CONSENT CALENDAR

February 9, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Education to which was referred HB 1421-FN,

AN ACT relative to lead in school drinking water.

Having considered the same, report the same with the

following amendment, and the recommendation that

the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Rick Ladd

FOR THE COMMITTEE

Original: House Clerk Cc: Committee Bill File

COMMITTEE REPORT

Committee:	Education
Bill Number:	HB 1421-FN
Title:	relative to lead in school drinking water.
Date:	February 9, 2022
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS WITH AMENDMENT
	2022-0612h

STATEMENT OF INTENT

This bill, as amended, requires schools and licensed child care facilities to notify parents of tests with high lead levels. Notification to parents must occur in at least two places, including but not limited to the school or school administrative unit website. The bill, as amended, requires submission of all sample test results be sent to the Department of Environmental Services (DES) database established under the authority of RSA 21-O:12, I(e), which will allow for more efficient and accurate tracking of samples. Secondly, the amendment, in support of DES, requires a public or private school or a licensed child care facility that has previously sampled at a level above the standard of 15 parts per billion in the drinking water, to submit all post-remediation samples to the DES database. Lead poisoning is 100% preventable.

Vote 18-0.

Rep. Rick Ladd FOR THE COMMITTEE

Original: House Clerk Cc: Committee Bill File

CONSENT CALENDAR

Education

HB 1421-FN, relative to lead in school drinking water. **OUGHT TO PASS WITH AMENDMENT.** Rep. Rick Ladd for Education. This bill, as amended, requires schools and licensed child care facilities to notify parents of tests with high lead levels. Notification to parents must occur in at least two places, including but not limited to the school or school administrative unit website. The bill, as amended, requires submission of all sample test results be sent to the Department of Environmental Services (DES) database established under the authority of RSA 21-O:12, I(e), which will allow for more efficient and accurate tracking of samples. Secondly, the amendment, in support of DES, requires a public or private school or a licensed child care facility that has previously sampled at a level above the standard of 15 parts per billion in the drinking water, to submit all post-remediation samples to the DES database. Lead poisoning is 100% preventable. **Vote 18-0**.

Original: House Clerk Cc: Committee Bill File

Amendment to HB 1421-FN

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

 $\mathbf{2}$

3 I. [Upon the effective date of this section, and within every 5 year period thereafter, public and private schools and licensed child care facilities that have not sampled in the prior 2 years] 4 Between January 1, 2016 and June 30, 2024, public and private schools and licensed child $\mathbf{5}$ care facilities shall test a minimum of 3 rounds for the presence of lead in drinking water at all $\mathbf{6}$ 7locations at the facility that [is] are available for consumption by children. Such testing shall be in 8 accordance with guidance from the department of environmental services. To allow for more 9 efficient and accurate tracking of samples, all test results shall be submitted to the 10 department database established under the authority of RSA 21-0:12, I(e). If test results demonstrate the presence of lead in a concentration that exceeds the applicable standard established 1112by the Environmental Protection Agency, the school or licensed child care facility shall, within 5 business days, notify parents and guardians with notification in at least 2 places including, 1314but not limited to, the school or school administrative unit website and at least one method 15of direct communication via email or printed flyer, and shall, as an interim measure, ensure that the children are provided only drinking water that meets the standard. The school or licensed 16child care facility shall also implement a remediation plan, as approved by the department, within 171830 days of notification of parents or, in consultation with the department, as soon as practicable. 19The remediation plan shall include required collection of post-mediation samples with 20post-remediaiton sampling results submitted to the departmental database established 21under the authority of RSA 21-0:12, I(e). The department shall review the plan and any 22associated submittals within 30 days of receiving them. If 3 consecutive rounds of sampling 23performed [every 5 years] are below the standard, further testing shall not be required. Schools or 24childcare facilities that fail to comply with requirements for testing, remediation, or 25parental notification requirements shall be subject to enforcement and penalties pursuant 26to RSA 485:58.

Amendment to HB 1421-FN - Page 2 -

2022-0612h

AMENDED ANALYSIS

This bill requires schools and licensed child care facilities to submit lead test results to the department of environmental services data base and to notify parents of tests with high lead levels.

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on HB 1421-FN

BILL TITLE: relative to lead in school drinking water.

DATE: February 9, 2022

LOB ROOM: 207

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Ladd	Seconded by Rep. Luneau	AM Vote: 18-0
Amendment # 2022-0612h		
Moved by Rep. Ladd	Seconded by Rep. Luneau	Vote: 18-0

CONSENT CALENDAR: YES

Statement of Intent:

Refer to Committee Report

Respectfully submitted,

Rep Melissa Litchfield, Clerk

HOUSE COMMITTEE ON EDUCATION

EXECUTIV	E SESSION on Bill #	EN
BILL TITLE: relative -	to lead in scho	of drinking water
DATE: 2/9/22		
LOB ROOM: 207		
MOTION: (Please check one box)		
□ OTP □ ITL	🗆 Retain (1 st year)	Adoption of Amendment # <u>0612</u> h
	□ Interim Study (2nd year)	(if offered)
Moved by Rep. Ladd	Seconded by Rep.	10 Vote: 18-0
MOTION: (Please check one box)		
🗆 OTP 🖸 OTP/A 🗆 ITL	□ Retain (1 st year)	Adoption of Amendment # 0412 h
1 1	🗆 Interim Study (2nd year)	(if offered)
Moved by Rep. Ladd	Seconded by Rep	Vote:
MOTION: (Please check one box)		
□ OTP □ OTP/A □ ITL	\Box Retain (1 st year)	Adoption of
	□ Interim Study (2nd year)	Amendment # (if offered)
Moved by Rep	Seconded by Rep	Vote:
MOTION: (Please check one box)		
□ OTP □ OTP/A □ ITL	□ Retain (1 st year)	Adoption of
	□ Interim Study (2nd year)	Amendment # (if offered)
Moved by Rep	Seconded by Rep	Vote:
CONSENT CA	ALENDAR:YES	_ NO
Minority Report? Yes	No If yes, author, Rep:	Motion
Respectfully submitte	d:Rep. Melissa Lito	chfield, Clerk



1/10/2022 8:57:50 AM Roll Call Committee Registers Report

2022 SESSION

Education

142 ам #: <u>20/2</u> Bill #: Motion: Exec Session Date: C YEAS <u>NV</u> Nays Members

Ladd, Rick M. Chairman last	18		
Cordelli, Glenn Vice Chairman First	1		
Litchfield, Melissa A. Clerk	2		
Boehm, Ralph G.	3,		
Lekas, Alicia D.	4		
Moffett, Michael	5		
Hobson, Deborah L.	6		
Ford, Oliver J.	1		
Soti, Julius F.	8		
Nelson, Bill G.	9		
Myler, Mel-Walz, Mary Beth Second	11		
Luneau, David J.	10		
Cornell, Patricia			
Tanner, Linda L.	12		
Ellison, Arthur S.	13		
Mullen, Sue M.	14		
Woodcock, Stephen L.	15		
Porter, Marjorie	17		
A. Hall, Muriel C.	110		
TOTAL VOTE:	18	0	

Amendment to HB 1421-FN

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

2

I. [Upon the effective date of this section, and within every 5-year period thereafter, public 3 and private schools and licensed child care facilities that have not sampled in the prior 2 years] 4 Between January 1, 2016 and June 30, 2024, public and private schools and licensed child 5 care facilities shall test a minimum of 3 rounds for the presence of lead in drinking water at all 6 7 locations at the facility that [is] are available for consumption by children. Such testing shall be in 8 accordance with guidance from the department of environmental services. To allow for more 9 efficient and accurate tracking of samples, all test results shall be submitted to the department database established under the authority of RSA 21-0:12, I(e). If test results 10 11 demonstrate the presence of lead in a concentration that exceeds the applicable standard established by the Environmental Protection Agency, the school or licensed child care facility shall, within 5 12 13 business days, notify parents and guardians with notification in at least 2 places including, 14 but not limited to, the school or school administrative unit website and at least one method of direct communication via email or printed flyer, and shall, as an interim measure, ensure 15 16 that the children are provided only drinking water that meets the standard. The school or licensed child care facility shall also implement a remediation plan, as approved by the department, within 17 30 days of notification of parents or, in consultation with the department, as soon as practicable. 18 19 The remediation plan shall include required collection of post-mediation samples with 20 post-remediaiton sampling results submitted to the departmental database established 21 under the authority of RSA 21-O:12, I(e). The department shall review the plan and any 22 associated submittals within 30 days of receiving them. If 3 consecutive rounds of sampling 23 performed [every 5 years] are below the standard, further testing shall not be required. Schools or 24 childcare facilities that fail to comply with requirements for testing, remediation, or parental notification requirements shall be subject to enforcement and penalties pursuant 25 to RSA 485:58. 26

Amendment to HB 1421-FN - Page 2 -

2022-0612h

AMENDED ANALYSIS

This bill requires schools and licensed child care facilities to submit lead test results to the department of environmental services data base and to notify parents of tests with high lead levels.

••• • •

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING on Bill # HB1421 BILL TITLE: relative to lead in school drinking water DATE: 1/21/22

Time Public Hearing Called to Order: 10:00 am

Time Adjourned: 10:17 am

<u>Committee Members</u>: Reps. Ladd, Cordelli, Boehm, A. Lekas, Moffett, Hobson, Ford, Soti, B. Nelson, Litchfield, Myler, Luneau, Cornell, Tanner, Ellison, Mullen, Woodcock, Hall and Porter

Rep, Ralph Boehm -

ROOM:

207

Introduced the bill. The Prime Sponsor was unable to make it today.

*Brandon Kernen, NHDES

Similar to Senate Bill 452. Looking for amendments. Was unable to connect with Prime Sponsor. Would like to see water testing results sent to DES so they may see the results. They should also provide results after the issue has been fixed. Feels federal funding (infrastructure bill) may be coming down to help schools with these costs.

Rep Ladd, A water commissioner up in Haverhill and has seen notifications from DES regarding water issues go to residents. Who does the testing and how are the results communicated to the parents and residents?

Response: If school is part of the town water system, the town must notify the school. If a school has its own well, it must be tested by a certified individual. If issues, notices must go out and be posted in obvious places.

Rep Mullen, Is there a place where penalties are spelled out?

Response: Suggestions on what bill should be referenced via an amendment.

Rep Ford, There are other contaminants that are checked for. Should the wording of this bill be expanded?

Response: You are right, but lead is different. We are talking about source and testing.

Rep Luneau, What about arsenic?

Response: There is no safe level of lead. Standard for arsenic is lower than most states in the nation, particularly because of kidney cancer. It is not a hierarchy, both are very important.

Nancy Vaughan, American Heart Association

She has signed in as neutral. She has mentioned that the school drinking stations can filter out lead and other contaminants.

Respectfully submitted,

Rep. Melissa Litchfield, Clerk

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 1421

_____ Date 1/21/22

Committee EDU

** Please Print All Information **

				(chec)	k one)
Name	Address	Phone	Representing	Pro	Con
BRANDON	KERNEN	NHOES	271 1168		
			21		

House Remote Testify

Education Committee Testify List for Bill HB1421 on 2022-01-21 Support: 25 Oppose: 1 Neutral: 1 Total to Testify: 0

Export to Excel

<u>Name</u>	City, State Email Address	<u>Title</u>	Representing	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Watters, Senator David	Dover, NH david.watters@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/5/2022 3:18 PM
WOODS, GARY	BOW, NH gwpops054@gmail.com	An Elected Official	Myself	Support	No	No	1/12/2022 11:09 PM
Hamer, Gary	Manchester, NH ghamer@mansd.org	An Elected Official	Myself	Support	No	No	1/16/2022 1:34 PM
Smith, Julie	Nashua, NH cantdog@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/16/2022 9:25 PM
Lindpaintner, Lyn	Concord, NH lynlin@bluewin.ch	A Member of the Public	Myself	Support	No	No	1/17/2022 11:52 AM
Torpey, Jeanne	Concord, NH jtorp51@comcast.net	A Member of the Public	Myself	Support	No	No	1/17/2022 12:55 PM
Murphy, Zachary Justin	Merrimack, NH murphy.nancya@gmail.com	A Member of the Public	Myself	Support	No	No	1/17/2022 1:26 PM
Hayward, Marcia	Laconia, NH mjhayward131@gmail.com	A Member of the Public	Myself	Support	No	No	1/17/2022 1:43 PM
Damon, Claudia	Concord, NH cordsdamon@gmail.com	A Member of the Public	Myself	Support	No	No	1/17/2022 10:03 PM
Falk, Cheri	Wilton, NH falk.cj@gmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 10:15 AM
Jones, Andrew	Pembroke, NH arj11718@yahoo.com	A Member of the Public	Myself	Support	No	No	1/18/2022 4:23 PM
Brenton, Anne	Atkinson, NH anne.berg1@yahoo.com	A Member of the Public	Myself	Support	No	No	1/18/2022 4:27 PM
Aronson, Laura	MANCHESTER, NH laura@mlans.net	A Member of the Public	Myself	Support	No	No	1/18/2022 8:40 PM

Clark, Denise	Milford, NH denise.m.clark03055@gmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 8:56 PM
Frost, Sherry	Dover, NH s.frost@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/19/2022 9:09 AM
Devore, Gary	Pembroke, NH torin_asheron@yahoo.com	A Member of the Public	Myself	Support	No	No	1/19/2022 10:08 AM
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Support	No	No	1/19/2022 8:39 PM
Sinclair-pappas, Barbara	Chichester, NH bespappas@gmail.com	A Member of the Public	Myself	Support	No	No	1/19/2022 8:50 PM
Perencevich, Ruth	Concord, NH rperence@comcast.net	A Member of the Public	Myself	Support	No	No	1/19/2022 9:05 PM
Brennan, Nancy	Weare, NH burningnan14@gmail.com	A Member of the Public	Myself	Support	No	No	1/20/2022 6:49 AM
Dewey, Karen	NEWPORT, NH pkdewey@comcast.net	A Member of the Public	Myself	Support	No	No	1/20/2022 8:13 AM
Wilke, Mary	CONCORD, NH wilke.mary@gmail.com	A Member of the Public	Myself	Support	No	No	1/20/2022 8:39 AM
Kernen, Brandon	Concord, NH brandon.m.kernen@des.nh.gov	State Agency Staff	NHDES	Neutral	No	No	1/20/2022 11:26 AM
Steel, Sandra	Plainfield, NH selizabethsteel@gmail.com	A Member of the Public	Myself	Support	No	No	1/20/2022 12:47 PM
Anastasia, Patricia	Londonderry, NH patti.anastasia@gmail.com	A Member of the Public	Myself	Support	No	No	1/20/2022 4:55 PM
Laker-Phelps, Gail	Chichester, NH lpsart@tds.net	A Member of the Public	Myself	Support	No	No	1/20/2022 5:40 PM
Rettew, Annie	Concord, NH abrettew@gmail.com	A Member of the Public	Myself	Support	No	No	1/20/2022 8:57 PM



The State of New Hampshire Department of Environmental Services

Robert R. Scott, Commissioner



January 20, 2022

The Honorable Rick Ladd Chairman, House Education Committee Legislative Office Building, Room 207 Concord, NH 03301

Re: HB 1421-FN - An Act relative to lead in school drinking water

Dear Chairman Ladd and Members of the Committee:

Thank you for the opportunity to comment on HB 1421, which revises the current statutory language in RSA 485:17-a that serves to reduce exposure to lead in drinking water at schools and licensed childcare facilities. The bill adds detail on how notifications to parents and guardians must be made in the event of a detection of lead at concentrations greater than the US Environmental Protection Agency (USEPA) standard (currently 15 parts per billion [ppb]). The bill also establishes that schools and childcare facilities that fail to comply with the requirements of testing, remediation, or parental notification shall be subject to penalties. While not taking a position on this bill, the New Hampshire Department of Environmental Services (NHDES) provides the following testimony for your consideration in your deliberations.

NHDES oversees the implementation of the RSA 485:17-a, in conjunction with the New Hampshire Department of Education (NHDOE) and the New Hampshire Department of Health and Human Services (DHHS) Childcare Licensing program. Under the proposed revisions to the statute, NHDES would be charged with the additional responsibility of tracking and enforcing the required notifications. As indicated in the Fiscal Note prepared for this bill, a new full-time staff position at NHDES would be needed to cover this additional responsibility. Federal grant funding is available to cover the first two years for this position.

The bill would establish penalties, specifically misdemeanor and felony charges under RSA 485:17, for schools and childcare facilities that fail to comply with the statute. This statute is specifically applicable to scenarios where a person causes a water body that is used for drinking water to become contaminated. While NHDES is supportive of a measure to enforce the statute, it would be more appropriate to handle enforcement of non-compliance in the same manner that enforcement for similar non-compliance for regulated public water systems is handled pursuant to RSA 485:58.

In addition, should the Committee decide to pursue this course of action, NHDES encourages the committee to consider the following additional revisions to the statute to increase efficiency and effectiveness of the program and to take advantage of federal funding available to assist public schools

The Honorable Rick Ladd Chairman, House Education Committee January 20, 2021 Page 2

and licensed childcare facilities. These revisions are included in SB 452 currently under consideration by the Senate Energy and Natural Resources Committee.

- Approximately 23,000 results have been submitted to the NHDES database, representing samples from 566 schools and 461 active licensed childcare facilities (~90% and 60% of facilities reporting, respectively). The current statute does not require submission of data to NHDES, and these statistics are likely an under-reporting of the number of schools and childcare facilities that have completed their required testing. Should this bill move forward, NHDES suggests that language be added to HB 1421 that would require submission of all test results to the NHDES database, which would allow for more efficient and accurate tracking of samples.
- 2. In instances where corrective action or remediation is completed, such as replacing a faucet or installing filtration, NHDES recommends that a follow-up sample be collected to confirm that the remediation measures were effective. Similarly, NHDES suggests that language be added to HB 1421 that would require collection of post-remediation samples and that those results also be provided to the NHDES database.
- 3. Revisions to the timing of the required testing would provide financial support for public schools and licensed childcare facilities. The current statute requires testing every five years until three rounds of testing are less than the standard. Note that several schools completed voluntary testing in 2016 prior to the enactment of the statute and were allowed to count those results towards the required testing. NHDES has obtained funding from the USEPA Water Infrastructure Improvements for the Nation (WIIN) grant program to pay laboratory analytical costs for an estimated two rounds of testing for all public schools and licensed childcare facilities. To align with this funding, NHDES requests that the timing of the required sampling rounds be adjusted, such that three rounds are required to be completed by June 30, 2024, unless additional federal funding is provided that can be used beyond this date.

Thank you for the opportunity to comment on HB 1421. If you have any questions or require further information, please contact Lea Anne Atwell, Program Manager – Lead in Schools and Childcare Facilities, Drinking Water and Groundwater Bureau (Lea.A.Atwell@des.nh.gov or (603) 271-6147) or Brandon Kernen, Administrator, Drinking Water and Groundwater Bureau (Brandon.M.Kernen@des.nh.gov or (603) 271-1168).

Sincerely,

Polata And

Robert R. Scott Commissioner

ec: Representatives Grassie, Nelson, Woods, Meuse, Langley, Marsh, Knirk, Rung; Senator Watters.

The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner



January 20, 2022

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Sincerely,

Roberta Aug

Robert R. Scott Commissioner

ec: Representatives Grassie, Nelson, Woods, Meuse, Langley, Marsh, Knirk, Rung; Senator Watters.

HB 1421-FN - AS INTRODUCED

2022 SESSION

 $\begin{array}{c} 22\text{-}2714\\ 08/05 \end{array}$

HOUSE BILL 1421-FN

AN ACT relative to lead in school drinking water.

SPONSORS: Rep. Grassie, Straf. 11; Rep. Nelson, Carr. 5; Rep. Woods, Merr. 23; Rep. Meuse, Rock. 29; Rep. Langley, Hills. 8; Rep. Marsh, Carr. 8; Rep. Knirk, Carr. 3; Rep. Rung, Hills. 21; Sen. Watters, Dist 4

COMMITTEE: Education

ANALYSIS

This bill requires schools and licensed child care facilities to notify parents of tests with high lead levels.

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.

HB 1421-FN - AS INTRODUCED

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT

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

relative to lead in school drinking water.

Lead in Drinking Water in Schools and Licensed Child Care Facilities. Amend RSA 485:17-a,
 I to read as follows:

3 I. Upon the effective date of this section, and within every 5-year period thereafter, public 4and private schools and licensed child care facilities that have not sampled in the prior 2 years shall test for the presence of lead in drinking water at all locations at the facility that is available for $\mathbf{5}$ 6 consumption by children. Such testing shall be in accordance with guidance from the department of 7environmental services. If test results demonstrate the presence of lead in a concentration that 8 exceeds the applicable standard established by the Environmental Protection Agency, the school or 9 licensed child care facility shall, within 5 business days, notify parents and guardians with 10notification in at least 2 places including, but not limited to, the school or school 11 administrative unit website and at least one method of direct communication via email or 12*printed flyer*, and shall, as an interim measure, ensure that the children are provided only drinking 13water that meets the standard. The school or licensed child care facility shall also implement a 14remediation plan, as approved by the department, within 30 days of notification of parents or, in 15consultation with the department, as soon as practicable. The department shall review the plan and 16any associated submittals within 30 days of receiving them. If 3 consecutive rounds of sampling 17performed every 5 years are below the standard, further testing shall not be required. Schools or 18childcare facilities that fail to comply with requirements for testing, remediation, or 19parental notification requirements shall be subject to penalties under RSA 485:17.

20 2 Effective Date. This act shall take effect 60 days after its passage.

LBA 22-2714 11/17/21

HB 1421-FN- FISCAL NOTE AS INTRODUCED

AN ACT relative to lead in school drinking water.

FISCAL IMPACT:	[X] State	[]	County	[] Local	[] None
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	Estimated Increase / (Decrease)								
STATE:	FY 2022	FY 2023	FY 2024	FY 2025					
Appropriation	\$0	\$0	\$0	\$0					
Revenue	\$0	\$0	\$0	\$0					
Expenditures	\$0	\$119,000	\$120,000	\$121,000					
Funding Source:	[X] General	[] Education [] Highway [X] Other - Federal					

METHODOLOGY:

This bill would require schools and licensed childcare facilities to notify parents of tests with high lead levels in drinking water. It is assumed that the posting of these notifications by school districts would be done during regular work hours of current staff, therefore, it is not expected this bill would have an impact on local expenditures. However, the Department of Environmental Services, who would be charged with enforcing this requirement, states it would need a new full-time position (Environmentalist IV, labor grade 27) at an estimated total cost of \$119,000 in FY 2023, \$120,000 in FY 2024, and \$121,000 in FY 2025. Federal grant funding would be available to cover the first two years and then general funds would be needed to support this position each year thereafter. This bill provides neither an appropriation nor authorization for new personnel.

AGENCIES CONTACTED:

Department of Environmental Services and Department of Education