

LEGISLATIVE COMMITTEE MINUTES

SB599

Bill as Introduced

SB 599 - AS INTRODUCED

2020 SESSION

20-2804
08/05

SENATE BILL

599

AN ACT

relative to testing for lead in water in schools and child care facilities.

SPONSORS:

Sen. Rosenwald, Dist 13; Sen. Feltes, Dist 15; Sen. Cavanaugh, Dist 16; Sen. Kahn, Dist 10; Sen. D'Allesandro, Dist 20; Sen. Fuller Clark, Dist 21; Sen. Soucy, Dist 18; Sen. Hennessey, Dist 5; Sen. Sherman, Dist 24; Rep. Cloutier, Sull. 10; Rep. Wallner, Merr. 10; Rep. Stapleton, Sull. 5; Rep. Martin, Hills. 23; Rep. Hennessey, Graf. 1

COMMITTEE:

Health and Human Services

ANALYSIS

This bill requires testing for lead in water in schools and child care facilities.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struckthrough.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty

AN ACT relative to testing for lead in water in schools and child care facilities.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Lead in Drinking Water in Schools and Licensed Child Care Facilities. RSA 485:17-a is
2 repealed and reenacted to read as follows:

3 485:17-a Lead in Drinking Water in Schools and Licensed Child Care Facilities.

4 I. Every 5 years, public and private schools and licensed child care facilities shall test for the
5 presence of lead in drinking water at all outlets at the school or facility. For purposes of this section,
6 "outlet" means a drinking water fixture currently or reasonably expected to be used for consumption
7 or cooking. Testing shall be in accordance with guidance from the department of environmental
8 services and shall be based on a 250 milliliter sample of drinking water that has been standing in
9 plumbing pipes at least 6 hours and that is collected without flushing the tap. Schools and licensed
10 child care facilities that have tested their outlets for the presence of lead after July 1, 2017 and
11 before the effective date of this section shall conduct their next round of testing no later than 5 years
12 from the date of such testing. Schools and licensed child care facilities that have not tested their
13 outlets between July 1, 2017 and the effective date of this paragraph shall conduct testing within 30
14 days of the effective date of this paragraph and every 5 years thereafter.

15 II. If test results obtained by a school or licensed child care center after the effective date of
16 this section demonstrate the presence of lead in a concentration that exceeds 1 part per billion, the
17 school or licensed child care facility shall, within 5 business days, notify parents and guardians and
18 shall, as an interim measure, ensure that the children are provided only drinking water that meets
19 the standard. The school or licensed child care facility shall also implement a remediation plan, as
20 approved by the department, within 30 days of notification of parents or, in consultation with the
21 department, as soon as practicable. The department shall review the plan and any associated
22 submittals within 30 days of receiving them.

23 III. Within 30 days of the effective date of this section, public and private schools and
24 licensed child care facilities shall compare the results of testing conducted after July 1, 2017 with the
25 1 part per billion standard and, in the event any such results exceed this standard, proceed with the
26 requirements of paragraph II relative to notice, remediation, and interim measures.

27 IV. If 3 consecutive rounds of sampling performed every 5 years are below the 1 part per
28 billion standard at an outlet, further testing of the outlet shall not be required.

29 V. All test results, including but not limited to those obtained between July 1, 2017 and the
30 effective date of this section, shall be provided to the department of environmental services, which
31 shall maintain a database of results accessible to the public on the department's website.

SB 599 - AS INTRODUCED

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1 2 Effective Date. This act shall take effect 60 days after its passage.

Amendments

Amendment to SB 599

1 Amend RSA 485:17-a as inserted by section 1 of the bill by replacing it with the following:

2

3 485:17-a Lead in Drinking Water in Schools and Licensed Child Care Facilities.

4 I. Every 5 years, public and private schools and licensed child care facilities shall test for the
5 presence of lead in drinking water at all outlets at the school or facility. For purposes of this section,
6 "outlet" means a drinking water fixture currently or reasonably expected to be used for consumption
7 or cooking. Testing shall be in accordance with guidance from the department of environmental
8 services and shall be based on a 1 liter stagnant sample of drinking water that has been standing in
9 plumbing pipes at least 6 hours and that is collected without flushing the tap. Schools and licensed
10 child care facilities that have tested their outlets for the presence of lead after February 1, 2016 and
11 before the effective date of this section shall conduct their next round of testing no later than 5 years
12 from the date of such testing. Schools and licensed child care facilities that have not tested their
13 outlets between February 1, 2016 and the effective date of this paragraph shall conduct testing
14 within 30 days of the effective date of this paragraph and every 5 years thereafter.

15 II. If test results obtained by a school or licensed child care center after the effective date of
16 this section demonstrate the presence of lead in a concentration that exceeds 1 part per billion, the
17 school or licensed child care facility shall, within 5 business days, notify the department of
18 environmental services and parents and guardians and shall, as an interim measure, ensure that the
19 children are provided only drinking water that meets the standard, and schools shall disconnect the
20 outlet or outlets exceeding 1 part per billion. The school or licensed child care facility shall also
21 implement a remediation plan, as approved by the department, within 120 days of notification of
22 parents or, in consultation with the department, as soon as practicable, while maintaining the
23 interim measure ensuring that the children are provided only drinking water that meets the
24 standard. The department shall review the plan and any associated submittals within 60 days of
25 receiving them. As part of the remediation plan, the school or licensed child care facility shall
26 conduct testing after remediation measures have been implemented and shall provide those results
27 to the department of environmental services to demonstrate that lead levels do not exceed 1 part per
28 billion.

29 III. Within 30 days of the effective date of this section, public and private schools and
30 licensed child care facilities shall compare the results of testing conducted after February 1, 2016
31 with the 1 part per billion standard and, in the event any such results exceed this standard, proceed
32 with the requirements of paragraph II relative to notice, remediation, and interim measures.

Amendment to SB 599

- Page 2 -

1 IV. If 3 consecutive rounds of sampling performed every 5 years are below the 1 part per
2 billion standard at an outlet, further testing of the outlet shall not be required.

3 V. Schools or licensed child care facilities shall provide all test results, including but not
4 limited to those obtained between February 1, 2016 and the effective date of this section, to the
5 department of environmental services, which shall maintain a database of results accessible to the
6 public on the department's website.

Committee Minutes

SENATE CALENDAR NOTICE
Health and Human Services

Sen Tom Sherman, Chair
Sen Martha Fuller Clark, Vice Chair
Sen Shannon Chandley, Member
Sen Jeb Bradley, Member
Sen James Gray, Member

Date: February 20, 2020

HEARINGS

Tuesday	03/03/2020	
(Day)	(Date)	
Health and Human Services	Legislative Office Building 101	1:00 p.m.
(Name of Committee)	(Place)	(Time)
1:00 p.m.	SB 698	relative to the Interstate Compact on Child Placement.
1:15 p.m.	SB 699	relative to the interstate compact on child placement 2009.
1:30 p.m.	SB 702	relative to contracting requirements for certain providers of child welfare services with the department of health and human services.
1:45 p.m.	SB 672	relative to behavioral health services for children and certain revisions to notifications of discharge for individuals found incompetent to stand trial and nonemergency involuntary admissions revocation of conditional discharge.
2:15 p.m.	SB 599	relative to testing for lead in water in schools and child care facilities.
2:45 p.m.	SB 754-FN	establishing a dental benefit under the state Medicaid program.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 698

Sen. Morgan
Sen. Fuller Clark
Rep. Hennessey

Sen. Gray
Sen. Bradley

Sen. Sherman
Rep. Rice

Sen. D'Allesandro
Rep. Berrien

SB 699

Sen. Carson
Rep. Berrien

Sen. Reagan
Rep. Rice

Sen. Bradley
Rep. DeSimone

Rep. Long

SB 702

Sen. Carson
Sen. Fuller Clark

Sen. Bradley
Rep. Rice

Sen. Ward
Rep. Berrien

Sen. Gray

SB 672

Sen. Carson
Rep. Berrien

Sen. Gray

Sen. French

Rep. Rice

SB 599

Sen. Rosenwald
Sen. D'Allesandro
Sen. Sherman
Rep. Martin

Sen. Feltes
Sen. Fuller Clark
Rep. Cloutier
Rep. Hennessey

Sen. Cavanaugh
Sen. Soucy
Rep. Wallner

Sen. Kahn
Sen. Hennessey
Rep. Stapleton

SB 754-FN

Sen. Rosenwald
Sen. Giuda
Rep. Marsh

Sen. Bradley
Rep. Danielson
Rep. Campion

Sen. Sherman
Rep. Nordgren

Sen. Soucy
Rep. Bernet

Monica Cooper - 271-8631

Tom Sherman
Chairman

AMENDED
SENATE CALENDAR NOTICE
Health and Human Services

Sen Tom Sherman, Chair
Sen Martha Fuller Clark, Vice Chair
Sen Shannon Chandley, Member
Sen Jeb Bradley, Member
Sen James Gray, Member

Date: February 20, 2020

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03/03/2020

(Day)

(Date)

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Legislative Office Building 101 1:00 p.m.

(Name of Committee)

(Place)

(Time)

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1:10 p.m.	SB 699	relative to the interstate compact on child placement 2009.
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2:00 p.m.	SB 599	relative to testing for lead in water in schools and child care facilities.
2:30 p.m.	SB 754-FN	establishing a dental benefit under the state Medicaid program.
3:00 p.m.	SB 758-FN	relative to banning kratom.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 698

Sen. Morgan
Sen. Fuller Clark
Rep. Hennessey

Sen. Gray
Sen. Bradley

Sen. Sherman
Rep. Rice

Sen. D'Allesandro
Rep. Berrien

SB 699

Sen. Carson
Rep. Berrien

Sen. Reagan
Rep. Rice

Sen. Bradley
Rep. DeSimone

Rep. Long

SB 702

Sen. Carson
Sen. Fuller Clark

Sen. Bradley
Rep. Rice

Sen. Ward
Rep. Berrien

Sen. Gray

SB 672

Sen. Carson
Rep. Berrien

Sen. Gray

Sen. French

Rep. Rice

SB 599

Sen. Rosenwald
Sen. D'Allesandro
Sen. Sherman
Rep. Martin

Sen. Feltes
Sen. Fuller Clark
Rep. Cloutier
Rep. Hennessey

Sen. Cavanaugh
Sen. Soucy
Rep. Wallner

Sen. Kahn
Sen. Hennessey
Rep. Stapleton

SB 754-FN

Sen. Rosenwald
Sen. Giuda
Rep. Marsh

Sen. Bradley
Rep. Danielson
Rep. Champion

Sen. Sherman
Rep. Nordgren

Sen. Soucy
Rep. Bernet

Monica Cooper - 271-8631

Tom Sherman
Chairman

Senate Health and Human Services Committee

Monica Cooper - 271-8631

SB 599, relative to testing for lead in water in schools and child care facilities.

Hearing Date: March 3, 2020

Members of the Committee Present: Senators Gray, Bradley, Chandley, Fuller Clark and Sherman

Members of the Committee Absent : None

Bill Analysis: This bill requires testing for lead in water in schools and child care facilities.

Sponsors:

Sen. Rosenwald
Sen. Kahn
Sen. Soucy
Rep. Cloutier
Rep. Martin

Sen. Feltes
Sen. D'Allesandro
Sen. Hennessey
Rep. Wallner
Rep. Hennessey

Sen. Cavanaugh
Sen. Fuller Clark
Sen. Sherman
Rep. Stapleton

Who supports the bill: Sen. Rosenwald, Dist. 13; Sen. Fuller Clark, Dist. 21; Sen. Hennessey, Dist. 5; Sen. Sherman, Dist. 24; Nancy Brenna; Sam Harris; Deborah Bruss; Viola Katunime, (GSOP); Sudi Lett; Doreen Shockley, (DHHS); Melissa Clement, (DHHS); Charlene Lovett, Mayor of Claremont; Heidi Timarco; Elliot Berry, (NH Legal Assitance); Soude Feleh, M.D.; Bruce McLaughlin, M.D.; Jake Berry, (New Futures); Alicia Manion; Michael Padmore, (NHMS); Catrina Watson, (NH Pediatric Soc.); Sarah DiBrigida; Gabriella Koracikova

Who opposes the bill: None

Who is neutral on the bill: Sarah Pillsbury, (NHDES); Erin Shaw, (Granite State Analytical); Whitney Pendelgast, (Granite State Analytical)

Summary of testimony presented:

Sen. Rosenwald

- She said that she introduced this bill because New Hampshire children are being exposed to lead in schools and daycare facilities.
- Lead is toxic, and there is no safe blood lead level for a child. Lead exposure causes permanent cognitive and behavioral problems. Since 2006, New Hampshire has taken several steps to protect children from preventable lead

poisoning. New Hampshire has lowered its actionable blood lead level requirement twice.

- Nearly 20,000 children in 2018 tested positive for blood lead levels, and 13% had levels around 3 micrograms per deciliters.
- 635 children have high enough blood lead levels to require medical management.
- In 2018, 26 new children were identified to have high enough blood levels to need medical intervention.
- In 2018, SB 247 was passed which required schools and licensed health care facilities to test their water levels for lead.
- According to the Environmental Protection Agency (EPA), 20% of lead exposure comes via drinking water.
- There are widespread lead levels in drinking water that New Hampshire kids are exposed to as dozens of schools, and childcare facilities have been found to have high levels of lead in their water.
- Remediation is only required when lead is found in water levels to be above the federal level, 15 ppb. However, the federal standard is not a health-based level. The EPA's recommendation is that drinking water should have no lead in it.
- This bill sets New Hampshire's lead drinking water level to 1 ppb in schools and childcare facilities that are licensed by the state. This will protect New Hampshire children at locations where they spend a significant amount of their time.
- She, alongside with the Conservation Law Foundation met with the Department of Environmental Services (DES) this winter. At this meeting, DES expressed that arsenic is more concerning than lead. She thinks we should be concerned about both toxins.
- She presented amendment 0328s, which changes the sampling methodology in the original bill to a 1 liter of stagnant water. At the request of DES, it will extend the time frame for remediating water found to have higher than the proposed health based standard level from 30 days to 120 days. In addition, it clarifies how childcare facilities and schools provide notifications to DES when drinking water at a particular outlet is found to exceed the limit. When such outlet is found, a school is required to disconnect from said outlet, but childcare facilities are not required to. This is because if the childcare facility is in someone's home, it is unreasonable for them to disconnect their home's water source. However, they are required to provide children with clean water.

Sen. Fuller Clark: She asked if the 1 ppb level is being used in other places. She asked where this level comes from.

Sen. Rosenwald: She answered that it comes from American Academy of Pediatrics and EPA's recommendation. She said that the individuals from the Environmental Conservation Law Foundation would have an idea of what other states levels are at the moment. She was aware that Vermont just passed legislation to make their level 4 ppb.

Sam Harris, *NH Public Health Association*:

- He explained that any amount of lead can result in permanent and irreversible harm to children's health, including loss of cognitive ability and behavioral problems.
- The EPA estimates that drinking water can contribute up to 20% or more towards a person's total exposure to lead.
- In 2019 over 200 New Hampshire schools reported to the Department of Environmental Services that at least one outlet tested at 15 ppb for lead contamination. Another 919 schools reported levels of lead from 1 ppb to 14 ppb.
- In late 2019, over 34 childcare facilities reported outlet testing greater than 15 ppb. Another 227 childcare facilities reported lead contamination from 1 ppb to 14 ppb.
- Under the current law, schools are only required to remediate lead in drinking water when levels exceed 15 ppb.
- SB 599 will solve the problem of potential harm to New Hampshire children through lead exposure.

Sarah Pillsbury, *DES*: This language puts more restrictive language on the bill that was passed in 2018. They put in the bill "15 ppb, or other EPA number" because they were expecting the EPA to establish a health-based number. It was widely rumored that the EPA level would be 5 ppb. They are very supportive of the intent of this bill. However, they are not taking a position on the bill, and will leave it up to law makers.

Sen. Chandley: She asked if there is any requirement that schools provide a certain number of outlets of water? She asked if one part of the plumbing in a school was adequate, but another part did not meet the standard, would the whole plumbing need to be replaced?

Sarah Pillsbury, *DES*: To keep costs reasonable there are different ways you can approach these issues. The lower the costs, the harder it will be to get the lead out of the drinking waters.

Sen. Sherman: He asked if we know of a correlation between any of the schools that are exceeding the 15 ppb and the blood levels of these students?

Sarah Pillsbury, *DES*: She said she does not know, but she hasn't heard of any. They haven't ever had a case where the source of lead poisoning came from drinking water. To date there hasn't been a documented case in the state of New Hampshire.

Sen. Fuller Clark: She asked if Ms. Pillsbury knew the cost of compliance now, and or what it would be?

Sarah Pillsbury, *DES*: She answered no, but she has been trying to figure out how to find out. They would probably try and use some of Massachusetts' data. Some of the schools that have come in for the grant money haven't gotten grants that surpass \$400,000.

Sen. Fuller Clark: She asked If this bill was to pass at even 5-ppb, would it end up being an unfunded mandate for public schools?

Sarah Pillsbury, *DES*: She said she is not sure, however, there already is a 15-ppb federal threshold they must meet. She claimed that this number was not a health-based number. They had thought the federal government was going to issue a health-based number.

Sen. Fuller Clark: She asked they still anticipate that this number will come up?

Sarah Pillsbury, *DES*: She said a lot of people have commented about how disappointed they are that there isn't a number because people don't have anything to base safe levels on.

Charlene Lovett; *Mayor of Claremont, New Hampshire*:

- She is a member of Claremont Lead Action Team, which is comprised of a group of people who represent stakeholders committed to addressing childhood lead poisoning. The majority of lead poisoning in New Hampshire comes from lead-based paint.
- In 2017, the City of Claremont launched "Operation Get the Lead out" with the goal of removing all lead components from their water distribution system. They have worked with many organizations and property owners to remove lead in service lines, goosenecks, water meters, etc.
- Of the 10 schools and childcare facilities that have submitted 84 water test results to DES, 70 samples have tested 1 ppb or less. The remaining 14 samples ranged between 2-4 ppb. This shows that the goal of SB 599 is achievable.

Sen. Sherman: He asked if in her experience they have been able to get their level under 1 ppb. Do you see one ppb being cost prohibitive compared to 5 ppb?

Charlene Lovett; *Mayor of Claremont, New Hampshire*: The appropriate way to address the issue of lead in their community is to find the lead components in the distribution systems. Doing this is no different for 5 ppb or for 1 ppb.

Heidi Trimarco, *Conservation Law Foundation (CLF)*: They are in support of this bill because there is no safe amount of lead for children. 15 ppb is not a health-based number. The only number that CLF support is 1 ppb. It is much cheaper to prevent lead poisoning than to have to test and treat individuals with lead poisoning for the rest of their lives. Lead exposure is 100% preventable and very cost effective. There are a range of options and costs available for preventing New Hampshire's children from lead exposure.

Dr. Katherine O'Keefe and Dr. Angela Monafó, *American Academy of Pediatrics*:

- They are medical students at Dartmouth-Hitchcock, and test pediatric patients every day for lead poisoning. Parents frequently contact their office to inform them that their child's school or daycare was found to have elevated drinking water lead levels.

- Lead is a neuro toxin which causes irreversible damage to the cognitive, and emotional development of a child.
- The legal limit in New Hampshire is 15 ppb, but this is 15 times the level recommended for keeping children safe.
- Day cares and schools are meant to be safe for children while they develop, but we are increasingly finding that these places are poisoning our most vulnerable population.
- Prevention is so much cheaper and cost efficient for treating children with lifelong medical consequences from lead exposure.
- This bill will establish the level to 1 ppb, which is in line with levels recommended by the American Academy of Pediatrics.
- While water is not responsible for all lead exposure, it is a major exposure to lead in children. It is important to address and reduce it as much as possible.

Sen. Sherman: He asked because lead posing is taken up into the bone, can lead leach out of a pregnant women's bones and into her breast milk?

Dr. Katherine O'Keefe and Dr. Angela Monafó, *American Academy of Pediatrics*: They said it is a possible effect since lead is testable at a blood level. If a mother was exposed to lead, there is a long-term risk to the infant. As mothers grow up, they will attend the facilities that this bill addresses. Thus, we could affect a mother's blood lead levels before having the chance to have a baby.

Elliot Berry, *Director of Housing at New Hampshire Legal Assistance*: He has represented low income families and children for 40 years. He said this legislature has put a lot of work into preventing childhood lead posing, but there is more to be done and that is why this bill is needed. It's wonderful to protect kids where they are in their homes, but this does not fulfill the mission if they are not getting protection in childcare and school. Kids in low income families spend more time in after school programs and participate more in school breakfast programs which keeps them at school longer. Therefore, the danger of lead exposure is even greater for low income kids than it is for non-low-income kids. Do not have prevention program in the state of New Hampshire for protecting children from lead poisoning.

Speakers

Senate Health & Human Services Committee

SIGN-IN SHEET

Date: Tuesday, March 3rd, 2020 Time: 2:00 p.m.

SB 599 Relative to testing for lead in water in schools and child care facilities.

Name/Representing (please print neatly)

	Support	Neutral	Oppose	Speaking?	Yes	No
Viola Katusime, GSOP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sudi Lett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Robert S. Kiefner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Doreen Shockey / Melissa Clement information only DHS / Child Care	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
✓ Sarah P. Hsueh NADCS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ Charlene Lovett, Mayor Clemson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ Heidi Trimarco	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ Granite State Analytical Trinshaw / Whitney Peidergast	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
✓ Elliott Berr, NH last assistance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ Katrine O'Keefe, MD Angela Monafio, MD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
✓ Savde Felik Mo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
✓ Bruce McLoughlin, MD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
✓ Jake Berr New Future	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>

✓ Cindy Roserwald ✓ Prime ✓
 ✓ Alicia Maurion ✓ ✓

Testimony

American Academy of Pediatrics

DEDICATED TO THE HEALTH OF ALL CHILDREN™



NH Chapter

7 North State Street Concord, NH 03301-4018

Telephone: 603-224-1909

www.nhaap.org

February 25, 2020

Testimony re: SB599

Members of the Senate Health and Human Services Committee,

My name is Gwendolyn Gladstone. I am a pediatrician and I live in Exeter. I am representing the New Hampshire Chapter of the American Academy of Pediatrics which is in strong support of this bill because it will prevent brain damage to children living in our state.

In my years of practice, I have cared for many children with lead poisoning, including some who have died of it. When I was starting out in the practice of medicine, I expected that at some point in my career, I would no longer have to see children affected by lead poisoning. We were learning how to protect children from lead in the homes where they live, from the water they drink and from contaminated articles in their immediate environment. But now 40 years later children are still suffering the consequences of lead poisoning. In New Hampshire thousands of children every year show toxic levels of lead in their blood and hundreds require medical management as a result. It is unconscionable that children are being hurt by lead poisoning when exposure is entirely preventable.

Lead poisoning is a chronic condition. It occurs after repeated exposure to lead. Lead causes a dose-related drop in a child's IQ even at very small levels. This means that exposed children have impaired intellectual abilities, attention problems and behavior problems. Lead exposure impacts a child's school functioning and academic progress. It causes inattention, impulsivity, aggression and hyperactivity. Lead exposure is a risk factor for conduct disorder, delinquency and criminal behavior. These effects happen at all levels of exposure and at all measurable levels of lead in the bloodstream. The higher the level, the worse the effects. But there is no "safety" in a low lead level. *Even at blood lead levels of 3 micrograms per deciliter (well below the level at which a formal investigation into the reason for a child's elevated lead level is done by the health department) there are measurable decreases in a child's IQ and cognition.* And levels of 1.3 micrograms per deciliter are associated with impaired kidney function in adolescents. There is no safe level of lead.

Children absorb as much as 5x more of the lead they ingest as adults do and once the lead is absorbed, it enters a child's brain more readily because the barrier keeping the lead out is less well developed than it is in adults. In addition, a child's brain is still growing and developing and the toxic effects of lead are more pronounced than for an adult with the same lead burden. These effects are lifelong and there is no known way to counteract them once they are present. *Clearly, the way to protect our children from these effects is to prevent exposure to lead in the first place.*

Typically, about 20% of the lead exposure a person has comes from drinking water when it is contaminated by lead. For infants who drink powdered formula mixed with contaminated tap water, this can reach 50% or more of their exposure. The American Academy of Pediatrics strongly advises that drinking water for children contain no more than 1 part per billion. This is a standard that is not met at many schools and day care facilities in New Hampshire. Senate Bill 599 would remedy this situation by requiring that the water at these sites meets the American Academy of Pediatrics standard. Doing so would help reduce the burden of lead toxicity in our state, a burden borne primarily by the children who are poisoned but also by their families and our society which must deal with the resulting irreversible lifelong effects.

Some will argue that improving the quality of the drinking water in public schools and day care centers in our state will cost money. This is true. But spending money to prevent lead poisoning results in enormous savings in health care costs, education expenditures, treatment of attention deficit-hyperactivity disorder, funding of the criminal justice system, lowered lifetime earnings and reduced tax revenue. More importantly, spending money to protect our children is our moral responsibility.

Please vote “ought to pass” on Senate Bill 599. Thank you.

Gwendolyn (“Wendy”) Gladstone, MD, FAAP
Exeter, NH

The AAP statement on lead poisoning can be found at
<https://pediatrics.aappublications.org/content/138/1/e20161493>

A comprehensive treatise on lead in drinking water can be found at
Simoni Triantafyllidou & Marc Edwards (2012), “Lead (Pb) in Tap Water and in Blood: Implications for Lead Exposure in the United States”, *Critical Reviews in Environmental Science and Technology*, 42:13, 1297-1352, DOI: 10.1080/10643389.2011.556556 To link to this article: <https://doi.org/10.1080/10643389.2011.556556>



Mayor
58 Opera House Square
Claremont, New Hampshire 03743
Ph: (603) 504-6273 Fax: (603) 542-7014
Email: clovett.ccc@gmail.com
www.claremontnh.com

March 2, 2020

Senate Health and Human Services Committee
Legislative Office Building, Room 101
Concord, NH

Members of the Senate Health and Human Services Committee:

For years, the City of Claremont has taken proactive steps to protect children, ages 0 to 6, from lead poisoning. While the primary source of childhood lead poisoning in NH is from lead-based paint, the EPA estimates that up to 20 percent or more of a person's total exposure to lead is from drinking water. Mandated testing of water outlets in schools and childcare facilities has identified elevated lead levels in drinking water throughout the state. Based on statements made by both the scientific and medical community that there is no safe level of lead, we must take preventive measures to ensure that drinking water does not expose our children to the permanent and irreversible brain damage of lead poisoning. Senate Bill (SB) 599 would help achieve this.

In 2017, the City of Claremont launched "Operation Get the Lead Out" with the goal of removing all lead components from our water distribution system. Over the years, we have worked with organizations and property owners to remove lead in service lines, goosenecks, water meters, etc. This preventive measure has proven quite successful. Of the 10 schools and childcare facilities that have submitted 84 water test results to the Department of Environmental Services, 70 samples have tested 1 parts per billion (ppb) or less. The remaining 14 samples ranged between 2 and 4ppb with one anomaly of 13ppb which is being addressed.

These results prove that the goal of SB599 is achievable. Additionally, there are funds available at the federal and state level to assist schools and childcare facilities with the cost of replacing lead components in their water lines. We know the effects of childhood lead poisoning and the toll it takes on children, their families, schools and the economy. Please support SB599 and enact a health-based standard that will further the prevention of childhood lead poisoning.

A handwritten signature in cursive script that reads "Charlene Lovett".

Charlene Lovett (on behalf of the Claremont Lead Action Team)

Team Members: Mayor Lovett, Sullivan County Manager Ferland, City Manager Morris, School Board Chair Sprague, SAU 6 Superintendent Tempesta, Planning and Development Director Merrill, Department of Public Works Director St. Pierre, Health Inspector and Code Enforcement Officer Coombs, Greater Sullivan County Public Health Advisory Council Member Schuler, Valley Regional Hospital Trustee and RN Ms LaJoie and Mr. Derrick



For a thriving New England

CLF New Hampshire 27 North Main Street
Concord, NH 03301
P: 603.225.3060
F: 603.225.3059
www.clf.org

March 3, 2020

The Hon. Tom Sherman, Chair
Senate Health and Human Services Committee
Legislative Office Building, Room 101
Concord, NH 03301

Re: SB 599, Relative to testing for lead in water in schools and childcare facilities

Dear Chairman Sherman and Honorable Committee Members:

We are writing to express Conservation Law Foundation's ("CLF") strong support for SB 599, which establishes a health-based limit for lead in drinking water in schools and child care facilities.

CLF is a non-profit, member-supported environmental advocacy organization that works to protect New Hampshire's and New England's environment for the benefit of all people, and to build healthy communities and sustain a vibrant economy. For several years we have been working to protect New Hampshire children from the ongoing and preventable health threats of lead poisoning. We urge the Committee to support this important effort – building on the bipartisan legislative efforts of SB 247 in 2018 – by voting SB 599 **ought to pass**.

There is No Safe Amount of Lead for Children

No amount of lead in a child's blood is safe. Even small amounts of lead can result in permanent and irreversible harm. Accordingly, the Centers for Disease Control ("CDC") recommends that all sources of lead exposure for children should be controlled or eliminated.¹ The American Academy of Pediatrics' recommends no more than 1 part per billion (ppb) lead in childhood drinking water.

Lead is particularly dangerous for children. Children absorb lead at a higher rate than adults. The dangerous effects of lead occur at lower levels of exposure in children than adults. Lead is bioaccumulative, building up in the body over time. The EPA estimates that drinking water can make up 20% or more of a person's lead exposure.² Infants consuming formula prepared with water can receive 40 to 60% of their exposure to lead from drinking water.³

¹ <https://www.cdc.gov/nceh/lead/prevention/sources/water.htm>

² <https://www.epa.gov/ground-water-and-drinking-water/basic-information-about-lead-drinking-water>

³ EPA Lead and Copper Rule Revisions White Paper, October 2016



conservation law foundation

New Hampshire Children Are Exposed to Lead in Their Schools and Child Care Facilities

Unfortunately, recent testing shows that New Hampshire children are exposed to lead in their schools and child care facilities. As a result of SB 247, schools and child care facilities must test their drinking water for lead. Testing results reveal widespread lead contamination. Testing results are summarized on the attached table.

New Hampshire Needs a Health-Based Limit to Control Lead in Drinking Water

The best way to protect children from lead is to prevent lead exposure in the first place. Unfortunately, under current New Hampshire law schools and child care facilities are only required to remediate lead in drinking water when it exceeds the federal standard of 15 ppb. Using this federal standard is highly problematic, because it is not a health-based standard. Rather, it comes from the EPA's Lead and Copper Rule, which controls for corrosivity in water. In contrast, and in recognition that there is no safe level of lead in drinking water, EPA's non-enforceable health-based recommendation for lead in drinking water is zero (EPA's Maximum Contaminant Level Goal). The American Academy of Pediatrics' health-based recommendation is to limit lead to no more than 1 ppb in drinking water - *fifteen times* lower than what is currently permissible in New Hampshire. SB 599 adopts the AAP's 1 ppb recommendation and requires remediation for school and child care water exceeding that health-based level.

Preventing Lead Exposure Makes Financial Sense

Lead exposure is 100% preventable, and lead prevention is cost effective. Lead poisoning results in significant social and economic costs, including health care costs, loss of lifetime earnings due to IQ loss, increased special education spending, and the societal costs of behavioral problems and increased crime. The Pew Center reports that for every dollar spent on controlling lead hazards, at least \$17 would be returned in health and societal benefits. The CDC recommends focusing resources on primary prevention, removing hazards before a child is exposed. It is more effective and affordable to prevent lead exposure in the first place, as opposed to treating children after they are poisoned. SB 599 provides a primary prevention tool to stop lead exposure in children through drinking water.

SB 599 enjoys bipartisan support. CLF appreciates the opportunity to support this important legislation, and we urge you to recommend that SB 599 **ought to pass**.

Respectfully,

A handwritten signature in black ink that reads 'Tom Irwin'.

Tom Irwin
Vice President and CLF New Hampshire Director

A handwritten signature in black ink that reads 'Heidi Trimarco'.

Heidi Trimarco
Staff Attorney

March 3, 2020

The Honorable, Tom Sherman, Chair
Senate Health and Human Services
Legislative Office Building, Room 101
33 North State Street
Concord, NH 03301

Re: SB 599, Relative to testing for lead in water in schools and childcare facilities.

Dear Senator Sherman and Honorable Members of the Committee,

New Futures appreciates the opportunity to testify in favor of SB 599, relative to testing for lead in water in schools and childcare facilities. New Futures is a nonpartisan, nonprofit organization that advocates, educates and collaborates to improve the health and wellness of all New Hampshire residents. As New Hampshire's authorized Kids Count organization, New Futures advocates for data-based policies that support Granite State families.

New Futures stands in strong support of HB 599, as it would further protect children from the harms of lead poisoning, which is known to cause lifelong, irreversible damage among children, including developmental delays, behavioral problems, reduced physical stature and growth, and impaired hearing, among other conditions.

As you'll recall, the Legislature took several critical steps to address this epidemic in 2018 when it passed SB 247 which, among other important provisions, required lead testing in water in schools and childcare centers. As a result of increased testing, current reported data shows that children are being exposed to lead in drinking water at schools and childcare centers¹. There is no safe level of lead exposure for children.

SB 599 aims to eliminate harm by aligning exposure limits to health guidelines recommended from the American Academy of Pediatrics, as well as the U.S. Environmental Protection Agency (EPA)'s health based non-enforceable recommendation for lead in drinking water. Under current state law, schools and childcare facilities are only required to remediate lead in drinking water when it exceeds the federal standard of 15 parts per billion (ppb). However, that standard is not based in health rather the EPA's Lead and Copper Rule, which controls for corrosivity in water. In contrast, the American Academy of Pediatrics' health-based recommendation is for no more than 1 ppb of lead in drinking water in schools and the EPA's health-based recommendation is zero. SB 599 sets the limit at no more than 1ppb.

SB 599 is a necessary and important bill to ensure safe drinking water and healthy development for all New Hampshire children. For these reasons, New Futures urges the Committee to vote HB 1539 Ought to Pass. Please do not hesitate to contact me if you have questions or need additional information.

Respectfully submitted,



Jake Berry, Vice President of Policy, New Futures

¹ 2020 reporting to DES of 60% of childcare centers:

- 41 child care centers, comprising 8% of reporting centers, had at least one outlet testing at > 15 ppb
- 31 child care centers had at least one outlet testing at 10 – 15 ppb
- 66 child care centers had at least one outlet testing at 5 to 10 ppb
- 182 child care centers had at least one outlet testing at 1 to 5 ppb



NEW HAMPSHIRE LEGAL ASSISTANCE

Working for Equal Justice Since 1971

www.nhla.org

Re: New Hampshire Legal Assistance's support for SB 599

To Senate Health and Human Services Committee Members:

New Hampshire Legal Assistance strongly urges lawmakers to pass SB 599 – a vital piece of legislation that proactively protects children from exposure to lead hazards in schools and childcare facilities. Children in New Hampshire are exposed daily to lead in drinking water in their schools and childcare facilities. Under current law, schools in NH only must act if a water test shows a level of 15 ppb or higher. However, this is **not** a health-based standard. 15 ppb is a federal standard that controls for corrosivity in water. The CDC has made clear that there is no safe level of lead in a child's body. Because of this, the American Academy of Pediatrics recommends a health-based standard of no more than 1 ppb of lead in drinking water in schools.

As a society we have known for over a century that children from low-income families are disproportionately impacted by childhood lead poisoning. As a state-wide provider of civil legal services for low-income families NHLA sees the detrimental impacts of childhood lead poisoning firsthand. While this discrepancy can, in part, be explained due to children's exposure to lead hazards commonly present in substandard housing, it is important to recognize that this same cohort of children are also disproportionately exposed to lead hazards that exist in drinking water in schools and childcare facilities.

In order to take advantage of free breakfast as well as after school programs, children from low-income families spend significantly increased time in school compared to children of middle- and high-income families. A total of 21,663 Granite State children participate in the free breakfast program. Additionally, studies show that 25% of children from communities of concentrated poverty participate in after-school programs in contrast to less than 20% of children from middle to high income families. According to a 2012 audit published by the New Hampshire Department of Education, children from low-income families alone comprise over 50% of the participants of 21st Century after school programs.

The states youngest residents from low-income families are also impacted by exposure to lead hazards in drinking water resulting from participation in Head Start and Early Head Start programs which provide children with daycare and preschool programs and include snacks and meals throughout the day. Infants who attend these programs drink formula prepared with drinking water from these centers. Over 1,100 children in New Hampshire are enrolled in center-based Head Start and Early Head Start programs.

Claremont Office
24 Opera House Square
Suite 206
Claremont, NH 03743
603-542-8795
1-800-562-3994
Fax: 603-542-3826

Concord Office
117 North State Street
Concord, NH 03301
603-223-9750
1-800-921-1115
Fax: 603-223-9794

Manchester Office
1850 Elm Street
Suite 7
Manchester, NH 03104
603-668-2900
1-800-562-3174
Fax: 603-935-7109

Portsmouth Office
154 High Street
Portsmouth, NH 03801
603-431-7411
1-800-334-3135
Fax: 603-431-8025

Berlin Office
1131 Main Street
Berlin, NH 03570
603-752-1102
1-800-698-8969
Fax: 603-752-2248

Administration
117 North State Street
Concord, NH 03301
603-224-4107
Fax: 603-224-2053

TTY: 1-800-735-2964



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Granite State children from low-income families face many impediments to their success. It is vital for New Hampshire to ensure that preventable exposure to lead hazards in school drinking water is not among the stumbling blocks they must overcome. For this, as well as the reasons stated above, NHLA urges lawmakers to pass SB 599.

Thank you for your consideration and attention to this matter.

Claremont Office
24 Opera House Square
Suite 206
Claremont, NH 03743
603-542-8795
1-800-562-3994
Fax: 603-542-3826

Concord Office
117 North State Street
Concord, NH 03301
603-223-9750
1-800-921-1115
Fax: 603-223-9794

Manchester Office
1850 Elm Street
Suite 7
Manchester, NH 03104
603-668-2900
1-800-562-3174
Fax: 603-935-7109

Portsmouth Office
154 High Street
Portsmouth, NH 03801
603-431-7411
1-800-334-3135
Fax: 603-431-8025

Berlin Office
1131 Main Street
Berlin, NH 03570
603-752-1102
1-800-698-8969
Fax: 603-752-2248

Administration
117 North State Street
Concord, NH 03301
603-224-4107
Fax: 603-224-2053

TTY: 1-800-735-2964



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

March 3, 2020

The Honorable Tom Sherman
 Chair, Health and Human Services Committee
 State House, Room 101
 Concord, NH 03301

RE: SB 599-FN, AN ACT relative to testing for lead in water in schools and child care facilities.

Dear Chairman Sherman and Members of the Committee:

Thank you for the opportunity to comment on SB 599 which replaces the current statutory language in RSA 458:17-a that serves to reduce exposure to lead in drinking water at schools and licensed child care facilities with new, generally more stringent, requirements. Of most significance, this bill reduces the level of lead in drinking water that triggers schools and child care facilities to treat water or replace plumbing from 15 ppb to 1 ppb. The New Hampshire Department of Environmental Services (NHDES) was supportive of the legislation that created the existing law and worked collaboratively with the Department of Education and the Department of Health and Human Services' Childcare Licensing Unit to implement the law. NHDES agrees that, ultimately, children should have no exposure to lead from any source and, in particular, from lead paint in our older housing stock, which is the only documented cause of childhood lead poisoning in NH. Because of the relatively small amount of water consumed at schools and child care facilities, NHDES leaves it to the Legislature to determine if the cost to reduce lead in drinking water at schools and child care facilities to 1 ppb is justified at this point in time. We offer the following information for your deliberations on this bill.

Under the existing law, all public and private K-12 schools and licensed child care facilities were required to test for lead in drinking water by July 1, 2019 at all locations where it is consumed. The law also requires schools and child care facilities to perform notification and remediation and provide interim alternate water if the current federal (USEPA), non health-based, action level of 15 ppb is exceeded. The following table provides information on compliance with the existing law. It is provided to shed light on who would be affected by this bill. It should be noted that the Drinking Water and Groundwater Trust Fund Advisory Commission has provided matching grants to abate lead in drinking water at schools for any fixture that tests at 5 ppb or greater. The 5 ppb threshold was selected because NHDES anticipated it was the likely health-based action level that would be in the federal Lead and Copper Rule that is currently being revised.

Facilities that tested as of Jan. 2020	Lead ≥15ppb # and %	Lead ≥ 5ppb # and %	Lead ≥ Reporting Limit (1 or 2 ppb) # and %	Total # of facilities
Schools – 85% tested (546 facilities, multiple taps)	197 36%	336 62%	470 86%	645
Licensed Child Care Facilities - 60% tested (517 facilities, multiple taps)	41 8%	91 18%	262 51%	868

Note: Facilities are included in appropriate grouping if any one tap is greater than the threshold. In some facilities there are multiple taps exceeding one or more of the thresholds.

As the chart indicates, if 5 ppb were selected as the new threshold for action, it would approximately double the cost of compliance for schools and child care facilities with further costs associated with a 1 ppb trigger threshold. Accordingly, a fiscal note may be appropriate due to costs that will be incurred by public schools.

NHDES also has the following technical issues and suggestions regarding the bill as written:

1. The current language requires testing in accordance with guidance from NHDES. This bill specifies a methodology that NHDES does not support and is less protective than currently required.
2. Language should be added to clarify that a facility must demonstrate remedial action effectiveness through sampling.
3. The bill should allow samples retroactive to 2/1/2016 which is when NHDES requested voluntary sampling at schools and child care facilities. This is needed so as not to penalize those facilities that were proactive.
4. The target remediation level of 1 ppb is below the current detection level (i.e. 2 ppb) of some laboratories currently certified to test for lead. It should be noted that Vermont has selected 4 ppb to enable accurate detection of lead levels.

Thank you again for the opportunity to comment on SB 599. If you have any questions or require further information, please contact Sarah Pillsbury, Administrator, Drinking Water and Groundwater Bureau (Sarah.Pillsbury@des.nh.gov, 271-1168).

Sincerely,



Robert R. Scott
Commissioner

cc: Senators Rosenwald, Feltes, Cavanaugh, Kahn, D'Allesandro, Fuller Clark, Soucy, Hennessey
Representatives Cloutier, Wallner, Stapleton, Martin and Hennessey

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New Hampshire School Nurses' Association

Leading ~ Advocating ~ Educating

2/22/20

Dear Legislators:

There is a huge impact on learning in children who have elevated lead levels. Even small amounts of lead can result in permanent irreversible loss of cognitive ability as well as behavior problems. No amount of lead in a child's blood is safe.

The EPA estimates that drinking water can contribute up to 20 percent or more of a person's total exposure to lead. Exposure to lead can occur not only at home, but in schools and child care facilities, where children spend most of their day. Fortunately New Hampshire has an existing lead testing law for day cares and schools (SB247 enacted in 2018), however the requirements for lead levels that must be remediated are far above the standard recommended by The American Academy of Pediatrics. Under current NH law, schools and child care facilities are only required to remediate lead in drinking water when it exceeds the *federal* standard of 15 ppb, whereas The American Academy of Pediatrics' health-based recommendation is for no more than 1 ppb.

The New Hampshire School Nurses' Association is deeply committed to supporting the overall health and safety of our New Hampshire School children. It is critically important to support prevention of, and elimination of childhood lead poisoning across New Hampshire by testing and remediating lead levels in water above 1ppb at all schools and child care facilities.

NHSNA urges you to support SB 599 and establish a health-based limit of 1 ppb of lead in school and childcare center facility drinking water.

Sincerely,

Kathy Barth BSN, RN, NCSN

President NHSNA

And,

The New Hampshire School Nurses' Association Board of Directors



NEW HAMPSHIRE
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ASSOCIATION**

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4 Park Street, 4th Floor
Concord, NH 03301
603.228.2983 | info@nhpha.org
www.nhpha.org

The Honorable Chair, Tom Sherman
Senate Health and Human Services Committee

March 3, 2020

Re: SB 599: relative to testing for lead in water in schools and child care facilities

Honorable Chair and Committee Members,

My name is Sam Harris and I am a member of the Policy Committee of the New Hampshire Public Health Association (NHPHA). We are a statewide membership organization composed of over 200 health care and public health professionals. For the last 25 years, we have advocated for policies that improve the health of New Hampshire's people.

While our members hold a wide range of positions in this sector, they are all united in an effort to ensure that the health of New Hampshire's residents is not compromised by their environment. This is especially true when it comes to the health of our children in this state. It is for this reason that we urge the Committee vote OUGHT TO PASS on SB 599, a bill requiring the testing of lead in both schools and childcare facilities and establishing a health-based limit of 1 part per billion of lead in school and child care facility drinking water.

It is well known that no amount of lead in a child's blood is safe. Research has overwhelmingly shown that even small amounts of lead can result in permanent and irreversible harm to children's health- including loss of cognitive ability and behavioral problems. The cost to a family of having a child grow up who will never reach their full potential due to lifelong intellectual and behavioral issues is devastating. The only true way to keep New Hampshire children safe from the effects of lead is to prevent lead exposure in the first place. Lead poisoning is 100% preventable.

The EPA estimates that drinking water can contribute up to 20% of more or a person's total exposure to lead. Tragically, as of late 2019 over 200 New Hampshire schools reported to the Department of Environmental Services (DES) that at least one outlet tested at >15 parts per billion for lead contamination. Another 919 additional schools reported levels of lead from 1 part per billion to 14 parts per billion.

Also, in late 2019, over 34 childcare facilities reported outlet testing > 15 parts per billion. Another 227 additional childcare facilities reported lead contamination from 1 part per billion to 14 parts per billion. Under current NH law, schools and childcare facilities are only required to remediate lead in drinking water when levels exceed 15 parts per billion. The 15 parts per billion standard, however, comes from the EPA's Lead and Copper Rule, which controls for corrosivity in water. In contrast, and in recognition that there is no safe level of lead in drinking water, the EPA's health-based recommendation for lead in drinking water is zero. Further, the American Academy of Pediatrics; health-based recommendation is for no more than 1 part per billion of lead in drinking water.

The potential harm to New Hampshire's children through lead exposure is currently significant, and yet 100% preventable. SB 599 solves this problem, protecting the health of children in schools and child care

2018 Affiliate of the Year of the American Public Health Association

centers by establishing a health-based limit of 1 part per billion of lead in school and child care facility drinking water.

We respectfully ask that you vote OUGHT TO PASS on SB 599 to protect New Hampshire children from preventable lead exposure.

Samuel B. Harris, member Policy Committee
Joan H. Ascheim, MSN | Executive Director
New Hampshire Public Health Association
Email: jascheim@nhpha.org
www.nhpha.org

Committee Report

General Court of New Hampshire - Bill Status System

Docket of SB599

Docket Abbreviations

Bill Title: relative to testing for lead in water in schools and child care facilities.*Official Docket of SB599.:*

Date	Body	Description
1/6/2020	S	To Be Introduced 01/08/2020 and Referred to Health and Human Services; SJ 1
2/20/2020	S	==TIME CHANGE== Hearing: 03/03/2020, Room 101, LOB, 02:00 pm; SC 9
6/16/2020	S	Vacated from Committee and Laid on Table, MA, VV; 06/16/2020 SJ 8

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB599

Senate Committee: HHS

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

2020 - amendment # 0328s _____ - amendment # _____

_____ - amendment # _____ _____ - amendment # _____

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

_____ - amendment # _____ _____ - amendment # _____

_____ - amendment # _____ _____ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s)

Governor's Veto Message

All available versions of the bill: {Clerk's Office}

_____ as amended by the senate _____ as amended by the house

_____ final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Monica Cooper
Committee Aide

7/15/2020
Date

Senate Clerk's Office JM