-for-maryland-schools/63635/

SB0546_Drinking_Water_Lead_MLC_FAV.pdf
Uploaded by: Plante, Cecilia
Position: FAV

TESTIMONY FOR SB0546

SCHOOL BUILDINGS – DRINKING WATER OUTLETS – ELEVATED LEVEL OF LEAD (SAFE SCHOOL DRINKING WATER ACT)

Bill Sponsor: Senator McCray
Committee: Education, Health, and Environmental Affairs
Organization Submitting: Maryland Legislative Coalition
Person Submitting: Cecilia Plante, co-chair
Position: FAVORABLE

I am submitting this testimony in favor of SB0546 on behalf of the Maryland Legislative Coalition. The Maryland Legislative Coalition is an association of individuals and grassroots groups with members in every district in the state. We have over 30,000 members across the state.

The question that our members have regarding this bill is: why one of the states with the highest median income in the richest nation in the world allows its children to go to schools with drinking water that is contaminated by lead? Why have we not fixed this problem over the decades that we knew it existed?

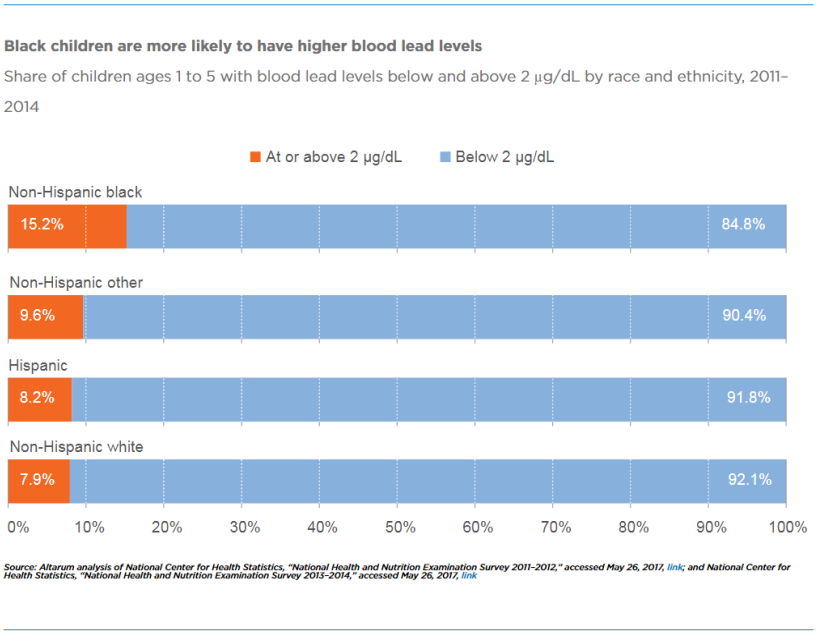
We did manage to pass legislation that required testing and remediation for lead that is 20 parts per billion. This means that any school that has only 19 parts per billion doesn't have to do anything. We know that 5 parts per billion is where we should be and this bill will require remediation for levels between 5 and 20 parts per billion.

We need to do this for our children. The Maryland Legislative Coalition supports this bill and we recommend a **FAVORABLE** report in Committee.

SB 546 FAV_ACY_MRock.pdf
Uploaded by: Rock, Melissa
Position: FAV

To: The Honorable Chair, Senator Paul G. Pinsky, and members of the Education, Health, and Environmental Affairs Committee
From: Melissa S. Rock, Birth to Three Strategic Initiative Director
Re.: **SB 546: School Buildings - Drinking Water Outlets - Elevated Level of Lead (Safe School Drinking Water Act)**
Date: February 24, 2021
Position: **SUPPORT**

Surveys from 2016 estimate that 15 to 22 million people across the country have lead water pipes.[i] The American Water Works Association did a study recently which found that nearly a third of U.S. water lines contain lead.[ii] The estimate is that there are six million lead service lines across the U.S.[iii] Lead exposure happens "through the corrosion of lead service lines (the part of a water pipe that connects a…building to the public water main)."[iv] As Child Trends points out, "**no level of lead in the blood is considered safe.**" [v] In fact, research shows that even lower levels of lead in the blood (3-5 µg/dl) "can damage the brain, leading to impaired memory and executive functioning skills."[vi] It is also important to note that not all children are equally impacted by lead poisoning. Children of color are more likely to experience lead poisoning than white, non-Hispanic children.[vii]



Children who are lead poisoned are 7 times more likely to drop out of school and 6 times more likely to become involved in the juvenile justice system.[viii] Given the racial disparities in who experiences lead poisoning, this is another driver of the racial disparities in educational outcomes and criminal justice system involvement. Learning disabilities that can affect children who have been lead poisoned include: violent, aggressive behavior; speech delays; Attention Deficit Disorder; hyperactivity; diminished IQ; hearing and memory problems; and reduced motor control and balance.[ix] SB 546 ensures that "elevated level of lead" includes any lead concentration in drinking water than exceeds 5 parts per billion.

In 2019, the General Assembly passed the Lead Reduction and Remediation Act, though this did not guarantee sufficient funding for all affected schools to repair and/or replace lead-

contaminated pipes or water outlets. While most schools in Baltimore City have banned drinking from all sinks and water fountains, 519 schools across the state have been found to have elevated levels of lead in the drinking water supply, including more than 200 schools in Montgomery County.

We urge this committee to issue a favorable report on SB 546 to help eliminate the exposure to lead poisoning that Maryland's children currently face in their schools and to help avoid the lifelong impacts the lead poisoning can have.

[i] https://www.childtrends.org/publications/united-states-can-eliminate-childhood-lead-exposure/
[ii] https://www.sciline.org/evidence-blog/lead-drinking-water
[iii] Id.
[iv] https://www.childtrends.org/publications/united-states-can-eliminate-childhood-lead-exposure/
[v] Id.
[vi] Id.
[vii] Id.
[viii] http://www.greenandhealthyhomes.org/home-health-hazards/lead
[ix] Id.

SB546_MDPIRG_FAV_leadtestingschools-merged.pdf
Uploaded by: Scarr, Emily
Position: FAV

SB546: School Buildings - Drinking Water Outlets - Elevated Level of Lead (Safe School Drinking Water Act)
Education, Health, and Environmental Affairs
February 24th, 2021
FAVORABLE

Environment Maryland *is a citizen-based environmental advocacy organization. We work to protect clean air, clean water, and open space.*
Maryland PIRG *is a state based, non-partisan, citizen funded public interest advocacy organization with grassroots members across the state.*

We would like to thank Delegate Solomon for introducing this bill, and for putting in so much work over the last 3 years. A version of this bill passed the House in 2019 and the Senate in 2020. This year let's get it done.

Since 2017, we have said we should have a more health protective action level for lead in school drinking water. We strongly support this bill to lower the action level to 5ppb. Our children need safe drinking water – especially at school where they go to learn and play. Unfortunately, lead is contaminating drinking water at schools in Maryland. The American Academy of Pediatrics recommends that school drinking water sources not exceed 1 part per billion.[1]

- Illinois requires testing in all schools and daycares and has a 2ppb action level.[2]
- Vermont requires testing in all schools and daycares and has a 4ppb action level.[3]
- In 2019, the LA Unified School District moved to an action level of 5ppb.[4]

Thanks to this Committee's leadership, Maryland was one of the first states in the county to require testing for lead in school drinking water, and we were pleased that you worked last year to expand grant funds for schools to remediate for lead. In 2019, the legislature also required schools to report on all lead tests over 5ppb, with reporting due in December, but we have not yet seen the results.

Jurisdictions in Maryland have gone further than required by state law: Montgomery County and Baltimore County have enacted an action level of 5ppb and Prince George's County has enacted an action level of 10ppb.[5][6][7]

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[1] Prevention of Childhood Lead Toxicity, Council on Environmental Health, http://pediatrics.aappublications.org/content/early/2016/06/16/peds.2016-1493

[2] New Analysis, 78% of suburban Cook County schools test positive for lead in water fixture, Illinois PIRG, September 26, 2018, https://illinoispirgedfund.org/news/ilf/new-analysis-78-suburban-cook-county-schools-test-positive-lead-water-fixtures

[3] Vermont Health and the Environment, State of Vermont https://www.healthvermont.gov/environment/school/lead-drinking-water-schools

[4] Los Angeles Unified School District Redouble Efforts to Get the Lead Out of Drinking Water, May 6, 2019, https://calpirg.org/news/caf/los-angeles-unified-school-district-redoubles-efforts-get-lead-out-drinking-water

[5] Montgomery Co. passes stricter limits on lead in public school water, WTOP, May 7, 2019. https://wtop.com/montgomery-county/2019/05/montgomery-co-to-set-stricter-limits-on-lead-in-public-school-water/

[6] "Baltimore County School Board sets tighter standards for lead levels in drinking water" from Capital Gazette, released October 9th 2019. https://www.capitalgazette.com/maryland/cng-co-at-county-schools-lead-vote-20191009-zzaxknecjveovn53iromznpedq-story.html

[7] Prince George's County Water Quality Program, https://www.pgcps.org/water-quality-program/

In 2019, Maryland PIRG and Environment Maryland released a report, **Get the Lead Out: Ensuring Safe Drinking Water for Children At School, which gave Maryland a "C" on efforts to protect kids from lead in school drinking water.** This was an improvement from the "F" we received in 2017.

We understand that some of the Boards of Education are concerned about costs to remediate for lead. We are glad that this committee was able to increase access to grant funding for lead remediation last year through the Healthy School Facility Fee. HB1 and SB1 also include an additional year of funding for that fund. When taps test above the action level they can shut off access until they are able to remediate or add in filling stations. We are pleased the MDE has received $513,000 from EPA to test for lead in school drinking water, and we hope the state will pursue further federal grant money to help with remediation.[8]

When it comes to this bill, the question you should ask yourself is: if we have taps testing at levels over 5, should they be left on or turned off?

BACKGROUND
Public and private schools across the state are finding lead at frightening levels.

- In Baltimore City, some schools have been using bottled water since 2007.
- Some Harford County schools have also had students on bottled water since 2009.[9]
- Since testing began after the 2017 law, elevated levels of lead have been found in counties across the state: Anne Arundel, Baltimore County, Baltimore City, Carroll, Calvert, Howard, Montgomery, Prince George's, Washington, Wicomico, and Queen Anne's.
- Some came back with astonishing levels of lead. For example, a classroom water fountain at Lucy V. Barnsley Elementary School in Silver Spring tested 356 ppb and in Kensington a kitchen faucet at Einstein High School tested at 700 ppb.[10]

According to MDE's summary of test results so far (attached), of the 2,528 samples exceeded the Action Level (AL) of 20 parts per billion (ppb) of lead, just under half of which were drinking water outlets.

Our existing law:

1. Requires all schools to conduct testing for lead in drinking water every 3 years.
2. Required the state to report to the General Assembly by December 2019 on all tests that came in above 5ppb.
3. Attaches the action level to the federal standard as outline by the EPAs 3Ts, which at the time of the law's enactment was 20ppb.
4. When elevated levels are found, it requires immediate shut off, parental notification, and other remediation actions.

All too often, schools (like homes) have pipes, plumbing and/or fixtures that leach lead into drinking water. In some cases, old service lines – the pipes that brings water from the mains in the street into buildings – are made entirely of lead. And where there is lead, there is a risk of contamination and exposure.

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[8] *EPA Awards Maryland Department of the Environment $513,000 to test for lead in drinking water at schools*, April 1 2020, https://www.epa.gov/newsreleases/epa-awards-maryland-department-environment-513000-test-lead-drinking-water-schools
[9] *High lead levels a costly concern at schools in Maryland*, Associated Press April 9, 2016. http://www.washingtontimes.com/news/2016/apr/9/high-lead-levels-a-costly-concern-at-schools-in-ma/
[10] *Water testing finds 86 Montgomery Co. schools had high lead levels, WTOP, August 9, 2018.* https://wtop.com/montgomery-county/2018/08/water-testing-finds-86-montgomery-co-schools-had-high-lead-levels/

The health threat of lead in schools' water deserves immediate attention from state policymakers for two reasons. Lead is highly toxic and especially damaging to children — impairing how they learn, grow, and behave. We ought to be particularly vigilant against this health threat at schools and pre-schools, where our children spend their days learning and playing.

A potent neurotoxin, lead affects how our children learn, grow and behave. According to the EPA, "In children, low levels of [lead] exposure have been linked to damage to the central and peripheral nervous system, learning disabilities, shorter stature, impaired hearing, and impaired formation and function of blood cells."[11]

SOLUTION

Given the high toxicity of lead to children, the most health-protective policy is simply to "get the lead out" of our schools and pre-schools. This involves removing lead-bearing parts from schools' drinking water systems — from service lines to faucets and fixtures.

Because all this prevention work will take time to complete, schools should immediately begin regular and proper testing of all water outlets used for drinking or cooking and promptly remove from service those outlets where elevated lead levels are detected. And schools should provide the public with easy access to testing data and the status of remediation plans.

The promise and viability of this "get the lead out" approach can be seen in municipal and voluntary programs across the country. Madison, Wisconsin and Lansing, Michigan have removed all lead service lines from homes, and New York City has replaced them at schools. Yes, this will cost money.

Undoing this toxic legacy in our communities will take time. But we can and should act now to protect our schools– the places where our children go each day to learn and play.

We respectfully request a favorable report

Attachments: Partial Summary of Lead Testing Results in Maryland Schools

[11] *Basic Information about Lead in Drinking Water,* https://www.epa.gov/ground-water-and-drinking-water/basic-information-about-lead-drinking-water

Test Results

These counties have published test results, and MDE has a summary report (attached).

- Anne Arundel Schools
- Calvert County Public Schools
- Carroll County
- Howard County Schools
- Prince George's County Public Schools
- Queen Anne's County Public Schools
- Washington County Public Schools

Anne Arundel County
Since lead testing commenced in 2018, 105 drinking water outlets in Anne Arundel County Public Schools have shown elevated levels of lead.[12] [13] Of the 23 of the 33 schools tested, testing found 30 sources of drinking water with lead levels testing at 20 ppb or higher. Ten were at High Point Elementary School in Pasadena.

Baltimore County
Baltimore County found 23 schools test positive for elevated levels of lead.[14] [15] Pot Spring Elementary in Timonium had one of the highest percentages of fixtures with lead, with seven of 48 tests finding elevated levels. At Padonia and West Towson, none of the affected fixtures were drinking fountains.

Calvert County
4 out of 21 Schools in Calvert county tested so far in the 2017-2018 school year were found to have fixtures with elevated levels of lead. [16]

Charles County
In 2019, Charles County conducted lead testing and published all results online.[17] The results found 11 elementary schools, 5 middle schools, 2 highschools, and 8 additional schools using well water had taps that tested above the action level.

Harford County
In Harford County lead levels exceeding federal standards were found in 12 schools. The private John Carroll School in Bel Air found lead levels higher than 20 ppb in 19 sources in the building, though none of the drinking fixtures were affected.[18]

Howard County
A first round of testing at Clarksville, St John's Lane, Talbott Springs, Jeffers Hill, and Pointers Run

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[12] State-mandated testing finds lead in water at two dozen local schools; Baltimore, Howard counties will test this year. Baltimore Sun. August 17th 2018. https://www.baltimoresun.com/news/maryland/investigations/bs-md-sun-investigates-school-lead-testing-20180817-story.htm
[13] "High Levels of Lead Found in some Anne Arundel County Public Schools drinking water" from WMAR Baltimore, published February 25th 2019, https://www.wmar2news.com/news/region/anne-arundel-county/testing-shows-elevated-lead-levels-in-some-drinking-water-at-anne-arundel-county-public-schools
[14] First round of Baltimore County water tests finds lead at Pot Spring, West Towson and Padonia elementaries, other schools. Baltimore Sun. Nov. 19th 2018. https://www.baltimoresun.com/news/maryland/baltimore-county/towson/ph-tt-lead-1121-story.html
[15] "High levels of lead found in drinking water at several Baltimore County elementary schools" from WMAR Baltimore, published March 14th 2019, https://www.wmar2news.com/news/working-for-the-future/high-levels-of-lead-found-in-drinking-water-at-several-baltimore-county-elementary-schools
[16] Calvert County Public Schools: Testing for Lead in Drinking Water http://www.calvertnet.k12.md.us/departments/school_facilities/facilities_program_information/water_testing
[17] Charles County Public Schools, https://www.ccboe.com/index.php/water-quality-reports
[18] Tests indicate high lead levels in water at three Harford schools. Baltimore Sun. August 15th, 2018. https://www.baltimoresun.com/news/maryland/harford/aegis/ph-ag-lead-in-water-harford-schools-0815-story.htmlgram/

Elementary School showed that 28 fixtures across 9 of the 15 schools were shown to have lead.[19] One sink fixture at Clarksville Elementary School was over the limit, and at Clarksville Middle two teacher office sinks were found unsafe. Howard County has made all tests results available online.[20]

Montgomery County[21] [22]
In Montgomery County 246 of the 13,248 fixtures tested were found to have lead levels above 20 ppb. 86 Schools tested positive for elevated levels of lead. And some tests far exceeded the 20ppb limit, going as high as 700 ppb. Montgomery County Public Schools repaired 249 outlets above the state action level, but recently found some fountains tested for above 253 parts per billion.

Schools reported with high lead levels include Broad Acres Elementary School (85.7 parts per billion), New Hampshire Estate (42 parts per billion), Gaithersburg Elementary (253 parts per billion).

Prince George's County
7 out of 14 schools tested in Bowie 2017 showed elevated levels of lead in drinking water. Prince George's county began a much earlier program of lead testing and remediation in 2004 and all schools are expected to be fitted with lead free fountains by June 28th 2019. [23]

Queen Anne's County
"As of December 11, 2018, QACPS has results from 1,639 outlets; including drinking water and non-drinking water fixtures. Of those, 1478 (90%) do not have elevated levels of lead, and 161 (10%) have elevated levels of lead. Of the 161, eight (.05%) are drinking fountains with the remainder being mainly classroom or science lab sinks." [24]

Washington County
Elevated levels of lead found.[25]

Worcester County
Seven sinks at Buckingham Elementary School in Worcester County were found to have above average amounts of lead, with a sink in the women's bathroom coming back at 62 parts per billion.

Wicomico County
Two schools in Wicomico tested positive for elevated levels of lead. In Fruitland Primary and Pinehurst Elementary officials tested "371 water fixtures throughout their schools and found that 19 of those did not meet the state's standards." [26]

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[19] Lead Found in Water in 9 Howard County Schools. Baltimore Sun. October 31st 2018. https://www.baltimoresun.com/news/maryland/howard/ph-ho-cf-lead-water-1023-story.htm
[20] Howard County Schoools: https://www.hcpss.org/schools/water-quality-reports/
[21] "Montgomery County working to get lead out of school drinking water" from WJLA, published March 19th 2019, https://wjla.com/news/local/montgomery-county-working-to-get-lead-out-of-school-drinking-water
[22] "Officials work to lower lead levels in public drinking water across Montgomery county" from Local DVM, published March 20th 2019, https://www.localdvm.com/news/i-270/officials-work-to-lower-lead-levels-in-public-drinking-water-across-montgomery-county/
[23] Prince George's County Public Schools Water quality program and test results. https://www.pgcps.org/water-quality-pro
[24] Queen Anne's County Public Schools Water Test Results https://www.qacps.org/site/default.aspx?PageType=3&DomainID=1&ModuleInstanceID=9296&ViewID=6446EE88-D30C-497E-9316-3F8874B3E108&RenderLoc=0&FlexDataID=13141&PageID=1
[25] Washington County: http://wcpsmd.com/sites/default/files/documents/doub_water_test_results_04_18.pdf
[26] Two Wicomico Co. schools test positive for lead in water. ABC47. June 28th 2018. https://www.wmdt.com/2018/06/two-wicomico-co-schools-test-positive-for-lead-in-water/

Results for Public Schools

Twenty two public school systems have submitted results for a total of 906 schools as of January 25, 2021, with a total of 50,634 first-draw samples collected and analyzed. Of these, 1,001 samples collected at consumption outlets exceeded the Action Level (AL) of 20 parts per billion (ppb) of lead, and 1,120 samples collected at non-consumption outlets exceeded the AL of lead. There were 22 samples that exceeded the AL of lead for which a use determination could not be made.

Test Results for Public Schools Received as of January 25, 2021: 2017-2018 School Year									
County	# Schools Completing Testing	# Total First Draw Samples	# First Draw Samples from Drinking Water Outlets	# First Draw Samples from Nonconsumption Outlets	# First Draw Samples with Unknown Use	# Total Elevated First Draw Samples	# Elevated First Draw Samples from Drinking Outlets	# Elevated First Draw Samples from Nonconsumption Outlets	# Elevated First Draw Samples with Unknown Use
Allegany	0								
Anne Arundel	32	3,861	1,084	2,459	318	277	50	226	1
Baltimore County	0								
Baltimore City	9	733	0	0	733	15	0	0	15
Calvert	8	480	480	0	0	1	1	0	0
Caroline	0								
Carroll	0								
Cecil	0								
Charles	0								
Dorchester	0								
Frederick	0								
Garrett	12	420	420	0	0	24	24	0	0
Harford	12	658	554	104	0	13	5	8	0
Howard	0								
Kent	0								
Montgomery	207	13,248	13,248	0	0	229	229	0	0
Prince George's	0								
Queen Anne	8	319	102	217	0	32	5	27	0
St. Mary's	12	1,597	1,451	119	27	144	67	72	5
Somerset	0								
Talbot	0								
Washington	39	3,039	831	2,207	1	120	6	114	0
Wicomico	13	498	464	34	0	25	21	4	0
Worcester	0								
Total	**352**	**24853**	**18634**	**5140**	**1079**	**880**	**408**	**451**	**21**

Test Results for Public Schools Received as of January 25, 2021: 2018-2019 School Year									
County	# Schools Completing Testing	# Total First Draw Samples	# First Draw Samples from Drinking Water Outlets	# First Draw Samples from Nonconsumption Outlets	# First Draw Samples with Unknown Use	# Total Elevated First Draw Samples	# Elevated First Draw Samples from Drinking Outlets	# Elevated First Draw Samples from Nonconsumption Outlets	# Elevated First Draw Samples with Unknown Use
Allegany	0								
Anne Arundel	13	1390	429	907	54	41	8	32	1
Baltimore County	155	6784	4278	2506	0	368	202	166	0
Baltimore City	1	under review	under review	under review	under review	under review	under review	under review	under review
Calvert	5	298	298	0	0	0	0	0	0
Caroline	6	156	156	0	0	0	0	0	0
Carroll	0								
Cecil	21	2205	387	1818	0	236	20	216	0
Charles	29	1752	1567	185	0	77	58	19	0
Dorchester	5	70	70	0	0	2	2	0	0
Frederick	56	1349	1347	2	0	46	44	2	0
Garrett	0								
Harford	12	1371	880	491	0	85	4	81	0
Howard	59	3990	3961	29	0	85	83	2	0
Kent	0								
Montgomery	1	121	121	0	0	0	0	0	0
Prince George's	120	2646	2646	0	0	63	63	0	0
Queen Anne	0								
St. Mary's	0								
Somerset	6	219	219	0	0	18	18	0	0
Talbot	8	40	24	16	0	0	0	0	0
Washington	1	43	11	32	0	0	0	0	0
Wicomico	6	328	325	3	0	29	29	0	0
Worcester	10	690	274	416	0	135	41	94	0
Total	**514**	**23452**	**16993**	**6405**	**54**	**1185**	**572**	**612**	**1**

Test Results for Public Schools Received as of January 25, 2021: 2019-2020 School Year									
County	# Schools Completing Testing	# Total First Draw Samples	# First Draw Samples from Drinking Water Outlets	# First Draw Samples from Nonconsumption Outlets	# First Draw Samples with Unknown Use	# Total Elevated First Draw Samples	# Elevated First Draw Samples from Drinking Outlets	# Elevated First Draw Samples from Nonconsumption Outlets	# Elevated First Draw Samples with Unknown Use
Allegany	20	1777	696	1081	0	68	13	55	0
Dorchester	5	99	97	2	0	1	1	0	0
Howard	5	220	220	0	0	6	6	0	0
Montgomery	1	28	28	0	0	0			
Talbot	9	205	183	22	0	2	1	1	0
Total	**40**	**2329**	**1224**	**1105**	**0**	**77**	**21**	**56**	**0**

Results for Nonpublic Schools

As of January 25, 2021, MDE has received test results from 235 nonpublic schools. A total of 10,185 first-draw samples have been collected and analyzed. Of these, 117 samples collected at consumption outlets exceeded the Action Level (AL) of 20 parts per billion (ppb) of lead, and 265 samples collected at non-consumption outlets exceeded the AL of lead. There were two samples that exceeded the AL of lead for which a use determination could not be made.

Test Results for Nonpublic Schools Received as of January 25, 2021 for 2017-2018 School Year									
County	# Schools Completing Testing	# Total First Draw Samples	# First Draw Samples from Drinking Water Outlets	# First Draw Samples from Nonconsumption Outlets	# First Draw Samples with Unknown Use	# Total Elevated First Draw Samples	# Elevated First Draw Samples from Drinking Outlets	# Elevated First Draw Samples from Nonconsumption Outlets	# Elevated First Draw Samples with Unknown Use
Allegany	0								
Anne Arundel	6	223	117	77	29	1	0	1	0
Baltimore County	24	957	606	345	6	26	17	7	2
Baltimore City	11	682	443	239	0	19	0	19	0
Calvert	0								
Caroline	0								

Carroll	0								
Cecil	1	17	17	0	0	0	0	0	0
Charles	0								
Dorchester	0								
Frederick	4	75	46	29	0	1	1	0	0
Garrett	0								
Harford	3	161	41	120	0	19	0	19	0
Howard	3	120	31	89	0	2	0	2	0
Kent	1	7	2	5	0	0	0	0	0
Montgomery	32	2,376	674	1,668	34	56	5	51	0
Prince George's	12	347	233	114	0	15	5	10	0
Queen Anne	0								
St. Mary's	2	69	69	0	0	0	0	0	0
Somerset	0								
Talbot	3	72	35	37	0	2	2	0	0
Washington	3	60	25	35	0	2	0	2	0
Wicomico	1	2	2	0	0	1	1	0	0
Worcester	1	36	36	0	0	4	4	0	0
Total	**107**	**5204**	**2377**	**2758**	**69**	**148**	**35**	**111**	**2**

Test Results for Nonpublic Schools Received as of January 25, 2021 for 2018-2019 School Year

County	# Schools Completing Testing	# Total First Draw Samples	# First Draw Samples from Drinking Water Outlets	# First Draw Samples from Nonconsumption Outlets	# First Draw Samples with Unknown Use	# Total Elevated First Draw Samples	# Elevated First Draw Samples from Drinking Outlets	# Elevated First Draw Samples from Nonconsumption Outlets	# Elevated First Draw Samples with Unknown Use
Allegany	1	43	43	0	0	2	2	0	0
Anne Arundel	10	250	141	109	0	2	0	2	0
Baltimore County	24	651	332	319	0	39	8	31	0
Baltimore City	23	1381	621	750	0	26	7	19	0
Calvert	0								
Caroline	0								
Carroll	3	76	32	44	0	8	1	7	0
Cecil	2	14	14	0	0	1	1	0	0
Charles	1	13	12	1	0	0	0	0	0

Dorchester	0								
Frederick	4	268	222	46	0	54	53	1	0
Garrett	0								
Harford	4	73	44	29	0	0	0	0	0
Howard	13	347	195	152	0	26	5	21	0
Kent	1	3	3						
Montgomery	27	1350	492	761	97	65	4	61	0
Prince George's	7	129	40	89	0	2	1	1	0
Queen Anne	0								
St. Mary's	1	9	8	1	0	0	0	0	0
Somerset	0								
Talbot	0								
Washington	2	125	32	93	0	9	0	9	0
Wicomico	0								
Worcester	0								
Total	**123**	**4732**	**2231**	**2394**	**97**	**234**	**82**	**152**	**0**

Test Results for Nonpublic Schools Received as of January 25, 2021 for 2019-2020 School Year									
County	**# Schools Completing Testing**	**# Total First Draw Samples**	**# First Draw Samples from Drinking Water Outlets**	**# First Draw Samples from Nonconsumption Outlets**	**# First Draw Samples with Unknown Use**	**# Total Elevated First Draw Samples**	**# Elevated First Draw Samples from Drinking Outlets**	**# Elevated First Draw Samples from Nonconsumption Outlets**	**# Elevated First Draw Samples with Unknown Use**
Baltimore County	1	6	6	0	0	0	0	0	0
Kent	1	3	3	0	0	0	0	0	0
Montgomery	2	214	96	118	0	1	0	1	0
Prince George's	1	26	3	23	0	1	0	1	0
Total	**5**	**249**	**108**	**141**	**0**	**2**	**0**	**2**	**0**

Results for Charter Schools

As of January 25, 2021, MDE has received test results from 8 charter schools. A total of 317 first-draw samples have been collected and analyzed. Of these, one sample result collected at non-consumption outlet exceeded the Action Level (AL) of 20 parts per billion (ppb) of lead.

Test Results for Charter Schools Received as of January 25, 2021: 2017-2018 School Year

County*	# Schools Completing Testing	# Total First Draw Samples	# First Draw Samples from Drinking Water Outlets	# First Draw Samples from Nonconsumption Outlets	# First Draw Samples with Unknown Use	# Total Elevated First Draw Samples	# Elevated First Draw Samples from Drinking Outlets	# Elevated First Draw Samples from Nonconsumption Outlets	# Elevated First Draw Samples with Unknown Use
Anne Arundel	1	50	10	34	6	0	0	0	0
Baltimore City	0								
Frederick	2	44	19	25	0	0	0	0	0
Prince George's	0								
St. Mary's	1	57	57	0	0	0	0	0	0
Total	**4**	**151**	**86**	**59**	**6**	**0**	**0**	**0**	**0**

Test Results for Charter Schools Received as of January 25, 2021: 2018-2019 School Year

County*	# Schools Completing Testing	# Total First Draw Samples	# First Draw Samples from Drinking Water Outlets	# First Draw Samples from Nonconsumption Outlets	# First Draw Samples with Unknown Use	# Total Elevated First Draw Samples	# Elevated First Draw Samples from Drinking Outlets	# Elevated First Draw Samples from Nonconsumption Outlets	# Elevated First Draw Samples with Unknown Use
Anne Arundel	1	72	26	45	1	0	0	0	0
Prince George's	3	94	44	50	0	1	0	1	0
Total	**4**	**166**	**70**	**95**	**1**	**1**	**0**	**1**	**0**

*Only these counties have charter schools

SB0546 Safe Water Drinking Act- FAV-MCPS.pdf
Uploaded by: Susskind, Danielle
Position: FAV

MONTGOMERY COUNTY BOARD OF EDUCATION
Expanding Opportunity and Unleashing Potential
850 Hungerford Drive ◆ Room 123 ◆ Rockville, Maryland 20850

BILL:	SB0546 (Cross filed with HB0636)
TITLE:	School Buildings - Drinking Water Outlets - Elevated Level of Lead (Safe School Drinking Water Act)
DATE:	2/24//2021
POSITION:	SUPPORT
COMMITTEE:	Education, Health, and Environmental Affairs
CONTACT:	Danielle M. Susskind, Coordinator, Legislative Affairs Danielle_M_Susskind @mcpsmd.org

The Montgomery County Board of Education (Board) **supports** SB0546.

The action level designated by both the U.S. Environmental Protection Agency and the Maryland Department of the Environment was 20 parts per billion (ppb). In May 2019, the Montgomery County Council passed legislation that lowered the action level to 5 ppb.

Senate Bill 546 aligns state standards with Montgomery County standards and lowers the standard from 15 ppb to 5 ppb of the amount of lead allowed in drinking water. Montgomery County Public Schools (MCPS) has already been remediating water outlets and continues to work towards lower lead levels. MCPS supports the 5 ppb action level.

MCPS practices:

- Since 2018, MCPS tested 13,719 drinking water outlets. 246 (1.8 percent) exceeded the action level of 20 ppb and 1,522 (11 percent) exceeded the action level of 5 ppb. Retesting is currently underway and there is no new data on systemwide testing.
- In compliance with the new County regulations, all drinking water outlets with sample results exceeding the action level of 5 ppb were taken out of service. A remedial action plan was developed based on analysis of sample results and outlet usage. Outlets are not returned to service until post-remediation testing confirms sample results are below the action level.
- MCPS communicates water testing results to schools, regulatory and health agencies, and on the MCPS website.
- In addition, MCPS follows best practices, including flushing drinking water outlets on a daily basis.

For these reasons, the Board **supports** this legislation and urges a favorable report.

SB546 - Safe School Drinking Water Act - EHEA - Mc

Uploaded by: Tulkin, Josh

Position: FAV

7338 Baltimore Ave
Suite 102
College Park, MD 20740

Committee: **Education, Health, and Environmental Affairs**
Testimony on: **SB546 – "School Buildings - Drinking Water Outlets - Elevated Level of Lead (Safe School Drinking Water Act)"**
Position: **Support**
Hearing Date: **February 24, 2021**

The Maryland Sierra Club urges a favorable report on SB546. The bill would aid the efforts of local school systems in Maryland to address the pernicious presence of lead in school drinking water by specifying that "an elevated level of lead" is one that exceeds five parts per billion. Lead exposure poses a substantial threat to the health of Maryland's children, especially low-income children.

This legislation complements and furthers the intent of legislation enacted in 2019 by the General Assembly (Chapter 557) to reduce the presence of lead in school drinking water. In that legislation, the General Assembly declared that "any exposure to lead in drinking water is dangerous to the health and development of children," and that "[i]t is the intent of the General Assembly that schools work proactively to reduce the concentration of lead in drinking water outlets below 5 parts per billion." (MD Environment Article, Section 6-1501.1.) The five parts-per-billion standard is in accord with the standard used by the Centers for Disease Control (CDC) that public health actions should be initiated for children with a lead level in their blood of 5 µg/dl.

Lead is a neurotoxin that adversely affects humans and virtually every other form of life. Lead exposure in young children can result in lowered intelligence, reading and learning disabilities, impaired hearing, reduced attention span, hyperactivity, delayed puberty, reduced postnatal growth, and reduced earning potential. It also is associated with reduced impulse control; there have been associations between childhood lead exposure and proclivity to violence and crime in adulthood. Furthermore, lead exposure is often insidious – while acute poisoning can result in dramatic health failures, the more common chronic exposures have no distinct symptoms and are therefore sometimes overlooked or misinterpreted, leading to possibly permanent brain damage.

Since the General Assembly has told schools that they should "work proactively to reduce the concentration of lead in drinking water outlets below 5 parts per billion," it is fully appropriate to define "an elevated level of lead" in drinking water using this standard. The threat posed to the health of Maryland's children by lead is grave, and there should not be any ambiguity as to the obligation of schools to act in accord with a clear 5 parts-per-billion standard.

For these reasons, the Maryland Sierra Club urges a favorable report on this bill.

Shruti Bhatnagar
Montgomery County Group Chair
Shruti.Bhatnagar@MDSierra.org

Josh Tulkin
Chapter Director
Josh.Tulkin@MDSierra.org

SB 546 - School Buildings – Drinking Water Outlets

Uploaded by: Zwerling, Samantha

Position: FAV

MARYLAND STATE EDUCATION ASSOCIATION

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marylandeducators.org

Testimony in SUPPORT of Senate Bill 546
School Buildings – Drinking Water Outlets - Elevated Level of Lead
(Safe School Drinking Water Act)

Senate Education Health & Environmental Affairs Committee
February 24, 2021

Samantha Zwerling
Government Relations

The Maryland State Education Association supports Senate Bill 546, which alters the definition of "elevated level of lead" to mean anything over five parts per billion in drinking water outlets in public and nonpublic school buildings. The bill also requires remedial actions by a school by August 1, 2022 for any water test with an "elevated lead level" that was tested on or before June 1, 2021.

MSEA represents 75,000 educators and school employees who work in Maryland's public schools, teaching and preparing our 896,837 students for careers and jobs of the future. MSEA also represents 39 local affiliates in every county across the state of Maryland, and our parent affiliate is the 3 million-member National Education Association (NEA).

We have all seen the reports from across the country of cities and school districts dealing with the horrors of lead contaminated drinking water in their schools. Here in Maryland, schools in Baltimore City, Montgomery County and Harford County have all had recent experiences with this problem.[1] [2] Unsurprisingly, many times lead is detected in older school building with older plumbing systems. In these instances, when lead is detected, water delivery systems are shut down and parents and guardians are informed. But the irreparable damage to the children is already done. According to a 2016 policy statement titled "Prevention of Childhood Lead Toxicity" issued by the American Academy of Pediatrics (AAP), blood lead levels as low as 50 part per billion can impair a child's cognition.[3] According to the report, this low level of exposure can cause "…diminished intellectual and academic abilities, higher rates of neurobehavioral disorders such as hyperactivity and attention deficits, and lower birth weight in children." In discussing the report's findings, Dr. Jennifer Lowry, chair of the AAP Council on Environmental Health said, "We now know that there is no safe level of blood lead concentration for children, and the best 'treatment' for lead poisoning is to prevent any exposure before it happens."

[1] https://www.nbcwashington.com/news/local/high-lead-levels-costly-for-maryland-schools/63635/ (Accessed February 8, 2021)
[2] https://www.baltimoresun.com/health/bs-md-lead-report-card-20190321-story.html (Accessed February 8, 2021)
[3] https://pediatrics.aappublications.org/content/138/1/e20161493 (Accessed February 8, 2021)

MSEA agrees wholeheartedly with Secretary Ben Grumbles when he was quoted[4] in 2020 saying "Lead poisoning is a preventable environmental injustice and we are making real progress in eradicating it. Through universal testing, strong enforcement, and a new emphasis on responding to lower levels of lead poisoning, we can continue to reduce childhood lead poisoning in Maryland." We believe Senate Bill 546 will get us close to that goal.

Lead in the drinking water is not only dangerous to our children, but it can have adverse health impacts on the adults in school buildings as well. Adults who have been exposed to lead can experience symptoms such as high blood pressure; joint and muscle pain; difficulties with memory and concentration; mood disorders, abdominal pain; headaches; and damage to reproductive systems.[5]

Six years after the Flint water crisis began, we are only beginning to comprehend the long-term consequences to the children. The costs to school systems who will be required to provide remediation and support services to these children could be astronomical well into the future. While we cannot prevent the exposure children around our state have already experienced, we can take proactive steps to ensure that this does not happen in the future. This bill stands as a powerful preventative measure that will benefit every student and every educator and school staff member in our state. We cannot teach our children if they are home sick or if we are ill.

Remediating lead contamination in our schools is a critical public health need. By revising the current definition of "elevated level of lead" to 5 parts per billion, we can better ensure the safety and health for all of Maryland's children and educators.

MSEA urges a Favorable Report on Senate Bill 546.

[4] https://southernmarylandchronicle.com/2020/10/27/childhood-lead-poisoning-in-maryland-drops-as-state-moves-to-respond-to-greater-range-of-cases-under-more-protective-standard/ (Accessed February 8, 2021)
[5] https://www.mayoclinic.org/diseases-conditions/lead-poisoning/symptoms-causes/syc-20354717 (Accessed February 8, 2021)

SB 546 School Drinking Water SWA PSSAM.pdf
Uploaded by: McHale, Erin
Position: FWA

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.

MD Catholic Conference_SB 546_FAVWA.pdf
Uploaded by: O'Day, Garrett
Position: FWA

MARYLAND CATHOLIC CONFERENCE

ARCHDIOCESE OF BALTIMORE † ARCHDIOCESE OF WASHINGTON † DIOCESE OF WILMINGTON

February 22, 2021

SB 546
School Buildings - Drinking Water Outlets - Elevated Level of Lead

Senate Education, Health, and Environmental Affairs Committee

Position: Support w/ Amendments

The Maryland Catholic Conference offers this testimony in support of Senate Bill 546 with Amendments. 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 546 makes changes to lead testing requirements in schools by 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. This bill does not purport to change the latter requirement, which we are in support of, as such a change would be costly. 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 cost.

The fiscal note to Senate Bill 546 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 Senate Bill 546 would further promulgate those issues. For these reasons, we respectfully request this committee to adopt the attached amendments to Senate Bill 546.

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MARYLAND CATHOLIC CONFERENCE

ARCHDIOCESE OF BALTIMORE † ARCHDIOCESE OF WASHINGTON † DIOCESE OF WILMINGTON

Proposed Amendments to Senate Bill 546

School Buildings - Drinking Water Outlets - 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 INACCORDANCE 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.

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SB0546 Howard Co BOE Testimony 022421 for EHEA - D

Uploaded by: Howard County, BOE

Position: UNF

Board of Education of Howard County
Testimony Submitted to the Maryland Senate,
Education, Health and Environmental Affairs Committee
February 24, 2021

SB0546: UNFAVORABLE
School Buildings - Drinking Water Outlets - Elevated Level of Lead (Safe School Drinking Water Act)

The Board of Education of Howard County (the Board) opposes **SB0546 School Buildings - Drinking Water Outlets - Elevated Level of Lead (Safe School Drinking Water Act)** as an unfunded mandate to expedite remediation of Howard County Public School System (HCPSS) drinking water outlets.

Under a change in law and subsequent regulations from the Maryland State Department of Education (MSDE) that went into effect in 2018, the HCPSS Office of the Environment currently works to remediate drinking water outlets above 20ppb – the concentration in drinking water that exceeds the standard recommended by the U.S. Environmental Protection Agency (EPA) technical guidance. Schools must conduct lead monitoring on outlets every three years, unless a waiver is granted, and lead monitoring must also be conducted within one year of substantive plumbing upgrades or renovations. A subsequent change in the law in 2019 requires reporting of testing results above 5ppb but less than 20, which began in December 2019, with grant funds available for school systems that worked proactively to reduce levels to below 5ppb.

HB0636/SB0546 would further require school systems to remediate all outlets tested prior to June 1, 2021, and found to have lead levels above 5ppb, by August 1, 2022. This one year timeframe would strain HCPSS resources – both financially and due to the plumbing staff needed to address the more than 425 outlets that have readings between 5 and 20ppb out of the approximately 5,000 tested across the school system. Staff estimates completion will cost nearly $780,000. With the action level being lowered, costs may significantly increase above this estimate for removal of piping (in the ceiling, below the concrete slab, etc.) beyond the fixture/faucet.

The HCPSS Office of the Environment is proactively working to address readings above 5ppb following the completion of initial testing as resources are available. As staff works towards this goal, fixtures above 5 ppb and below 20 ppb do not have to be turned off, which has significantly less impact on instruction in schools. Yet another change in the law now that is not based on scientific EPA guidance, and with the addition of a constrained timeframe, makes planning for budgeting and staffing purposes problematic.

For these reasons, we urge an UNFAVORABLE report of SB0546 from this Committee.

SB0546-EHE_MACo_OPP.pdf
Uploaded by: Jabin, Drew
Position: UNF

MARYLAND Association of COUNTIES

Senate Bill 546

School Buildings - Drinking Water Outlets - Elevated Level of Lead
(Safe School Drinking Water Act)

MACo Position: **OPPOSE**

To: Education, Health, and Environmental Affairs Committee

Date: February 24, 2021

From: Drew Jabin

The Maryland Association of Counties (MACo) **OPPOSES** SB 546. While counties agree that eliminating student exposure to elevated lead levels is an important health and safety issue, current law and regulations are comprehensive and rigorous and MACo believes there is no need to enact further requirements at this time.

Under a new law enacted in 2017, the Maryland Department of the Environment (MDE) was required to adopt regulations requiring the testing of all drinking water outlets in schools for elevated levels of lead. The law required MDE, in consultation with the Maryland State Department of Education (MSDE), the Department of General Services (DGS), and Maryland Occupational Safety and Health (MOSH), to adopt regulations to require periodic testing for the presence of lead in each "drinking water outlet" located in an occupied public or nonpublic school building. The regulations required initial testing to be conducted by July 1, 2018 and phased in further testing. The regulations also established standards for specific follow-up actions in response to test results indicating elevated lead levels.

Before adopting the required regulations, MDE convened a stakeholder group of legislators, and State agency and local school system representatives. Following the adoption of the State regulations, MDE conducted training and school systems began to earnestly work to assign staff, contract with testing services, and invest in the remediation of drinking water outlets discovered to have elevated lead levels.

SB 546 would lower the threshold for detectable led in drinking water, resulting in a much more significant and costly burden to remediate additional fixtures throughout Maryland's public schools. MACo recognizes the goals of safe drinking water in schools and sensible maintenance – but asserts that current law and regulations are ample. For these reasons, MACo **OPPOSES** SB 546 and requests an **UNFAVORABLE** report.

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AACPS SB546 Water Testing OPP 2.24.21.pdf

Uploaded by: Ortiz, Jeanette

Position: UNF

ANNE ARUNDEL
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SB546 SCHOOL BUILDINGS - DRINKING WATER OUTLETS - ELEVATED LEVEL OF LEAD (SAFE SCHOOL DRINKING WATER ACT

February 24, 2021

EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE

OPPOSE

Jeanette Ortiz, Esq., Legislative & Policy Counsel (410.703.5352)

Anne Arundel County Public Schools (AACPS) opposes **SB546 School Buildings - Drinking Water Outlets - Elevated Level of Lead (Safe School Drinking Water Act**. 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, 2022.

The AAPCS Division of Facilities is responsible for the construction, maintenance, and operation of all public school facilities in a safe and efficient manner in support of the educational goals of AACPS. AACPS operates public school facilities in a manner conducive to the educational process by ensuring the health, safety, comfort, and welfare of the occupants. Local school systems devote substantial staff time and resources to provide healthy school environments, which include the water quality and addressing any issues associated with water quality.

The law was just amended in 2017 to include additional requirements to the State's already well-established and robust drinking water outlet testing regiment that comports with federal law and a reasonable 36 month per outlet testing frequency cycle. The current federal standard is 20 parts per billion. Significantly decreasing the threshold level down by 75% below federal standards would unnecessarily create a tremendous workload issue for AACPS staff. This bill would also result in a significant unfunded mandate that could easily triple our current operating and capital remediation costs. This unfunded mandate would necessitate the diversion of funds and resources out of the schoolhouse to fulfill these new requirements without evidence that it is solving a documented need. In addition, AACPS would likely be required to contract with another vendor to fulfill the requirements in this bill.

Accordingly, AACPS respectfully requests an **UNFAVORABLE** committee report on SB546.

SB 546_MDE_LOI.pdf
Uploaded by: abbott, tyler
Position: INFO

Maryland
Department of
the Environment

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

Ben Grumbles, Secretary
Horacio Tablada, Deputy Secretary

February 24, 2021

The Honorable Paul G. Pinsky, Chair
Education, Health, and Environmental Affairs Committee
Miller Senate Office Building, Suite 2W
Annapolis, Maryland 21401

Re: Senate Bill 546 – Environment - Drinking Water Outlets - Elevated Level of Lead (Safe School Drinking Water Act)

Dear Chairman Pinsky and Members of the Committee:

The Maryland Department of the Environment (MDE) has reviewed Senate Bill 546, entitled Environment - Drinking Water Outlets - Elevated Level of Lead and would like to offer a letter of information regarding this legislation.

House Bill 270 (Chapter 386), *Testing for Lead in Drinking Water – Public and Nonpublic Schools*, passed in 2017, required public and nonpublic schools in Maryland to test for the presence of lead in drinking water outlets by July 1, 2018. The legislation also defined an "elevated level of lead" in drinking water based on EPA technical guidance that, if exceeded, would require remediation of the affected outlets as well as other actions by the school, including parental notification and follow-up testing. Senate Bill 546 seeks to alter the definition of "elevated level of lead" from a lead concentration in drinking water exceeding 20 parts per billion (ppb) to 5 parts per billion. Five ppb is the laboratory method detection limit for analyzing lead in drinking water and any lead level below 5 ppb is considered non-detected.

Although MDE commends the Delegate's intentions behind this legislation, by altering the definition of an elevated level of lead in drinking water in schools to 5 ppb, MDE anticipates that there may be an increase in the cost of testing and remediation. All the schools that have already conducted testing as a result of CH 214 from 2017 that had readings lower than 20 ppb but higher than 5 ppb, under this bill would be considered out of compliance and would have to retest. This would also mean a significant number of schools that were previously in compliance may have to conduct remediation.

Thank you for your consideration. We will continue to monitor Senate Bill 546 during the Committee's deliberations, and I am available to answer any questions you may have. Please feel free to contact me at 410-260-6301 or by e-mail at tyler.abbott@maryland.gov.

Sincerely,

Tyler Abbott

cc: The Honorable Cory V. McCray

SB546 Drinking Water Outlets - Elevated Level of L

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Position: INFO

BALTIMORE CITY
PUBLIC SCHOOLS

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Letter of Information
Baltimore City Board of School Commissioners
Senate Bill 546
School Buildings – Drinking Water Outlets –
Elevated Level of Lead
(Safe School Drinking Water Act)

February 24, 2021

The Baltimore City Board of School Commissioners understands the concerns with lead in the water. As a school district that has a history of elevated lead levels in drinking water, and a City with very old and dilapidated water pipes and infrastructure, the Board understands the importance of such legislation.

In 2019, House Bill 1253 Chapter 557 passed and this legislation has required schools be proactive in reducing lead in drinking water outlets to 5 parts per billion and the State provided funding through the Healthy School Facility Fund to offer financial assistance to school districts to meet this standard.

City Schools took the following proactive steps to support House Bill 1253:

- Provided new building water filtration systems for Point of Entry and Point of Use in new school construction.
- Provided Point of Use sites: Yorkwood, Lakeland and North Avenues
- Provided potable water coolers for all schools for cooking and drinking.
- During COVID -19, we continue with all schools being provided water coolers for use.

Senate Bill 546 is requiring drinking water outlets in schools to have no more than 5 ppb of lead, as opposed to the current standard of 20ppb (EPA guidelines). At this time, the City Schools Operations Department is providing filter changes to 22 school sites, 4 times a year at a cost of $6,000,000 for each exchange. A total for these 22 sites is $528,000 and are providing bottle water coolers to all school buildings for drinking and cooking purposes at a cost of $848,000.

If this legislation is adopted and to meet the standards, City Schools would be required to provide two choices:

1. Continue with current usage of bottle water to all schools, current fiscal year budget line item $848,000 plus 3% for miscellaneous items, such as cups as an example ,**or**
2. ***A***dd new Point of Entry filtration system for all school buildings at a cost of $26,650,000: cost includes installation of water filtration system, water fountains, piping, additional miscellaneous requirements to support installation

City Schools has the oldest building stock in the State. City Schools receives approximately $30 million in state school construction funds and $17 million per year from the City of Baltimore for school construction. These funding amounts in no way would allow the school board to provide funding to remediate the water outlets at a cost of over $26 million. The legislation allows funding for the remediation from the Healthy Facilities Fund. This fund has not been funded in the budget. However, even with funding from the Healthy Facility Funds, there is not enough funding to cover all of the costs associated with remediation.

Additionally, many school buildings have inadequate heating and cooling systems, roofing, windows, and piping systems. Given the critical needs of our aging infrastructure, we completely understand the reasons for this legislation.

The 21st Century Buildings Program, supported by this General Assembly, has allowed City Schools to renovate and construct 28 school buildings (closing 26 schools), but this means there are approximately over 100 buildings that still need renovating. It is estimated that it would cost approximately $4 billion for all of the remaining school buildings in City Schools to meet adequate educational standards. The school board has advocated for decades for additional funding for school construction. Remediating for safe drinking water is important as is repairing, replacing and adding roofs, heating, air conditioning, chillers, boilers, and other systemics in school buildings.

For the foregoing reasons, the Baltimore City Board of School Commissioners understands the need for this legislation and hopes that safe drinking water and other school construction needs can be properly fully funded as soon as possible.

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