



To: Senate Chair Anne Gobi and Vice Chair Walter Timilty
House Chair Smitty Pignatelli and Vice Chair Daniel Cahill
and members of the Joint Committee on Environment, Natural Resources, and Agriculture

Fr: Deirdre Cummings, Legislative Director, MASSPIRG

RE: In support of An Act Ensuring Safe Drinking Water at Schools, S.500/H.774

October 29, 2019

My name is Deirdre Cummings and I am the Legislative Director for Massachusetts Public Interest Research Group (MASSPIRG). MASSPIRG is a member-supported, statewide, non-partisan and non-profit public interest advocacy organization fighting for consumers for 45 years. I am here today to strongly support of S 500/H 774, *An Act ensuring safe drinking water at schools* filed by Senator Lovely, Representative Ehrlich, and a bipartisan group of 79 legislative cosponsors to get the lead out of our schools and daycare centers.

Lead is a potent neurotoxin that impairs how our children develop, learn and behave. Yet, according to the lead testing data from the [Department of Environmental Protection](#), more than half of the 43,000 taps tested from 980 schools across Massachusetts since 2016 tested positive for lead. The vast majority of those lead levels were in concentrations greater than the 1 part per billion (ppb) limit for lead recommended by the American Academy of Pediatrics and called for by a new federal and state guidance for schools and child care facilities.

In March of this year, MASSPIRG and Environment Massachusetts released the [Get the Lead Out](#) report, which graded 32 states' policies for addressing lead in school drinking water. Unfortunately, Massachusetts received a D. This poor grade was earned because, while Massachusetts has a free, voluntary testing program and a transparent website that discloses detailed test results, there are currently **no mandatory testing, prevention, or remediation requirements for lead in drinking water at schools and child-care centers.** What the testing program has shown us is that lead contamination of schools' water is pervasive across the Commonwealth. Most schools and pre-schools have water fountains or faucets that contain lead. And wherever there is lead, there is a risk of water contamination.

Addressing this contamination is especially pressing since children are more vulnerable to lead poisoning and other health problems related to lead exposure, with physical and behavioral effects having been shown to occur at lower exposure levels in children. Further, there is no treatment to ameliorate the permanent developmental effects of lead toxicity according to the American Academy of Pediatrics. **Prevention is by far the most efficient and cost-effective means of treatment.**

To ensure safe drinking water for our children in school, we must take immediate steps to "get the lead out" by replacing old water fountains and faucets, and installing filters certified to remove lead on every outlet used for drinking and cooking. Some cities and towns have already taken proactive steps to address this health threat. For example, after testing showed lead in their water, the Brockton school district

replaced its old water fountains with filtered water bottle filling stations and replaced faucets with new certified lead-free models.

But not every district will do this unless required to do so.

S 500/H 774, *An Act ensuring safe drinking water at schools*, protects children's health by getting the lead out of the water at all schools and child care centers by requiring; the removal of lead service lines, the largest single source of lead in water; the installation of lead certified filters or water filling stations; and the regular and transparent testing of water at schools. The bill establishes a health-based lead level standard for schools and child care centers of 1 ppb and requires the immediate shut-off of outlets with elevated levels of lead.

Details of the bill include:

- **Replace Lead Service Lines:** Requires water utilities to provide information to schools and child care centers if and where they have a lead service lines. Any lead service line connected to a school or child-care center must be replaced within three years.
- **Shut off outlets:** Any drinking water tap or faucet testing above 1 ppb of lead must be shut off.
- **Filters:** Requires schools and child care centers to install and maintain filters certified to remove lead on all faucets used for drinking or cooking, and/or to install filtered water bottle filling stations throughout the building if at least one drinking water tap is found to have lead in excess of 1 ppb.
- **Remove Lead Plumbing:** Schools and child-care centers must identify the source of lead contamination and ultimately remove or replace lead-bearing fixtures and plumbing where feasible and cost-effective.
- **Transparent Testing:** Mandates annual lead testing of water outlets used for drinking or cooking at schools and child-care centers. Test results must be easily accessible to the public. If elevated lead levels are found, the school or child care center is required to notify parents, teachers, and other school staff of: the results of the tests; the remediation measures being taken; and general information about lead in drinking water.
- **Fund:** Establishes the Lead in School Drinking Water Trust Fund, which may allocate money to schools and child care centers for purposes of lead remediation. The fund shall be credited with appropriations or money authorized by the general court, or gifts, grants and donations to further school districts to remove lead from school drinking water. Pending appropriations of such funds, schools and child care centers may apply for grants to cover the costs of remediation.
- **Hardship.** This bill authorizes the Commissioner of the DEP to grant a "hardship waiver" to a school or child care center if that school or center is unable to comply with any or all of the provisions required by the bill, provided the school district or child care center hold a public meeting about the plan to apply for the waiver.

The good news is that included in the recently passed 2019 supplemental budget, is \$5 million from the Water Abatement Trust Fund earmarked for lead remediation in schools. While a very important first step, we have much more to do to protect kids from lead exposure in schools and childcare centers.

Providing resources will prioritize the issue and encourage schools to take proactive action without delay. Establishing a fund to help schools get the lead out will have a massive impact on protecting the health and safety of our children by ensuring access to safe drinking water. Money is needed for prevention and remediation. While the total cost of remediation is unknown and varies significantly, we do know that using filters certified to remove lead can be affordable. For example, our estimate of the cost to purchase filtered hydration stations equipped with bottle fillers and water fountains, as well as point-of-use filters for other outlets used for drinking and cooking at every school and day care center in Massachusetts is

approximately \$20 million. This estimate is based on retail prices and does not include installation and maintenance costs. Installing such filters is a first key step to get the lead out of our children's water, and will have an immediate beneficial impact on our children's health.

We have seen other states take action, in Illinois, the state Department of Public Health requires schools to remediate any outlet where lead is detected in the water, with tests that measure at least to 2ppb. In Austin Texas the schools committed to installing filters on all taps testing over 1ppb. In California, both San Diego and Berkeley have set action levels of 5 and 1ppb for remediation.

We know the health and safety of our children is priceless. Time and time again, Massachusetts has been a leader in protecting our children's health and safety. I urge you to extend that leadership once again and make getting the lead out of our schools' water a priority in this legislative session.

Included:

Fact sheet on the bill, supported by 7 organizations

Letter signed by over 100 health professionals urging Governor Baker to support funding to prevent lead in school drinking water.

Mass DEP Drinking Water Program Guidance

Get the Lead Out Report, 3/2019