To: Chairwoman Rebecca Rausch and Chairman Daniel Cahill and members of the Joint Committee on Environment and Natural Resources

RE: In support of An Act Ensuring Safe Drinking Water at Schools, S.526/H.851

September 27, 2023

We, the undersigned organizations and leaders strongly support S 526/H 851, *An Act ensuring safe drinking water at schools* filed by Senator Lovely and Representative Lipper-Garabedian, and a bipartisan group of cosponsors to get the lead out of the drinking water at our schools and childcare 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 80% of the 62,557 taps tested from 1738 schools and childcare centers across Massachusetts since 2016 tested positive for lead. The majority (60%) 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 new federal and state guidance for schools, early education and childcare facilities. (See MA DEP Drinking Water Program, 3T's guidance.) The guidance states, "*Federal and MA state guidance for schools and early education and childcare facilities recommends that you identify and address all fixtures used for drinking, cooking, and medical purposes that have levels of lead over the recommended laboratory detection limit of 1 part per billion or copper over 1.3 parts per million.*"

In May, MASSPIRG and Environment Massachusetts released the third edition of the *Get the Lead Out* report, which graded states' policies for addressing lead in school drinking water. Unfortunately, Massachusetts received a C- compared to a D in our 2019 report. The grade improved slightly because of the launch of the School Water Infrastructure Program (SWIG), a state grant program that provides grants to replace water fountains that test positive for lead with filtered water bottle filling stations. However, a C- is not adequate in protecting children from exposure to lead in drinking water. 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 childcare centers.** What the testing program has shown us is that lead contamination of schools' water is pervasive across the Commonwealth. Most schools and childcare centers tested 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.**

At a recent press conference releasing the Get the Lead out Report, Dr. Alan Woolf, MD, MPH, Associate Chief Medical Education Officer at Boston Children's Hospital & Medical Director of its Pediatric Environmental Health Center said, "We know that lead is harmful to children's learning, their IQ, their behaviors, and their growth and development. We should eliminate ALL background sources of their possible exposure to lead, including drinking water fountains and bubblers at daycare centers, preschools and schools. This bill is an important piece of an ongoing effort to do just that to protect the health of the children of Massachusetts."

To ensure safe drinking water for our children in school, we must take immediate steps to "get the lead out" by replacing water fountains and faucets, and installing filters certified to remove lead on every outlet used for drinking and cooking.

We have made some progress. 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 water fountains with filtered water bottle filling stations and replaced faucets with new certified lead-free models.

And in January of 2020, the state Department of Environmental Protection (DEP) and the State Treasurer launched a new statewide pilot program through the Clean Water Trust called Massachusetts SWIG. To date, the Trust has funded the purchase and installation of 569 water filling stations from 66 school districts including Amherst-Pelham Regional, Fitchburg, Holyoke, New Bedford, Pittsfield, Quincy, Salem and Worcester.

This program alone will not meet our need, but it is an important tool in tackling the problem. Ideally, the program would pay for the purchase and installation of filtered water filling stations for every school and childcare facility, where at least one outlet has tested positive for lead, similar to the proposed bill.

Given the overwhelming number of taps testing positive for lead in our schools, installing filters certified to remove lead will prevent lead exposure. Further, lead testing is notoriously inconsistent. Lead tests — even when properly done — can fail to capture the lead hazard present. Part of this conundrum is that corrosion and breaking off of lead particles from pipes is highly variable. Multiple water tests from one tap can result in highly variable lead levels between samples. In a lead sampling study conducted in 2013, researchers concluded that a single sample from a water tap could not accurately reflect the levels of lead flowing through the tap. In their test of 32 homes with lead service lines, samples from the same tap varied from below the lead action level to well above it. Installing filters is the most efficient proactive way to protect children from exposure to lead in drinking water.

S526 and H851, ***An Act ensuring safe drinking water at schools,*** protects children's health by getting the lead out of the water at all schools and childcare centers by requiring the installation of lead certified filters or water filling stations and regular and transparent testing of water at schools. The bill establishes a health-based lead level standard for schools and childcare centers of 1 ppb and requires the immediate shut-off of outlets with elevated levels of lead.

Details of the bill include:

- **Shut off outlets:** Any drinking water tap or faucet testing above 1 ppb of lead must be shut off.
- **Filters:** Requires schools and childcare 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 childcare 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 childcare centers. Test results must be easily accessible to the public. If elevated lead levels are found, the school or childcare 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. The *Department of Environmental Protection* currently discloses the voluntary testing data.
- **Funds:** Authorizes funding under the Water Pollution Abatement Revolving Fund administered by the Massachusetts Clean Water Trust. The Fund currently funds programs for water testing, and other programs to remove or remediate lead in water at schools and childcare centers. SWIG, (School Water Improvement Grants) for example provides grants to schools and childcare facilities for new water filling stations filtered to remove lead.
- **Hardship**. This bill authorizes the Commissioner of the DEP to grant a "hardship waiver" to a school or childcare 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 childcare center hold a public meeting about the plan to apply for the waiver.

Providing resources will prioritize the issue and encourage schools to take proactive action without delay. The bill allows the Clean Water Trust to fund schools get the lead out. Funding the Trust for this purpose will have a massive impact on protecting the health and safety of our children by ensuring access to safe drinking water. Resources are needed for lead 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 childcare center in Massachusetts is approximately $20 million. This estimate is based on retail prices and does not include installation and maintenance costs, nor does it take into account the districts who have already taken action. Boston for example received a $6 million dollar grant from the EPA in 2022, and the City matched the money to $10 million to remediate for lead in all their schools.

We need not wait for funds to require clean drinking water in our schools. The good news is that we do have the resources to do this:
1 - Our school districts received more than $2.9 billion from the federal American Rescue Plan Elementary and Secondary School Emergency Relief Fund (ARPA ESSER) of which part of the money can be used for infrastructure improvements.
2- EPA has a grant program for lead reduction; some grants have been awarded to schools, including Boston.
3- The Massachusetts Clean Water Trust is currently funding lead testing and the SWIG program.
4- And finally, the bipartisan infrastructure law included $200 million specifically for schools to end lead contamination in drinking water.

Even without the infusion of federal resources, other states and municipalities have taken action. In Detroit, Philadelphia, Portland (OR) are proactively installing filtered water filling stations and filters to remove lead on drinking water outlets. 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, and while not the gold standard, Washington DC, CO, MD, MI, NH, NY have all passed laws to set action levels of 5ppb in their schools.

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. We urge you to extend that leadership once again, pass the bill from your committee and make getting the lead out of water at our schools and childcare centers a priority in this legislative session.

Sincerely,

Deirdre Cummings, Legislative Director
MASSPIRG

Karen DeRoche, President
Massachusetts Parent-Teacher Association

Amie Shei, Ph.D.m President and CEO
The Health Foundation of Central Massachusetts

Alan Woolf, MD, MPH, FAAP, FACMT, FAACT
Director, Pediatric Environmental Health Center, BCH*

Leigh-Anne Cole, Acting Director
Community Action Works

Lydia Churchill, Campaign Associate
Environment Massachusetts

Maureo Fernandez y Mora, Co-State Director,
Clean Water Action, Massachusetts

*for identification purposes only