

Date of Hearing: March 29, 2023

ASSEMBLY COMMITTEE ON EDUCATION
Al Muratsuchi, Chair
AB 249 (Holden) – As Amended March 20, 2023

[Note: This bill is double referred to the Environmental Safety and Toxic Materials Committee and was heard by that Committee as it relates to issues under its jurisdiction.]

SUBJECT: Water: schoolsites: lead testing: conservation

SUMMARY: Requires a community water system that serves a schoolsite to test for lead in each of the schoolsite's potable water system outlets on or before January 1, 2027, and if the lead level exceeds five parts per billion (ppb), requires the local educational agency (LEA) or school to take immediate steps to make inoperable and shut down from use all fountains and faucets where the excess lead levels may exist, and ensure that a potable source of drinking water is provided for pupils. Specifically, **this bill:**

- 1) Requires a community water system that serves a schoolsite shall test for lead in each of the schoolsite's potable water system outlets on or before January 1, 2027. States that this requirement does not apply to a potable water system outlet in a building on a schoolsite that satisfies either of the following criteria:
 - a) The building was constructed after January 1, 2010; or
 - b) The building was modernized after January 1, 2010, and all faucets and other end point devices used for providing potable water were replaced as part of the modernization.
- 2) Requires a LEA or school to allow the community water system access to each schoolsite where lead sampling is required to conduct testing.
- 3) Requires each community water system, in cooperation with the appropriate corresponding LEA or school, to prepare a sampling plan for each schoolsite where lead sampling is required. Authorizes, in developing the plan, the community water system, LEA, or school to request assistance from the State Water Board (SWB) or any local health agency responsible for regulating community water systems.
- 4) Authorizes an LEA to perform the lead sampling required itself, in which case requires the community water system to provide LEA employees working at the schoolsite training, as specified.
- 5) Requires a community water system that serves a schoolsite where lead sampling is required to report the water lead level findings to both of the following entities: the applicable school or LEA, and the SWD.
- 6) Requires, if the lead level exceeds five ppb, the applicable LEA or school to do all of the following:

- a) Notify the parents and guardians of the pupils who attend the schoolsite or preschool where the elevated lead levels are found;
 - b) Take immediate steps to make inoperable and shut down from use all fountains and faucets where the excess lead levels may exist; and
 - c) Work with the schoolsites under its jurisdiction to ensure that a potable source of drinking water is provided for pupils at each potable water system outlet that has been shut down due to elevated lead levels. Authorizes providing a potable source of drinking water to include, but is not limited to, replacing any fixtures that are contributing to the elevated lead levels, providing onsite water filtration, or providing bottled water as a short-term remedy.
- 7) Requires the SWB to make the results of schoolsite lead sampling conducted publicly available by posting the results on its website.
- 8) Defines the following:
- a) “Local educational agency” to mean a school district, county office of education (COE), or charter school;
 - b) “Potable water system outlet” means a water fountain or faucet used for drinking or preparing food; and
 - c) “Schoolsite” means a public school that provides transitional kindergarten, as defined, or elementary or secondary education to a minimum of six children.
- 9) Requires the SWB to allocate \$10 million each fiscal year from 2024 to 2027, inclusive, from the funds it receives from the federal Infrastructure Investment and Jobs Act, to the extent allowed under federal law, to pay for drinking water testing, drinking water filters, and related training for school personnel, at schoolsites subject to specified water-testing requirements.
- 10) Requires the SWB to allocate \$5 million each fiscal year from 2024 to 2027, inclusive, from its federal Drinking Water State Revolving Fund federal allocation, to the extent allowed under federal law, to pay for water efficient faucet and fixture replacements at schoolsites subject to the water-testing requirement.

EXISTING LAW:

- 1) Requires, pursuant to the federal Safe Drinking Water Act (SDWA) and the California SDWA, drinking water to meet specified standards for contamination as set by the United States Environmental Protection Agency (US EPA) or the SWB. (42 United States Code § 300(f), et seq.; Health and Safety Code (HSC) 116270, et seq.)
- 2) Establishes as policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. (Water Code (WC) 106.3)

- 3) Defines “community water system” as a public water system that serves at least 15 service connections used by yearlong residents or regularly serves at least 25 yearlong residents of the area served by the system. (Health and Safety Code (HSC) 116275(i))
- 4) Requires a licensed child day care center that is located in a building constructed before January 1, 2010 to have its drinking water tested for lead contamination levels on or after January 1, 2020, but no later than January 1, 2023, and every five years after the date of the initial test. (HSC 1597.16(a)(1))
- 5) Requires a licensed child day care center to collect and submit drinking water samples to an accredited laboratory; requires the laboratory to, in a timely manner, electronically submit its test results to the SWD; and if the test results show elevated levels, requires the State Water Board to report, in a timely manner, the test results to the California Department of Social Services (CDSS). (HSC 1597.16(a)(2)(A))
- 6) Requires the SWB to post all test results received for lead in licensed child day care centers on its internet website in a timely manner and to make test results readily accessible to the public. (HSC 1597.16(a)(2)(B)(ii))
- 7) Requires, upon notification of elevated lead levels, a licensed child day care center to immediately make inoperable and cease using the fountains and faucets where elevated lead levels may exist, and to obtain a potable source of water for children and staff. (HSC 1597.16(a)(3))
- 8) Requires a licensed child day care center to notify parents or guardians of children enrolled in the center of the requirement to test a facility’s drinking water and of the test results. (HSC 1597.16(a)(4))
- 9) Establishes the Lead-Safe Schools Protection Act and requires the State Department of Health Services to conduct a sample survey of schools in this state for the purpose of developing risk factors to predict lead contamination in public schools. (Education Code (EC) 32240-32245)
- 10) Requires, pursuant to the Lead-Safe Schools Protection Act, that the CDPH work with the California Department of Education (CDE) to develop voluntary guidelines for distribution to schools to ensure that lead hazards are minimized in the course of school repair and maintenance programs and abatement procedures. (EC 32242(g))
- 11) Prohibits, beginning January 1, 1994, the use of lead-based paint, lead plumbing and solders, or other potential sources of lead contamination in the construction of any new school facility or the modernization or renovation of any existing school facility. (EC 32244)
- 12) Requires a school district to provide access to free, fresh drinking water during meal times in the food service areas of the schools under its jurisdiction, including, but not necessarily limited to, areas where reimbursable meals under the National School Lunch Program or the federal School Breakfast Program are served or consumed. Authorizes a school district to comply with this requirement by, among other means, providing cups and containers of water or soliciting or receiving donated bottled water. (EC 38086)

- 13) Requires a school district to notify parents, pupils, teachers, and other school personnel of drinking water results immediately if the school district is required to provide alternative drinking water sources, and authorizes a school district to comply with that requirement by providing notification of the test results during the next regularly scheduled public school meeting. (HSC 116450)
- 14) Prohibits the use of any pipe, pipe or plumbing fitting or fixture, solder, or flux that is not “lead free” in the installation or repair of any public water system or any plumbing in a facility providing water for human consumption. (HSC 116875(a))
- 15) Defines, for the purposes of the federal Lead and Copper Rule (LCR), a “school” to mean any building associated with public, private, or charter institutes that primarily provide teaching and learning for elementary or secondary students. (40 CFR 141.2)
- 16) Defines, for the purposes of the federal LCR, “child care facility” to mean a location that houses a licensed provider of child care, day care, or early learning services to children, as determined by the state, local, or tribal licensing agency. (40 CFR 141.2)
- 17) Requires all community water systems to conduct lead monitoring at the schools and child care facilities they serve if those schools or child care facilities were constructed prior to January 1, 2014, or the date the state adopted standards that meet the definition of “lead free” under the federal SDWA, whichever is earlier. (40 CFR 141.92)
- 18) Requires each community water system to compile a list of schools and child care facilities served by the system by October 16, 2024. (40 CFR 141.92(a)(1))
- 19) Requires community water systems to collect samples from at least 20% of elementary schools and 20% of child care facilities served by the system per year, or according to a schedule approved by the state, until all schools and child care facilities identified on the list, developed pursuant to 40 CFR 141.92(a)(1), have been sampled or declined to participate. (40 CFR 141.92(c)(1))
- 20) Requires community water systems to sample all elementary schools and child care facilities at least once in the five years following October 16, 2024. (40 CFR 141.92(c)(2))
- 21) Requires the governing board of a school district to adopt a local control and accountability plan (LCAP) and specifies state priorities, including the priority for school facilities to be maintained in good repair. (EC 52060(d))

FISCAL EFFECT: Unknown

COMMENTS:

Need for the bill. The author states, “Lead consumption among youth and disenfranchised communities occurs at a higher rate. Assisting schools with the resources and appropriate standards to ensure the water fountains our children drink from are safe will help us protect our schools, students and communities. Children do not become more resistant to lead’s toxic effects once they transition from daycare to kindergarten, so California should take the responsible step of aligning childcare and school lead testing standards.”

Key provisions of the bill. AB 249 requires community water systems to test for lead at each potable water outlet in the public schools they serve, and for schools to make inoperable and shut down all fountains and faucets where the excess lead levels may exist and to provide a potable source of drinking water. The bill aims to ensure transparency by requiring the reporting of elevated levels to parents and guardians and posting of lead level findings by the SWB. By establishing a 5 ppb action level and requiring testing at every potable water outlet at eligible schoolsites, the bill contains stricter standards for lead in drinking water than those currently required by state or federal law. AB 249 requires lead testing in schools ahead of the Lead and Copper Rule Revision (LCRR) and forthcoming Lead and Copper Rule Improvements (LCRI).

The Committee may wish to consider that, in cases where lead levels exceeding 5 ppb is found, LEAs will be responsible for the costs associated with providing a potable source of drinking water. This may include replacing any fixtures that are contributing to the elevated lead levels, providing onsite water filtration, or providing bottled water. Most LEAs will struggle to find enough funding to cover associated costs. The bill requires the SWB to allocate \$5 million each fiscal year from 2024 to 2027, inclusive, from its federal Drinking Water State Revolving Fund federal allocation, to the extent allowed under federal law, to pay for water efficient faucet and fixture replacements at schoolsites subject to the water-testing requirement. It is unclear if \$5 million will be enough to cover the fixture replacement costs to LEAs statewide.

Consequences of childhood lead exposure. According to the Centers for Disease Control and Prevention (CDC), research shows that there is no safe level of lead in drinking water and even very low levels can have negative and irreversible health effects, especially for children and pregnant persons. Because of lead's health impacts, the US EPA maintains a maximum contaminant level goal of zero. The CDC states that childhood lead exposure can seriously harm a child's health and cause well-documented adverse effects, including brain and nervous system damage, slowed growth and development, learning and behavior problems, and hearing and speech problems. These health impacts can in turn lead to decreased attention and underperformance in school among lead-exposed children.

Inequities in childhood lead exposure. Lead exposure is not equally distributed across the United States, and young children at highest risk for exposure are those living in housing built before 1978, Black or African American children, and children living in areas with higher poverty rates, according to a 2021 article in *Environmental Health Perspectives, Blood Lead Levels in U.S. Children Ages 1-11 Years, 1976-2016*. According to a 2020 study in *Nature Medicine, Association of Lead-Exposure Risk and Family Income with Childhood Brain Outcomes*, with increasing risk of exposure, children from lower-income families had lower cognitive test scores, and brain changes (including reduced volume of the cortex, a part of the brain that plays a role in higher level processes, including problem solving, planning, critical thinking, and memory). A 2015 study in *Environmental Health, The Impact of Low-Level Lead Toxicity on School Performance Among Children in the Chicago Public Schools*, found that among nearly 58,000 children attending Chicago public schools, blood lead levels were highest in black children (relative to Hispanic and white children) and higher in low-income children. Children from low-income families and communities of color can also be further disadvantaged through the cumulative impacts of lead and other challenges they may face, including higher rates of poverty, malnutrition, exposure to multiple pollutants, and enrollment in under-resourced schools.

Sources of childhood exposure to lead. The US EPA states that children can be exposed to lead in paint, dust, soil, air, and food, as well as drinking water, and that drinking water can make up 20% or more of a person's total lead exposure. The most prevalent sources of lead in drinking water are from pipes, fixtures, and associated hardware from which lead can leach. According to a 2012 National Center for Environmental Health report, *Lead in Drinking Water and Human Blood Levels in the United States*, nearly all lead in users' tap water originates from the corrosion of lead-containing materials that can occur through contact with water, rather than from the primary water source or treatment plant. Lead can enter a building's drinking water by leaching from lead service lines, lead solder used in copper piping, and from brass fixtures. The amount of lead in tap water can depend on several factors, including the age and material of the pipes and fixtures, concentration of lead in water delivered by the public utility, and corrosiveness of the water. Compared to other states, California has a relatively small share of the nation's lead service lines. In 2016, the American Water Works Association released a national survey of lead service line occurrence, finding that California had, at that time, about 1% of the nation's lead service lines.

Student's exposure to lead in the drinking water at school. In the 2021 report, *How States Are Handling Lead in School Drinking Water*, the National Association of State Boards of Education states, "Due in part to their frequent closures and uneven water use patterns during weekends, holidays, summer break, or extenuating circumstances like the pandemic, the topic of lead in drinking water is of special relevance to schools. Water is more likely to stagnate in school pipes and fixtures during closures, potentially making the water more corrosive and increasing the chances that lead leaches into the water." The impacts of lead in drinking water on children's health gained national attention after news broke of the water crisis in Flint, Michigan. In 2014, a switch in Flint's water sources caused lead to leach from service lines into drinking water at dangerously high levels. In the wake of the Flint drinking water crisis, part of the national conversation has focused on strategies for improving the safety of drinking water in schools and child care facilities and the importance of lead testing.

Lead testing in California's K-12 schools. AB 746 (Gonzalez), Chapter 746, Statutes of 2017, required a community water system that serves a schoolsite with a building constructed before January 2010 to test for lead in up to five drinking water sources of the schoolsite by July 1, 2019. According to the SWB, 8,027 schools were tested with approximately 1.1% of schoolsites sampled were found with lead levels that exceed the US EPA recommended level of 15 ppb. LEAs were exempt from testing if they met the following:

- Schoolsites built or modernized on or after January 1, 2010;
- LEAs that completed lead testing after January 1, 2009, and posted information about the lead testing on-line;
- LEAs that have requested testing from their community water system; or
- LEAs that are permitted as a public water system and are currently testing water for lead.

Additionally, the provisions of AB 746 (2018) require LEAs to take steps to shut down faucets and fountains where lead levels exceed 15 ppb.

In January 2017, the Division of Drinking Water of the SWB and Local Primacy Agencies issued permit amendments to the domestic water supply permits of approximately 1,200 community water systems. This was done to allow schools that are served by a community water system to request assistance from their public water system to conduct water sampling for lead and receive technical assistance if an elevated lead sample is found. School administrators could request that their community water system collect and analyze up to five water samples at each K-12 schoolsite served by the water system. These provisions also allowed, but did not require, private schools to continue to request sampling and assistance after the passage of AB 746. Community water systems were responsible for the costs associated with collecting, analyzing, and reporting. Schools are responsible for any maintenance or corrections needed at their school.

According to 2021 original research in Preventing Chronic Disease, *Water Safety in California Public Schools Following Implementation of School Drinking Water Policies*, 3% (6) of the 174 schools that tested their taps for lead through the state program had at least one drinking water sample that exceeded 15 ppb, the California state action level for lead. 16% (28) of schools that tested through the program had at least one drinking water sample that exceeded 5 ppb, the FDA threshold for bottled water. 16% (28) of schools received water from a water system with a history of noncompliance with water and sanitation regulations (such as elevated levels of contaminants or failure to adhere to disinfectant protocols). Schools served by water systems with a history of noncompliance were more likely to have a smaller enrollment, be located in a city, and serve more than 50% of students who were from racial/ethnic minority backgrounds or eligible for free and reduced-price meals.

Drinking Water for School's Grant Program. The SWR's Drinking Water For Schools (DWFS) Grant Program has awarded \$9.5 million in grants funds to school districts to improve access to, and the quality of, drinking water in public schools (Round 1) under SB 828 (Committee on Budget and Fiscal Review), Chapter 29, Statutes of 2016, consistent with the DWFS Guidelines adopted by the State Water Resources Control Board (State Water Board) on May 16, 2017.

An additional \$6.8 million was authorized for the DWFS Grant Program (Round 2) pursuant to SB 862 (Committee on Budget and Fiscal Review), Chapter 449, Statutes of 2018. Guidelines for this additional funding were approved in June of 2019. Grant funds were awarded to nonprofit organizations Self-Help Enterprises and Rural Community Assistance Corporation, which act as Program Administrators. These Program Administrators are working directly with eligible school districts to develop and fund projects for disadvantaged community schools, prioritizing schools with impaired water quality. Maximum grant amounts are \$100,000 for a single school and \$1 million for an LEA. Eligible project types under Round 2 funding include, but are not limited to:

- Installation or replacement of water bottle filling stations or drinking water fountains, with or without treatment devices capable of removing contaminants present in the school's water supply;
- Installation of point-of-entry (POE), or point-of-use (POU) treatment devices for water bottle filling stations, drinking fountains, and other fixtures that provide water for human consumption, including up to three years of: replacement filters, continuing operation and maintenance and monitoring of POE or POU devices;

- Installation, replacement, or repairs of drinking water fixtures and associated plumbing appurtenances that are necessary to address lead contamination that requires a corrective action; and
- Provision of interim alternative water supplies for applicants in the process of implementing a permanent solution, including purchase of temporary transfer water and hauled water.

School Energy Efficiency Stimulus Program. AB 841 (Ting), Chapter 372, Statutes of 2020, established the School Energy Efficiency Stimulus Program which establishes the School Noncompliant Plumbing Fixture and Appliance Program to provide grants to LEAs to replace noncompliant plumbing fixtures and appliances that fail to meet water efficiency standards and waste potable water and the energy used to convey that water, with water-conserving plumbing fixtures and appliances. The California Energy Commission was authorized to design, administer, and implement the California Schools Healthy Air, Plumbing, and Efficiency Program (CalSHAPE). CalSHAPE provides worksheets to help program participants gather the information needed to complete an application for the California Schools Healthy Air, Plumbing, and Efficiency (CalSHAPE) Plumbing Program, which includes documentation of existing noncompliant plumbing fixtures and appliances, proposed replacement water-conserving plumbing fixtures and appliances, and replacement costs. Worksheets are available for automatic ice makers, clothes washers, commercial dishwashers, interior faucets, showerheads, toilets, and urinals. Funding for CalSHAPE Plumbing Program (Round 3) is approximately \$65 million and applications are based on a utility service territory location.

California requirements for testing lead in drinking water in child care centers. In 2018, the State Legislature enacted AB 2370 (Holden) Chapter 676, Statutes of 2018, which requires licensed child day care centers operating in buildings constructed before January 1, 2010 to have their drinking water tested for lead by January 1, 2023, and every five years after the initial test. Similar to AB 249, AB 2370 requires the State Water Board to post test results for lead in licensed child day care centers on its website, and requires centers to:

- Cease using fountains and faucets where elevated lead levels may exist;
- Obtain a potable source of water for children and staff; and,
- Notify parents or guardians of the test results.

In SB 862 (Budget Committee) Chapter 449, Statutes of 2018, the Legislature appropriated \$5 million, which the SWB is using to assist child care centers with the costs of testing and fixture replacement.

The federal Lead and Copper Rule (LCR) and subsequent revision (LCRR). In 1991, the US EPA promulgated the LCR, a body of regulations established to minimize lead and copper in drinking water. The 1991 federal LCR did not require water systems to eliminate lead in drinking water, but rather established treatment techniques to reduce lead concentrations below a set level. The federal LCR requires a public water system to test water at the customer's tap and specifies rules for sample size, which varies based on population served. If more than 10% of the samples collected are at or above the action level for lead, it can trigger "actions" that include

public education, water quality monitoring, corrosion control treatment, source water monitoring and treatment, and lead service line replacement.

Although the US EPA maintains a maximum contaminant level goal—the maximum amount of a contaminant a person can safely ingest—of zero for lead, the 1991 LCR establishes a “90th percentile” action level of 15 ppb (based on the 90th percentile sample level). If samples contain lead concentrations less than 15 ppb, no remediation is required, despite US EPA’s assessment that any level of lead in drinking water is harmful to human health.

On January 15, 2021, the US EPA issued substantial changes, called the LCRR, to the federal LCR. According to the US EPA, “This final rule requires, for the first time, community water systems to conduct lead-in-drinking water testing and public education in schools and child care facilities. In addition, the rule will accelerate lead service line replacements by closing existing regulatory loopholes, propelling early action, and strengthening replacement requirements”

LCRR requirements for lead testing in schools. Beginning October 16, 2024, community water systems will be required to conduct drinking water sampling at each elementary school and each child care facility they serve, testing 20% of the facilities they serve each year over a period of no more than five years. Community water systems will be required to provide sampling results to the school or child care facility and information on actions that can be taken by the school or child care facility to reduce lead in the drinking water. The system will also be required to provide information to the school or child care facility on methods to communicate results to users of the facility and parents. Community water systems will be required to provide testing to secondary schools upon request during the five years of mandatory elementary and child care facility testing, and also to elementary schools and child care facilities on request after the first round of mandatory testing.

The federal Lead and Copper Rule Improvements (LCRI). On January 20, 2021, federal Executive Order 13990 directed all federal agencies to undertake review and action, as appropriate, to address the promulgation of federal regulations and other actions during the prior four years. Of those actions, the LCRR was specifically identified as requiring review. As a result, the US EPA delayed the effective and compliance dates established in the LCRR to December 16, 2021, and October 16, 2024, respectively. The LCRR compliance and effective dates listed above, as well as the text from the January 15, 2021, regulation, were not changed and became effective. As a part of the review, the US EPA committed to propose and revise the LCRR by October 2024 with the Lead and Copper Rule Improvements (LCRI). The LCRI is expected to delay the implementation of portions of the LCRR beyond the October 16, 2024, compliance date.

Although it remains unknown how the LCRI will modify the LCR, the US EPA has identified the following priority areas for improvement: proactive and equitable lead service line replacement; strengthening compliance tap sampling to better identify communities most at risk of lead in drinking water and to compel lead reduction actions; and, reducing regulatory complexity by evaluating whether trigger level requirements remain necessary with proactive lead service line replacement and a more protective action level.

Recommended Committee Amendments. *Staff recommends that the bill be amended* as follows: as it relates to LEAs working with schoolsites under their jurisdiction to ensure that a potable source of drinking water is provided for students at each potable water system outlet that

has been shut down, if the lead level exceeds 5 ppb, the LEA may provide alternative sources of potable drinking water, in lieu of the more limited option to provide “bottled water as a short term remedy” in HSC 116277(d)(3)(B).

Arguments in support. The Environmental Working Group states, “The Centers for Disease Control and Prevention states that there is no safe level of lead in children; further, the state Department of Public Health reports that lead exposure at even very low levels can cause learning, behavioral, and attention difficulties in children, along with nervous system and organ damage. Exposure to high levels of lead can be fatal.

There are no effective treatments to ameliorate the long-lasting developmental effects of lead toxicity, and it is believed that these effects are permanent. The U.S. Environmental Protection Agency estimates that as much as 20% of a child’s exposure comes from lead in drinking water when water lead levels are five ppb. For infants consuming water based formula, drinking water can be an even larger source of lead exposure. The American Academy of Pediatrics recommends that state and local governments take steps to ensure that water fountains in schools do not exceed water lead concentrations of one ppb.

AB 249 will allow the state to move forward and remediate lead-tainted school drinking water in the near term, a protective action that should not be held up due to state and federal agency processes.”

Arguments in opposition. The California Municipal Utilities Association states, “Our members’ highest priority is delivering a safe and reliable water supply to their customers. This includes maintenance of complex distribution systems with thousands of miles of pipes made from a variety of materials. For decades our members have worked to remove lead pipes from their systems and protect public health, and California has been a leader in this space. Specific to schools, water systems completed a large scale, comprehensive school testing program based on AB 746 (Gonzalez Fletcher) from 2017 that included testing down to 5 ppb according to the State Water Board website. We appreciate and agree with the author’s goal of protecting children’s health and access to safe drinking water, but AB 249 is the wrong approach and could result in duplication or conflict with pending federal requirements.

The school testing provisions in the LCRR/LCRI will achieve the same outcomes as what is proposed in AB 249. However, the current version of the federal rule includes different requirements than the proposed provisions of AB 249 and we expect that those differences could be further exacerbated in the LCRI. The operative date of AB 249 would be January 1, 2024 and the completion date is proposed to be 2027. This would directly overlap with the LCRR/LCRI schedule and water systems likely would have to comply with two comprehensive testing regimes without any additional public health benefit. And if the state law and federal law conflict, it is unclear how water systems would be expected to fulfill both sets of requirements. Given the existing extensive work to protect public health and pending federal requirements, AB 249 is simply unnecessary at this time.”

Related legislation. SB 1144 (Weiner) of the 2022-23 Session would have required state agencies and public schools to complete a water efficiency and quality assessment report on their facilities, as specified. This bill would have required the operating agency, if the report identified noncompliant plumbing fixtures and appliances or contaminants, to remedy the

problem at the earliest practical time, subject to dedicated funding. This bill was vetoed by the Governor, with the following message:

Improving the quality of drinking water in our state's buildings and schools is a priority we share. California's Safe Drinking Water Act tasks the State Water Board with ensuring that public water systems provide uncontaminated, quality, potable water to consumers. The Board regulates water systems; however, oversight of internal plumbing at the individual building level is not a function of the Board. Developing new expertise to adequately implement this bill and develop regulations would require significant new staff and resources.

The scope of this bill is broad, including not just public schools, charter schools, and state buildings, but also buildings leased, maintained, and occupied by a state agency. Implementing this policy would result in substantial, ongoing General Fund and Prop 98 costs in the hundreds of millions of dollars not accounted for in the budget.

With our state facing lower-than-expected revenues over the first few months of this fiscal year, it is important to remain disciplined when it comes to spending, particularly spending that is ongoing. We must prioritize existing obligations and priorities, and this bill could force state agencies and public schools to choose between its implementation and other critical needs.

The Legislature sent measures with potential costs of well over \$20 billion in one-time spending commitments and more than \$10 billion in ongoing commitments not accounted for in the state budget. Bills with significant fiscal impact, such as this measure, should be considered and accounted for as part of the annual budget process.

AB 75 (O'Donnell) of the 2021-22 Session would have authorized the allocation of state funds for the replacement of school buildings that are at least 75 years old, for specified assistance to school districts with a school facility located on a military installation, as specified, and small school districts, as defined, and for the testing and remediation of lead levels in water fountains and faucets used for drinking or preparing food on schoolsites. Additionally, it would have authorized modernization grants to be used for the control, management, or abatement of lead. This bill was held in the Senate Education Committee.

AB 841 (Ting), Chapter 372, Statutes of 2020, requires the Energy Commission to develop and administer the School Noncompliant Plumbing Fixture and Appliance program to provide grants to state agencies and LEAs to replace noncompliant plumbing fixtures and appliances that fail to meet water efficiency standards and waste potable water and the energy used to convey that water, with water-conserving plumbing fixtures and appliances.

AB 48 (O'Donnell), Chapter 530, Statutes of 2019, placed the \$15 billion Public Preschool, K-12, and College Health and Safety Bond Act of 2020 on the March 2020 statewide ballot and authorized the allocation of funds to test for lead in water outlets used for drinking or preparing food on schoolsites serving kindergarten or any of grades 1 to 12, inclusive, that were constructed before January 1, 2010, and for the remediation of any water outlet used for drinking or preparing food with lead levels in excess of 15 ppb.

AB 2370 (Holden) Chapter 676, Statutes of 2018, requires licensed child day care facilities to, upon enrolling any child, provide parents or guardians with certain written information related to the risks and effects of lead exposure and blood lead testing recommendations and requirements, and subjects certain child day care centers to certain requirements related to testing drinking water for lead contamination levels.

SB 862 (Committee on Budget and Fiscal Review), Chapter 449, Statutes of 2018, appropriates \$6.8 million to be used for the State Water Resources Control Board's Safe Drinking Water for Schools grant program, including up to \$1 million in technical assistance.

AB 746 (Gonzalez Fletcher), Chapter 746, Statutes of 2017, requires community water systems to test lead levels, by July 1, 2019, in drinking water at all California public, K-12 school sites that were constructed before January 1, 2010.

SB 427 (Leyva), Chapter 238, Statutes of 2017, requires, by July 1, 2020, a community water system, instead of a public water system, to provide a timeline for replacement of known lead user service lines in use in its distribution system to the SWB.

SB 828 (Committee on Budget and Fiscal Review), Chapter 29, Statutes of 2016, requires the SWB to establish a grant program, in consultation with the CDE, to award grants to LEAs for the purposes of improving access to, and the quality of, drinking water in public schools serving kindergarten or any of grades 1 to 12, inclusive, and preschools and child day care facilities located on public school property. This bill appropriated \$9.5 million from the General Fund to the State Water Resources Control Board.

SB 1398 (Leyva), Chapter 731, Statutes of 2016, requires a public water system to identify and replace known leaded plumbing.

AB 685 (Eng), Chapter 524, Statutes of 2012, establishes in law a state policy that all residents of the state have a right to clean, affordable, and accessible water for human consumption, and directs relevant state agencies to implement the policy.

SB 1413 (Leno), Chapter 558, Statutes of 2010, requires a school district to provide access to free, fresh drinking water during meal times in school food service areas by July 1, 2011, unless the governing board of a school district adopts a resolution stating that it is unable to comply with this requirement and demonstrates the reasons why it is unable to comply due to fiscal constraints or health and safety concerns.

REGISTERED SUPPORT / OPPOSITION:

Support

A Voice for Choice Advocacy
Alliance of Nurses for Healthy Environments
American Academy of Pediatrics, California
As You Sow
Breast Cancer Prevention Partners
Brighter Beginnings
California Black Health Network

California Coalition of California Welfare Rights Advocates
California Environmental Voters
California Environmental Voters (formerly CLCV)
California Health Coalition Advocacy
California Interfaith Power and Light
Californians Against Waste
Calpirg
Center for Community Action and Environmental Justice
Ceres Community Project
Children Now
Children's Specialty Care Coalition
Clean Water Action
Cleaneearth4kids.org
Consumer Attorneys of California
Educate. Advocate.
Environmental Health Coalition
Environmental Working Group
Facts: Families Advocating for Chemical & Toxics Safety
Families Advocating for Chemical and Toxics Safety
Friends Committee on Legislation of California
Go Green Initiative
Green Science Policy Institute
Jonas Philanthropies
Learning Disabilities Association of America
Learning Disabilities Association of California
Madera Coalition for Community Justice
Maternal and Child Health Access
Non-toxic Neighborhoods
Protect Wild Petaluma
Public Health Advocates
San Diego Pediatricians for Clean Air
Sierra Club California
Social Eco Education
Sonoma Safe Agriculture Safe Schools
Sonoma Safe Agriculture Safe Schools (Sonoma Sass)
The Los Angeles Trust for Children's Health
Western Center on Law and Poverty
Women's Voices for The Earth
Youth Vs. Apocalypse

Opposition

Association of California Water Agencies (ACWA)
California Municipal Utilities Association
California Special Districts Association

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