

BILL: Senate Bill 481
TITLE: Environment - Drinking Water Outlets in School Buildings - Elevated Level of Lead and Grant Program
POSITION: OPPOSE
DATE: February 27, 2019
COMMITTEE: Education, Health and Environmental Affairs Committee
CONTACT: John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) opposes Senate Bill 481. MABE agrees that eliminating any student exposure to elevated lead levels in drinking water in public schools is a critically important public health and safety issue. However, we believe that the recently enacted law and regulations are sufficiently comprehensive, stringent, and costly to comply with, that no new standards or requirements should be enacted at this time. MABE appreciates the desire to reduce the lead level triggering mandated repairs from 20 parts per billion (PPB) to 5 ppb, but opposes this shift at this time, and without a firm commitment to fully fund the costs of doing so.

Under the 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.

To be clear, MABE in no way opposes such testing and remediation, or the essential responsibility of local boards of education and school systems to ensure the highest standards of health and safety for students and staff in all of our school facilities. However, just as MABE raised cost and implementation concerns regarding the original legislation enacted in 2017, today we are extremely concerned about this bill’s proposal to adopt a much lower threshold for detectable lead in drinking water, resulting in a much more significant and costly burden to remediate additional fixtures throughout schools.

Again, MABE agrees that the identification of, and protection of students from exposure to, lead in school drinking water is a very high priority. In this light, local school systems are devoting considerable staff time and resources to efforts to provide healthy school environments, including addressing water quality issues regarding well water, and under the 2017 law for public water. Risk managers and facility maintenance staff recognize the need for a comprehensive preventative management strategy, including educating and training staff, and providing them with the maintenance budgets to support these strategies. Routine monitoring coupled with prompt responses to problems when they do occur can avoid the emergence of more serious and costly problems. On behalf of local boards, MABE assures the legislature that local school systems and professional staff are working daily to address these issues.

In this context, MABE requests that if lead testing and resulting repairs are to be tied to a much lower concentration of detectable lead, then the State should develop a plan to fully cover the costs of the testing and remediation program through the grant program proposed in this legislation.

For these reasons, MABE requests an unfavorable report on Senate Bill 481.