

LEGISLATIVE COMMITTEE MINUTES

HB1421

Bill as Introduced

HB 1421-FN - AS AMENDED BY THE HOUSE

16Feb2022... 0612h

2022 SESSION

22-2714
08/05

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

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.

.....

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through~~].
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Two

AN ACT relative to lead in school drinking water.

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. Amend RSA 485:17-a,
2 I to read as follows:

3 I. [~~Upon the effective date of this section, and within every 5 year period thereafter, public~~
4 ~~and private schools and licensed child care facilities that have not sampled in the prior 2 years]~~
5 ***Between January 1, 2016 and June 30, 2024, public and private schools and licensed child***
6 ***care facilities shall test a minimum of 3 rounds*** for the presence of lead in drinking water at all
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***
10 ***department database established under the authority of RSA 21-O:12, I(e).*** If test results
11 demonstrate the presence of lead in a concentration that exceeds the applicable standard established
12 by the Environmental Protection Agency, the school or licensed child care facility shall, within 5
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***
15 ***of direct communication via email or printed flyer,*** and shall, as an interim measure, ensure
16 that the children are provided only drinking water that meets the standard. The school or licensed
17 child care facility shall also implement a remediation plan, as approved by the department, within
18 30 days of notification of parents or, in consultation with the department, as soon as practicable.
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***
25 ***parental notification requirements shall be subject to enforcement and penalties pursuant***
26 ***to RSA 485:58.***

27 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: State County Local None

STATE:	Estimated Increase / (Decrease)			
	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:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input checked="" type="checkbox"/> 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

HB 1421-FN - AS AMENDED BY THE SENATE

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HOUSE BILL ***1421-FN***

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COMMITTEE: Education

AMENDED ANALYSIS

This bill requires public and private schools and licensed child care facilities to install water bottle filling stations or test and remediate all water outlets at the facility.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to lead in school drinking water.

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. Public and private schools and licensed child care facilities shall take measures to limit
5 exposure to lead in drinking water by:

6 (a) Installing and providing access to water bottle filling stations in accordance with
7 paragraph II; or

8 (b) Testing drinking water outlets for lead and remediating them where necessary under
9 paragraph III.

10 II.(a) "Water bottle filling station" or "station" means a water dispenser accessible to all
11 people in compliance with the Americans with Disabilities Act, 42 U.S.C. section 12101 et seq. A
12 water bottle filling station shall:

13 (1) Dispense clean drinking water directly into a bottle or other drinking container.

14 (2) Include a water fountain dispenser that does not require the use of a container to
15 drink water.

16 (3) Be regularly cleaned to maintain sanitary conditions. Water bottle filling
17 stations may be touchless to maintain sanitary conditions.

18 (4) Be designed to remove lead or be able to add an additional filter to remove lead
19 from drinking water.

20 (5) Be maintained to ensure proper functioning, including replacing filters as
21 recommended by the manufacturers.

22 (6) Include an indicator light or other mechanism that is activated when it is time to
23 change a filter.

24 (7) Dispense drinking water that meets applicable standards. The station shall be
25 tested following installation and within 180 days thereafter to confirm that any lead that may be
26 present is being removed to levels below 5 parts per billion.

27 (b) Any water bottle filling station installed prior to the effective date of this section that
28 meets the requirements of subparagraphs II (a)(1)-(6), shall be tested within 180 days of the effective
29 date of this section to confirm that any lead that may be present is being removed to levels below 5
30 parts per billion.

1 (c) Water from other outlets available to children such as classroom and bathroom sinks
2 and water outlets used for food preparation shall be posted as not suitable for drinking water, unless
3 tested and remediated if necessary, per the provisions in paragraph III. Water used for food
4 preparation shall be done exclusively through the use of a water bottle filling station if such outlet
5 has not been tested and remediated.

6 (d) Stations in schools shall be installed in accordance with rules of the department of
7 education relative to the number of drinking fountains required. There shall be at least one station
8 on each floor or wing of the building and one station located near any cafeteria, gymnasium, or
9 outdoor recreation space and any other high-traffic area.

10 (e) Stations in child care facilities shall be provided in such a manner to ensure that
11 every child and staff member have adequate access to drinking water.

12 (f) Child care facilities serving less than 25 people where the current source of water is a
13 sink may install point of use treatment that removes lead from drinking water in lieu of installing a
14 water bottle filling station.

15 (g) Public and private schools and licensed child care facilities that install stations in
16 accordance with this paragraph shall notify the department of environmental services using a form
17 provided by the department that demonstrates compliance with the applicable requirements of this
18 paragraph.

19 III. Public and private schools and licensed child care facilities shall test a minimum of 3
20 rounds for the presence of lead in drinking water at all outlets at the school or facility.

21 (a) For existing public and private schools and licensed child care facilities, sampling
22 shall be completed between January 1, 2016 and June 30, 2024; for new schools and child care
23 facilities opening after the effectiveness date of this section, sampling rounds shall be completed a
24 minimum of 6 months apart. For purposes of this section, "outlet" means a drinking water fixture
25 currently or reasonably expected to be used for consumption or cooking. Testing shall be in
26 accordance with guidance from the department of environmental services. Schools and licensed
27 child care facilities that have not tested their outlets between January 1, 2016 and the effective date
28 of this paragraph shall initiate testing within 30 days of the effective date of this paragraph.

29 (b) If test results obtained by a school or licensed child care center after the effective
30 date of this paragraph demonstrate the presence of lead at a concentration at or exceeding 5 parts
31 per billion, the school or licensed child care facility shall, within 5 business days, notify parents and
32 guardians and shall, as an interim measure, ensure that the children are provided only drinking
33 water that meets the standard. Notification shall be made in at least 2 places including, but not
34 limited to, the school or school administrative unit/child care facility website and at least one method
35 of direct communication via email or printed flyer. The school or licensed child care facility shall
36 also implement a remediation plan, as approved by the department, within 180 days of notification
37 of parents or, in consultation with the department, as soon as practicable. The department shall

1 review the plan and any associated submittals within 60 days of receiving them. The school or
2 licensed child care facility shall conduct testing after remediation measures have been implemented
3 and shall provide those results to the department of environmental services to demonstrate that lead
4 levels do not exceed the standard.

5 (c) Within 90 days of the effective date of this section, public and private schools and
6 licensed child care facilities shall compare the results of testing conducted after January 1, 2016
7 with the new standard and, in the event any such results are at or exceed this standard, proceed
8 with the requirements of subparagraph (b) relative to remediation and interim measures. Any
9 results for samples collected after January 1, 2022 shall be compared to the new standard and
10 proceed with all requirements of requirements of subparagraph (b).

11 (d) If 2 consecutive rounds of sampling performed after January 1, 2022 are below the 5
12 parts per billion standard at an outlet, further testing of the outlet shall not be required.

13 (e) All test results, including but not limited to those obtained between January 1, 2016
14 and the effective date of this section, shall be provided to the department of environmental services,
15 which shall maintain a database of results established under the authority of RSA 21-O:12, I(e)
16 accessible to the public on the department's website.

17 IV. To the extent it is allowable under federal regulations, remediation funding from federal
18 sources shall be made available to public and private schools and child care facilities by the
19 department of environmental services.

20 2 Effective Date. This act shall take effect upon its passage.

**HB 1421-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to lead in school drinking water.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	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:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input checked="" type="checkbox"/> 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

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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

HOUSE COMMITTEE: Education *QTP/A 18-0 CONSENT*
SENATE EDUCATION: QTP/A 5-0 CONSENT

AMENDED ANALYSIS

This bill requires public and private schools and licensed child care facilities to install water bottle filling stations or test and remediate all water outlets at the facility.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to lead in school drinking water.

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. Public and private schools and licensed child care facilities shall take measures to limit
5 exposure to lead in drinking water by:

6 (a) Installing and providing access to water bottle filling stations in accordance with
7 paragraph II; or

8 (b) Testing drinking water outlets for lead and remediating them where necessary under
9 paragraph III.

10 II.(a) "Water bottle filling station" or "station" means a water dispenser accessible to all
11 people in compliance with the Americans with Disabilities Act, 42 U.S.C. section 12101 et seq. A
12 water bottle filling station shall:

13 (1) Dispense clean drinking water directly into a bottle or other drinking container.

14 (2) Include a water fountain dispenser that does not require the use of a container to
15 drink water.

16 (3) Be regularly cleaned to maintain sanitary conditions. Water bottle filling
17 stations may be touchless to maintain sanitary conditions.

18 (4) Be designed to remove lead or be able to add an additional filter to remove lead
19 from drinking water.

20 (5) Be maintained to ensure proper functioning, including replacing filters as
21 recommended by the manufacturers.

22 (6) Include an indicator light or other mechanism that is activated when it is time to
23 change a filter.

24 (7) Dispense drinking water that meets applicable standards. The station shall be
25 tested following installation and within 180 days thereafter to confirm that any lead that may be
26 present is being removed to levels below 5 parts per billion.

27 (b) Any water bottle filling station installed prior to the effective date of this section that
28 meets the requirements of subparagraphs II (a)(1)-(6), shall be tested within 180 days of the effective
29 date of this section to confirm that any lead that may be present is being removed to levels below 5
30 parts per billion.

HB 1421-FN - AS AMENDED BY THE SENATE

- Page 2 -

1 (c) Water from other outlets available to children such as classroom and bathroom sinks
2 and water outlets used for food preparation shall be posted as not suitable for drinking water, unless
3 tested and remediated if necessary, per the provisions in paragraph III. Water used for food
4 preparation shall be done exclusively through the use of a water bottle filling station if such outlet
5 has not been tested and remediated.

6 (d) Stations in schools shall be installed in accordance with rules of the department of
7 education relative to the number of drinking fountains required. There shall be at least one station
8 on each floor or wing of the building and one station located near any cafeteria, gymnasium, or
9 outdoor recreation space and any other high-traffic area.

10 (e) Stations in child care facilities shall be provided in such a manner to ensure that
11 every child and staff member have adequate access to drinking water.

12 (f) Child care facilities serving less than 25 people where the current source of water is a
13 sink may install point of use treatment that removes lead from drinking water in lieu of installing a
14 water bottle filling station.

15 (g) Public and private schools and licensed child care facilities that install stations in
16 accordance with this paragraph shall notify the department of environmental services using a form
17 provided by the department that demonstrates compliance with the applicable requirements of this
18 paragraph.

19 III. Public and private schools and licensed child care facilities shall test a minimum of 3
20 rounds for the presence of lead in drinking water at all outlets at the school or facility.

21 (a) For existing public and private schools and licensed child care facilities, sampling
22 shall be completed between January 1, 2016 and June 30, 2024; for new schools and child care
23 facilities opening after the effectiveness date of this section, sampling rounds shall be completed a
24 minimum of 6 months apart. For purposes of this section, "outlet" means a drinking water fixture
25 currently or reasonably expected to be used for consumption or cooking. Testing shall be in
26 accordance with guidance from the department of environmental services. Schools and licensed
27 child care facilities that have not tested their outlets between January 1, 2016 and the effective date
28 of this paragraph shall initiate testing within 30 days of the effective date of this paragraph.

29 (b) If test results obtained by a school or licensed child care center after the effective
30 date of this paragraph demonstrate the presence of lead at a concentration at or exceeding 5 parts
31 per billion, the school or licensed child care facility shall, within 5 business days, notify parents and
32 guardians and shall, as an interim measure, ensure that the children are provided only drinking
33 water that meets the standard. Notification shall be made in at least 2 places including, but not
34 limited to, the school or school administrative unit/child care facility website and at least one method
35 of direct communication via email or printed flyer. The school or licensed child care facility shall
36 also implement a remediation plan, as approved by the department, within 180 days of notification
37 of parents or, in consultation with the department, as soon as practicable. The department shall

HB 1421-FN - AS AMENDED BY THE SENATE

- Page 3 -

1 review the plan and any associated submittals within 60 days of receiving them. The school or
2 licensed child care facility shall conduct testing after remediation measures have been implemented
3 and shall provide those results to the department of environmental services to demonstrate that lead
4 levels do not exceed the standard.

5 (c) Within 90 days of the effective date of this section, public and private schools and
6 licensed child care facilities shall compare the results of testing conducted after January 1, 2016
7 with the new standard and, in the event any such results are at or exceed this standard, proceed
8 with the requirements of subparagraph (b) relative to remediation and interim measures. Any
9 results for samples collected after January 1, 2022 shall be compared to the new standard and
10 proceed with all requirements of requirements of subparagraph (b).

11 (d) If 2 consecutive rounds of sampling performed after January 1, 2022 are below the 5
12 parts per billion standard at an outlet, further testing of the outlet shall not be required.

13 (e) All test results, including but not limited to those obtained between January 1, 2016
14 and the effective date of this section, shall be provided to the department of environmental services,
15 which shall maintain a database of results established under the authority of RSA 21-O:12, I(e)
16 accessible to the public on the department's website.

17 IV. To the extent it is allowable under federal regulations, remediation funding from federal
18 sources shall be made available to public and private schools and child care facilities by the
19 department of environmental services.

20 2 Effective Date. This act shall take effect upon its passage.

LBA
22-2714
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FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
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Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input checked="" type="checkbox"/> 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.

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04/14/2022 1365s
04/28/2022 1665s
04/28/2022 1839s

2022 SESSION

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HOUSE BILL ***1421-FN***

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COMMITTEE: Education

AMENDED ANALYSIS

This bill requires public and private schools and licensed child care facilities to install water bottle filling stations or test and remediate all water outlets at the facility.

This bill also makes an appropriation for certain drinking water grant programs administered by the department of environmental services.

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4 I. Public and private schools and licensed child care facilities shall take measures to limit
5 exposure to lead in drinking water by:

6 (a) Within 180 days of the effective date of this section, installing and providing access to
7 water bottle filling stations in accordance with paragraph II; or

8 (b) Testing drinking water outlets for lead and remediating them where necessary under
9 paragraph III.

10 II.(a) "Water bottle filling station" or "station" means a water dispenser accessible to all
11 people in compliance with the Americans with Disabilities Act, 42 U.S.C. section 12101 et seq. A
12 water bottle filling station shall:

13 (1) Dispense clean drinking water directly into a bottle or other drinking container.

14 (2) Include a water fountain dispenser that does not require the use of a container to
15 drink water.

16 (3) Be regularly cleaned to maintain sanitary conditions. Water bottle filling
17 stations may be touchless to maintain sanitary conditions.

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19 from drinking water.

20 (5) Be maintained to ensure proper functioning, including replacing filters as
21 recommended by the manufacturers.

22 (6) Include an indicator light or other mechanism that is activated when it is time to
23 change a filter.

24 (7) Dispense drinking water that meets applicable standards. The station shall be
25 tested following installation and within 180 days thereafter to confirm that any lead that may be
26 present is being removed to levels below 5 parts per billion.

27 (b) Any water bottle filling station installed prior to the effective date of this section that
28 meets the requirements of subparagraphs II (a)(1)-(6), shall be tested within 180 days of the effective

1 date of this section to confirm that any lead that may be present is being removed to levels below 5
2 parts per billion.

3 (c) Water from other outlets available to children such as classroom and bathroom sinks
4 and water outlets used for food preparation shall be tested and remediated if necessary, per the
5 provisions in paragraph III.

6 (d) Stations in schools shall be installed in accordance with rules of the department of
7 education relative to the number of drinking fountains required. There shall be at least one station
8 on each floor or wing of the building and one station located near any cafeteria, gymnasium, or
9 outdoor recreation space and any other high-traffic area.

10 (e) Stations in child care facilities shall be provided in such a manner to ensure that
11 every child and staff member have adequate access to drinking water.

12 (f) Child care facilities serving less than 25 people where the current source of water is a
13 sink may install point of use treatment that removes lead from drinking water in lieu of installing a
14 water bottle filling station.

15 (g) Public and private schools and licensed child care facilities that install stations in
16 accordance with this paragraph shall notify the department of environmental services using a form
17 provided by the department that demonstrates compliance with the applicable requirements of this
18 paragraph.

19 III. Public and private schools and licensed child care facilities shall test a minimum of 3
20 rounds for the presence of lead in drinking water at all outlets at the school or facility.

21 (a) For existing public and private schools and licensed child care facilities, sampling
22 shall be completed between January 1, 2016 and June 30, 2024; for new schools and child care
23 facilities opening after the effectiveness date of this section, sampling rounds shall be completed a
24 minimum of 6 months apart. For purposes of this section, "outlet" means a drinking water fixture
25 currently or reasonably expected to be used for consumption or cooking. Testing shall be in
26 accordance with guidance from the department of environmental services. Schools and licensed
27 child care facilities that have not tested their outlets between January 1, 2016 and the effective date
28 of this paragraph shall initiate testing within 30 days of the effective date of this paragraph.

29 (b) If test results obtained by a school or licensed child care center after the effective
30 date of this paragraph demonstrate the presence of lead at a concentration at or exceeding 5 parts
31 per billion, the school or licensed child care facility shall, within 5 business days, notify parents and
32 guardians and shall, as an interim measure, ensure that the children are provided only drinking
33 water that meets the standard. Notification shall be made in at least 2 places including, but not
34 limited to, the school or school administrative unit/child care facility website and at least one method
35 of direct communication via email or printed flyer. The school or licensed child care facility shall
36 also implement a remediation plan, as approved by the department, within 180 days of notification
37 of parents or, in consultation with the department, as soon as practicable. The department shall

1 review the plan and any associated submittals within 60 days of receiving them. The school or
2 licensed child care facility shall conduct testing after remediation measures have been implemented
3 and shall provide those results to the department of environmental services to demonstrate that lead
4 levels do not exceed the standard.

5 (c) Within 90 days of the effective date of this section, public and private schools and
6 licensed child care facilities shall compare the results of testing conducted after January 1, 2016
7 with the new standard and, in the event any such results are at or exceed this standard, proceed
8 with the requirements of subparagraph (b) relative to remediation and interim measures. Any
9 results for samples collected after January 1, 2022 shall be compared to the new standard and
10 proceed with all requirements of requirements of subparagraph (b).

11 (d) If 2 consecutive rounds of sampling performed after January 1, 2022 are below the 5
12 parts per billion standard at an outlet, further testing of the outlet shall not be required.

13 (e) All test results, including but not limited to those obtained between January 1, 2016
14 and the effective date of this section, shall be provided to the department of environmental services,
15 which shall maintain a database of results established under the authority of RSA 21-O:12, I(e)
16 accessible to the public on the department's website.

17 IV. To the extent it is allowable under federal regulations, remediation funding from federal
18 sources shall be made available to public and private schools and child care facilities by the
19 department of environmental services.

20 2 Funds for Revolving Funds. The sum of \$7,760,000 for the biennium ending June 30, 2023 is
21 hereby appropriated to the department of environmental services for the purpose of providing state
22 matching funds for supplemental Drinking Water State Revolving Fund and Clean Water State
23 Revolving Fund funding authorized by the Infrastructure Investment and Jobs Act, Public Law 117-
24 58. The governor is authorized to draw a warrant for said sum out of any money in the treasury not
25 otherwise appropriated, and said appropriation shall not lapse.

26 3 Effective Date. This act shall take effect upon its passage.

HB 1421-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENTS #2022-1665s and #2022-1839s)

AN ACT relative to lead in school drinking water.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$7,760,000	\$0	\$0
Revenue	\$0	\$34,415,483 (Fed)	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Drinking Water and Ground Water Trust Fund, Federal Funds			

LOCAL:

Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill relates to testing of all fixtures that are potential sources of drinking water at schools and licensed childcare facilities and makes an appropriation to the Department of Environmental Services for the purpose of providing state matching funds for supplemental Drinking Water State Revolving Fund and Clean Water State Revolving Fund funding authorized by the Infrastructure Investment and Jobs Act, Public Law 117-58.

Section Relative to School and Childcare Facility Testing

The Department of Environmental Services has provided the following information:

- The bill requires that all schools and licensed childcare facilities test all fixtures that are potential sources of drinking water three times between 2016 and 2024.
- The majority of these facilities have sampled once already so only two rounds of sampling are included in the Department's analysis.
- The bill would require notification to parents if the concentration of lead in water sampled from a fixture exceeds 5 parts-per-billion. The costs of notifications are not included in the analysis as they are indeterminable.

- The bill requires any fixture producing water over 5 parts-per-billion be remediated to reduce the concentration of lead below 5 parts-per-billion or install a prescribed number of bottle filling stations in lieu of testing and mitigating all fixtures.
- The Department's estimates incorporate existing grant funds from the EPA for sampling cost and amounts from the NH Drinking Water and Groundwater Trust Fund that align with the objectives of the bill.
- The Department notes the federal infrastructure bill authorized but did not appropriate additional grant funds for federal fiscal years 2022 through 2026. If the authorizations are later funded, this fiscal analysis will to be revised.
- The Department has a federal grant to cover some of the sampling costs. It is estimated that the grant funds will be expended in FY 2024 and that public schools will incur sampling costs of \$39,750 by FY 2024. This is based on the Department's current database on fixtures in schools and an estimate of schools that are not included in the database.
- Sampling will occur in FY 2023 and FY 2024, and remediation will occur in FY 23 based on the 180-day mitigation requirement in the legislation.
- A full-time Environmentalist IV will be required to administer the requirements of the program in FY 2023, FY 2024, and FY 2025.

Based on the Department's current data on fixtures that are potential sources of drinking water in schools, the total remediation costs are estimated in the following table. It is assumed the costs would be incurred evenly over fiscal years FY 2023 through FY 2025.

Total Remediation Costs (To be incurred in FY 2023 through FY 2025)	
Faucet replacement (Estimated 3,105 @ \$600 per location):	\$1,863,000
Extensive repairs (5% of locations @ \$2,000 each):	\$310,500
Total Remediation Cost (Incurred in FY 2023 through FY 2025):	\$2,173,500
State expenditures from the DOE Remediation Grant funded by the NH Drinking Water and Groundwater Trust Fund:	\$1,086,750
Local remediation cost net of the Grant:	\$1,086,750

The Department provided the following estimates of the costs to implement the bill:

	FY 2023	FY 2024	FY 2025
Sample Costs			
Estimate: 24,300 samples x \$15/sample x 2 rounds (1 in each year):	\$364,500	\$364,500	\$0
Amount covered by federal grant funds State expenditure:	(\$344,625)	(\$344,625)	\$0
Net sampling costs to schools: Local Cost	\$19,875	\$19,875	\$0
Remediation Costs (See the table above)			
State expenditures from the DOE Remediation	\$362,250	\$362,250	\$362,250

Grant funded by the NH Drinking Water and Groundwater Trust Fund: (\$1,086,750 over 3 years)			
Local annual cost net of the Grant: (\$1,086,750 over 3 years)	\$362,250	\$362,250	\$362,250
<u>Administration</u>			
Full-time Environmentalist IV Position (Salary, benefits, equipment & office) State Expenditure:	\$121,000	\$121,000	\$122,000
Estimated State Expenditures: (Remediation Grant + Position Cost)	\$827,875	\$827,875	\$484,250
Estimated Local Sampling and Remediation Costs:	\$382,125	\$382,125	\$362,250

In lieu of the remediation of fixtures presented above, this bill allows for the option of the installation of bottle filling stations. It is not known how many schools may choose this option or for how many fixtures (the estimated the cost per bottle filling station is \$1,500).

Section Relative to Appropriation for State Matching Funds

This bill appropriates \$7,760,000 in general funds in FY 2023 (non-lapsing) to the Department of Environmental Services for the purpose of providing state matching funds for supplemental Drinking Water State Revolving Fund and Clean Water State Revolving Fund funding authorized by the Infrastructure Investment and Jobs Act, Public Law 117-58. To receive a federal grant for state revolving loan funds (SRF) for drinking water and wastewater/stormwater infrastructure, the state must match the federal grant with its own funds. The federal requirements require that a 20% state match be provided for the traditional base SRF programs and a 10% state match for the new supplemental SRF programs established by the federal Infrastructure bill. The amount of \$7,760,000 funded in this bill augments existing matching funds in the capital budget and will ensure New Hampshire receives the maximum federal grant allowed (\$34,415,483) in the first two years for New Hampshire under the federal SRF grant programs. Therefore, this bill will increase state expenditures and local revenue, not to exceed these amounts, beginning in FY 2023 until funds are exhausted.

AGENCIES CONTACTED:

Department of Environmental Services

CHAPTER 325
HB 1421-FN - FINAL VERSION

16Feb2022... 0612h
04/14/2022 1365s
04/28/2022 1665s
04/28/2022 1839s
26May2022... 2034CofC
26May2022... 2128EBA

2022 SESSION

22-2714
08/05

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

AMENDED ANALYSIS

This bill requires public and private schools and licensed child care facilities to install water bottle filling stations or test and remediate all water outlets at the facility.

This bill also makes an appropriation for certain drinking water grant programs administered by the department of environmental services.

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.

CHAPTER 325
HB 1421-FN - FINAL VERSION

16Feb2022... 0612h
04/14/2022 1365s
04/28/2022 1665s
04/28/2022 1839s
26May2022... 2034CofC
26May2022... 2128EBA

22-2714
08/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to lead in school drinking water.

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

1 325:1 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. Public and private schools and licensed child care facilities shall take measures to limit
5 exposure to lead in drinking water by:

6 (a) Within 180 days of the effective date of this section, installing and providing access to
7 water bottle filling stations in accordance with paragraph II; or

8 (b) Testing drinking water outlets for lead and remediating them where necessary under
9 paragraph III.

10 II.(a) "Water bottle filling station" or "station" means a water dispenser accessible to all
11 people in compliance with the Americans with Disabilities Act, 42 U.S.C. section 12101 et seq. A
12 water bottle filling station shall:

13 (1) Dispense clean drinking water directly into a bottle or other drinking container.

14 (2) Include a water fountain dispenser that does not require the use of a container to
15 drink water.

16 (3) Be regularly cleaned to maintain sanitary conditions. Water bottle filling
17 stations may be touchless to maintain sanitary conditions.

18 (4) Be designed to remove lead or be able to add an additional filter to remove lead
19 from drinking water.

20 (5) Be maintained to ensure proper functioning, including replacing filters as
21 recommended by the manufacturers.

22 (6) Include an indicator light or other mechanism that is activated when it is time to
23 change a filter.

24 (7) Dispense drinking water that meets applicable standards. The station shall be
25 tested following installation and within 180 days thereafter to confirm that any lead that may be
26 present is being removed to levels below 5 parts per billion.

CHAPTER 325
HB 1421-FN - FINAL VERSION
- Page 2 -

1 (b) Any water bottle filling station installed prior to the effective date of this section that
2 meets the requirements of subparagraphs II (a)(1)-(6), shall be tested within 180 days of the effective
3 date of this section to confirm that any lead that may be present is being removed to levels below 5
4 parts per billion.

5 (c) Water from other outlets available to children, including classroom and bathroom
6 sinks and water outlets used for food preparation, shall be tested and remediated if necessary, per
7 the provisions in paragraph III.

8 (d) Stations in schools shall be installed in accordance with rules of the department of
9 education relative to the number of drinking fountains required. There shall be at least one station
10 on each floor or wing of the building and one station located near any cafeteria, gymnasium, or
11 outdoor recreation space and any other high-traffic area.

12 (e) Stations in child care facilities shall be provided in such a manner to ensure that
13 every child and staff member have adequate access to drinking water.

14 (f) Child care facilities serving less than 25 people where the current source of water is a
15 sink may install point of use treatment that removes lead from drinking water in lieu of installing a
16 water bottle filling station.

17 (g) Public and private schools and licensed child care facilities that install stations in
18 accordance with this paragraph shall notify the department of environmental services using a form
19 provided by the department that demonstrates compliance with the applicable requirements of this
20 paragraph.

21 III. Public and private schools and licensed child care facilities shall test a minimum of 3
22 rounds for the presence of lead in drinking water at all outlets at the school or facility.

23 (a) For existing public and private schools and licensed child care facilities, sampling
24 shall be completed between January 1, 2016 and June 30, 2024; for new schools and child care
25 facilities opening after the effective date of this section, sampling rounds shall be completed a
26 minimum of 6 months apart. For purposes of this section, "outlet" means a drinking water fixture
27 currently or reasonably expected to be used for consumption or cooking. Testing shall be in
28 accordance with guidance from the department of environmental services. Schools and licensed
29 child care facilities that have not tested their outlets between January 1, 2016 and the effective date
30 of this paragraph shall initiate testing within 30 days of the effective date of this paragraph.

31 (b) If test results obtained by a school or licensed child care center after the effective
32 date of this paragraph demonstrate the presence of lead at a concentration at or exceeding 5 parts
33 per billion, the school or licensed child care facility shall, within 5 business days, notify parents and
34 guardians and shall, as an interim measure, ensure that the children are provided only drinking
35 water that meets the standard. Notification shall be made in at least 2 places including, but not
36 limited to, the school or school administrative unit/child care facility website and at least one method
37 of direct communication via email or printed flyer. The school or licensed child care facility shall

CHAPTER 325
HB 1421-FN - FINAL VERSION
- Page 3 -

1 also implement a remediation plan, as approved by the department, within 180 days of notification
2 of parents or, in consultation with the department, as soon as practicable. The department shall
3 review the plan and any associated submittals within 60 days of receiving them. The school or
4 licensed child care facility shall conduct testing after remediation measures have been implemented
5 and shall provide those results to the department of environmental services to demonstrate that lead
6 levels do not exceed the standard.

7 (c) Within 90 days of the effective date of this section, public and private schools and
8 licensed child care facilities shall compare the results of testing conducted after January 1, 2016
9 with the new standard and, in the event any such results are at or exceed this standard, proceed
10 with the requirements of subparagraph (b) relative to remediation and interim measures. Any
11 results for samples collected after January 1, 2022 shall be compared to the new standard and
12 proceed with all requirements of requirements of subparagraph (b).

13 (d) If 2 consecutive rounds of sampling performed after January 1, 2022 are below the 5
14 parts per billion standard at an outlet, further testing of the outlet shall not be required.

15 (e) All test results, including but not limited to those obtained between January 1, 2016
16 and the effective date of this section, shall be provided to the department of environmental services,
17 which shall maintain a database of results established under the authority of RSA 21-O:12, I(e)
18 accessible to the public on the department's website.

19 IV. To the extent it is allowable under federal regulations, remediation funding from federal
20 sources shall be made available to public and private schools and child care facilities by the
21 department of environmental services.

22 325:2 Funds for Revolving Funds. The sum of \$7,760,000 for the biennium ending June 30,
23 2023 is hereby appropriated to the department of environmental services for the purpose of
24 providing state matching funds for supplemental Drinking Water State Revolving Fund and Clean
25 Water State Revolving Fund funding authorized by the Infrastructure Investment and Jobs Act,
26 Public Law 117-58. The governor is authorized to draw a warrant for said sum out of any money in
27 the treasury not otherwise appropriated, and said appropriation shall not lapse.

28 325:3 Effective Date. This act shall take effect upon its passage.

Approved: July 08, 2022
Effective Date: July 08, 2022

Amendments

112 copies

Sen. Ward, Dist 8
March 28, 2022
2022-1239s
08/05

Amendment to HB 1421-FN

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 Lead in Drinking Water in Schools and Licensed Child Care Facilities. RSA 485:17-a is
4 repealed and reenacted to read as follows:

5 485:17-a Lead in Drinking Water in Schools and Licensed Child Care Facilities.

6 I. Public and private schools and licensed child care facilities shall take measures to limit
7 exposure to lead in drinking water by:

8 (a) Installing and providing access to water bottle filling stations in accordance with
9 paragraph II; or

10 (b) Testing drinking water outlets for lead and remediating them where necessary under
11 paragraph III.

12 II.(a) "Water bottle filling station" or "station" means a water dispenser accessible to all
13 people in compliance with the Americans with Disabilities Act, 42 U.S.C. section 12101 et seq. A
14 water bottle filling station shall:

15 (1) Dispense clean drinking water directly into a bottle or other drinking container.

16 (2) Include a water fountain dispenser that does not require the use of a container to
17 drink water.

18 (3) Be regularly cleaned to maintain sanitary conditions. Water bottle filling
19 stations may be touchless to maintain sanitary conditions.

20 (4) Be designed to remove lead or be able to add an additional filter to remove lead
21 from drinking water.

22 (5) Be maintained to ensure proper functioning, including replacing filters as
23 recommended by the manufacturers.

24 (6) Include an indicator light or other mechanism that is activated when it is time to
25 change a filter.

26 (7) Dispense drinking water that meets applicable standards. The station shall be
27 tested following installation and within 180 days thereafter to confirm that any lead that may be
28 present is being removed to levels below 5 parts per billion.

29 (b) Any water bottle filling station installed prior to the effective date of this section that
30 meets the requirements of subparagraphs II (a)(1)-(6), shall be tested within 180 days of the effective
31 date of this section to confirm that any lead that may be present is being removed to levels below 5
32 parts per billion.

1 (c) Water from other outlets available to children such as classroom and bathroom sinks
2 and water outlets used for food preparation shall be posted as not suitable for drinking water, unless
3 tested and remediated if necessary, per the provisions in paragraph III. Water used for food
4 preparation shall be done exclusively through the use of a water bottle filling station if such outlet
5 has not been tested and remediated.

6 (d) Stations in schools shall be installed in accordance with rules of the department of
7 education relative to the number of drinking fountains required. There shall be at least one station
8 on each floor or wing of the building and one station located near any cafeteria, gymnasium, or
9 outdoor recreation space and any other high-traffic area.

10 (e) Stations in child care facilities shall be provided in such a manner to ensure that
11 every child and staff member have adequate access to drinking water.

12 (f) Child care facilities serving less than 25 people where the current source of water is a
13 sink may install point of use treatment that removes lead from drinking water in lieu of installing a
14 water bottle filling station.

15 (g) Public and private schools and licensed child care facilities that install stations in
16 accordance with this paragraph shall notify the department of environmental services using a form
17 provided by the department that demonstrates compliance with the applicable requirements of this
18 paragraph.

19 III. Public and private schools and licensed child care facilities shall test a minimum of 3
20 rounds for the presence of lead in drinking water at all outlets at the school or facility.

21 (a) For existing public and private schools and licensed child care facilities, sampling
22 shall be completed between January 1, 2016 and June 30, 2024; for new schools and child care
23 facilities opening after the effectiveness date of this section, sampling rounds shall be completed a
24 minimum of 6 months apart. For purposes of this section, "outlet" means a drinking water fixture
25 currently or reasonably expected to be used for consumption or cooking. Testing shall be in
26 accordance with guidance from the department of environmental services. Schools and licensed
27 child care facilities that have not tested their outlets between January 1, 2016 and the effective date
28 of this paragraph shall initiate testing within 30 days of the effective date of this paragraph.

29 (b) If test results obtained by a school or licensed child care center after the effective
30 date of this paragraph demonstrate the presence of lead at a concentration at or exceeding 5 parts
31 per billion, the school or licensed child care facility shall, within 5 business days, notify parents and
32 guardians and shall, as an interim measure, ensure that the children are provided only drinking
33 water that meets the standard. Notification shall be made in at least 2 places including, but not
34 limited to, the school or school administrative unit/child care facility website and at least one method
35 of direct communication via email or printed flyer. The school or licensed child care facility shall
36 also implement a remediation plan, as approved by the department, within 180 days of notification
37 of parents or, in consultation with the department, as soon as practicable. The department shall

1 review the plan and any associated submittals within 60 days of receiving them. The school or
2 licensed child care facility shall conduct testing after remediation measures have been implemented
3 and shall provide those results to the department of environmental services to demonstrate that lead
4 levels do not exceed the standard.

5 (c) Within 90 days of the effective date of this section, public and private schools and
6 licensed child care facilities shall compare the results of testing conducted after January 1, 2016
7 with the new standard and, in the event any such results are at or exceed this standard, proceed
8 with the requirements of subparagraph (b) relative to remediation and interim measures. Any
9 results for samples collected after January 1, 2022 shall be compared to the new standard and
10 proceed with all requirements of requirements of subparagraph (b).

11 (d) If 2 consecutive rounds of sampling performed after January 1, 2022 are below the 5
12 parts per billion standard at an outlet, further testing of the outlet shall not be required.

13 (e) All test results, including but not limited to those obtained between January 1, 2016
14 and the effective date of this section, shall be provided to the department of environmental services,
15 which shall maintain a database of results established under the authority of RSA 21-O:12, I(e)
16 accessible to the public on the department's website.

17 IV. To the extent it is allowable under federal regulations, remediation funding from federal
18 sources shall be made available to public and private schools and child care facilities by the
19 department of environmental services.

20 2 Effective Date. This act shall take effect upon its passage.

UNAPPROVED

2022-1239s

AMENDED ANALYSIS

This bill requires public and private schools and licensed child care facilities to install water bottle filling stations or test and remediate all water outlets at the facility.

UNAPPROVED

Amendment to HB 1421-FN

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 Lead in Drinking Water in Schools and Licensed Child Care Facilities. RSA 485:17-a is
4 repealed and reenacted to read as follows:

5 485:17-a Lead in Drinking Water in Schools and Licensed Child Care Facilities.

6 I. Public and private schools and licensed child care facilities shall take measures to limit
7 exposure to lead in drinking water by:

8 (a) Installing and providing access to water bottle filling stations in accordance with
9 paragraph II; or

10 (b) Testing drinking water outlets for lead and remediating them where necessary under
11 paragraph III.

12 II.(a) "Water bottle filling station" or "station" means a water dispenser accessible to all
13 people in compliance with the Americans with Disabilities Act, 42 U.S.C. section 12101 et seq. A
14 water bottle filling station shall:

15 (1) Dispense clean drinking water directly into a bottle or other drinking container.

16 (2) Include a water fountain dispenser that does not require the use of a container to
17 drink water.

18 (3) Be regularly cleaned to maintain sanitary conditions. Water bottle filling
19 stations may be touchless to maintain sanitary conditions.

20 (4) Be designed to remove lead or be able to add an additional filter to remove lead
21 from drinking water.

22 (5) Be maintained to ensure proper functioning, including replacing filters as
23 recommended by the manufacturers.

24 (6) Include an indicator light or other mechanism that is activated when it is time to
25 change a filter.

26 (7) Dispense drinking water that meets applicable standards. The station shall be
27 tested following installation and within 180 days thereafter to confirm that any lead that may be
28 present is being removed to levels below 5 parts per billion.

29 (b) Any water bottle filling station installed prior to the effective date of this section that
30 meets the requirements of subparagraphs II (a)(1)-(6), shall be tested within 180 days of the effective
31 date of this section to confirm that any lead that may be present is being removed to levels below 5
32 parts per billion.

1 (c) Water from other outlets available to children such as classroom and bathroom sinks
2 and water outlets used for food preparation shall be posted as not suitable for drinking water, unless
3 tested and remediated if necessary, per the provisions in paragraph III. Water used for food
4 preparation shall be done exclusively through the use of a water bottle filling station if such outlet
5 has not been tested and remediated.

6 (d) Stations in schools shall be installed in accordance with rules of the department of
7 education relative to the number of drinking fountains required. There shall be at least one station
8 on each floor or wing of the building and one station located near any cafeteria, gymnasium, or
9 outdoor recreation space and any other high-traffic area.

10 (e) Stations in child care facilities shall be provided in such a manner to ensure that
11 every child and staff member have adequate access to drinking water.

12 (f) Child care facilities serving less than 25 people where the current source of water is a
13 sink may install point of use treatment that removes lead from drinking water in lieu of installing a
14 water bottle filling station.

15 (g) Public and private schools and licensed child care facilities that install stations in
16 accordance with this paragraph shall notify the department of environmental services using a form
17 provided by the department that demonstrates compliance with the applicable requirements of this
18 paragraph.

19 III. Public and private schools and licensed child care facilities shall test a minimum of 3
20 rounds for the presence of lead in drinking water at all outlets at the school or facility.

21 (a) For existing public and private schools and licensed child care facilities, sampling
22 shall be completed between January 1, 2016 and June 30, 2024; for new schools and child care
23 facilities opening after the effectiveness date of this section, sampling rounds shall be completed a
24 minimum of 6 months apart. For purposes of this section, "outlet" means a drinking water fixture
25 currently or reasonably expected to be used for consumption or cooking. Testing shall be in
26 accordance with guidance from the department of environmental services. Schools and licensed
27 child care facilities that have not tested their outlets between January 1, 2016 and the effective date
28 of this paragraph shall initiate testing within 30 days of the effective date of this paragraph.

29 (b) If test results obtained by a school or licensed child care center after the effective
30 date of this paragraph demonstrate the presence of lead at a concentration at or exceeding 5 parts
31 per billion, the school or licensed child care facility shall, within 5 business days, notify parents and
32 guardians and shall, as an interim measure, ensure that the children are provided only drinking
33 water that meets the standard. Notification shall be made in at least 2 places including, but not
34 limited to, the school or school administrative unit/child care facility website and at least one method
35 of direct communication via email or printed flyer. The school or licensed child care facility shall
36 also implement a remediation plan, as approved by the department, within 180 days of notification
37 of parents or, in consultation with the department, as soon as practicable. The department shall

Amendment to HB 1421-FN

- Page 3 -

1 review the plan and any associated submittals within 60 days of receiving them. The school or
2 licensed child care facility shall conduct testing after remediation measures have been implemented
3 and shall provide those results to the department of environmental services to demonstrate that lead
4 levels do not exceed the standard.

5 (c) Within 90 days of the effective date of this section, public and private schools and
6 licensed child care facilities shall compare the results of testing conducted after January 1, 2016
7 with the new standard and, in the event any such results are at or exceed this standard, proceed
8 with the requirements of subparagraph (b) relative to remediation and interim measures. Any
9 results for samples collected after January 1, 2022 shall be compared to the new standard and
10 proceed with all requirements of requirements of subparagraph (b).

11 (d) If 2 consecutive rounds of sampling performed after January 1, 2022 are below the 5
12 parts per billion standard at an outlet, further testing of the outlet shall not be required.

13 (e) All test results, including but not limited to those obtained between January 1, 2016
14 and the effective date of this section, shall be provided to the department of environmental services,
15 which shall maintain a database of results established under the authority of RSA 21-O:12, I(e)
16 accessible to the public on the department's website.

17 IV. To the extent it is allowable under federal regulations, remediation funding from federal
18 sources shall be made available to public and private schools and child care facilities by the
19 department of environmental services.

20 2 Effective Date. This act shall take effect upon its passage.

2022-1365s

AMENDED ANALYSIS

This bill requires public and private schools and licensed child care facilities to install water bottle filling stations or test and remediate all water outlets at the facility.

Sen. Rosenwald, Dist 13
April 18, 2022
2022-1609s
08/05

Amendment to HB 1421-FN

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

2

3 (a) Within 180 days of the effective date of this section, installing and providing access to
4 water bottle filling stations in accordance with paragraph II; or

DRAFT

Sen. Morse, Dist 22
April 18, 2022
2022-1612s
08/05

Amendment to HB 1421-FN

1 Amend the bill by inserting after section 1 the following and renumbering the original section 2 to
2 read as 3:

3

4 2 Funds for Revolving Funds. The sum of \$7,760,000 for the biennium ending June 30, 2023 is
5 hereby appropriated to the department of environmental services for the purpose of providing state
6 matching funds for supplemental Drinking Water State Revolving Fund and Clean Water State
7 Revolving Fund funding authorized by the Infrastructure Investment and Jobs Act, Public Law 117-
8 58. The governor is authorized to draw a warrant for said sum out of any money in the treasury not
9 otherwise appropriated, and said appropriation shall not lapse.

UNAPPROVED

2022-1612s

AMENDED ANALYSIS

This bill requires public and private schools and licensed child care facilities to install water bottle filling stations or test and remediate all water outlets at the facility.

This bill also makes an appropriation for certain drinking water grant programs administered by the department of environmental services.

UNAPPROVED

Senate Finance
April 20, 2022
2022-1665s
08/10

Amendment to HB 1421-FN

1 Amend the bill by inserting after section 1 the following and renumbering the original section 2 to
2 read as 3:

3

4 2 Funds for Revolving Funds. The sum of \$7,760,000 for the biennium ending June 30, 2023 is
5 hereby appropriated to the department of environmental services for the purpose of providing state
6 matching funds for supplemental Drinking Water State Revolving Fund and Clean Water State
7 Revolving Fund funding authorized by the Infrastructure Investment and Jobs Act, Public Law 117-
8 58. The governor is authorized to draw a warrant for said sum out of any money in the treasury not
9 otherwise appropriated, and said appropriation shall not lapse.

Amendment to HB 1421-FN
- Page 2 -

2022-1665s

AMENDED ANALYSIS

This bill requires public and private schools and licensed child care facilities to install water bottle filling stations or test and remediate all water outlets at the facility.

This bill also makes an appropriation for certain drinking water grant programs administered by the department of environmental services.

Sen. Rosenwald, Dist 13
Sen. Hennessey, Dist 1
April 26, 2022
2022-1839s
05/04

Floor Amendment to HB 1421-FN

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

2

3 (a) Within 180 days of the effective date of this section, installing and providing access to
4 water bottle filling stations in accordance with paragraph II; or

5

6 Amend RSA 485:17-a, II(c) as inserted by section 1 of the bill by replacing it with the following:

7

8 (c) Water from other outlets available to children such as classroom and bathroom sinks
9 and water outlets used for food preparation shall be tested and remediated if necessary, per the
10 provisions in paragraph III.

Committee Minutes

SENATE CALENDAR NOTICE
Education

Sen Ruth Ward, Chair
Sen Erin Hennessey, Vice Chair
Sen Denise Ricciardi, Member
Sen Jay Kahn, Member
Sen Suzanne Prentiss, Member

Date: March 8, 2022

HEARINGS

Tuesday	03/15/2022
(Day)	(Date)
Education	Legislative Office Building 101 9:00 a.m.
(Name of Committee)	(Place) (Time)
9:00 a.m. HB 214	relative to a public school facility condition assessment and school building aid grants.
9:15 a.m. HB 1074	relative to notice to a chartered public school of a special education services meeting.
9:30 a.m. HB 1202	relative to transportation of pupils to school activities by a contract carrier.
9:45 a.m. HB 1421-FN	relative to lead in school drinking water.

EXECUTIVE SESSION ON PENDING LEGISLATION

Sponsors:

HB 214
Rep. Ladd
HB 1074

Rep. Allard

Rep. Mooney
Sen. Ward

HB 1202

Rep. Boehm

HB 1421-FN

Rep. Grassie

Rep. Langley

Sen. Watters

Rep. Healey
Sen. Carson

Rep. Ladd

Rep. B. Nelson

Rep. Marsh

Rep. Weyler

Rep. Woods

Rep. Knirk

Rep. Notter

Rep. Meuse

Rep. Rung

Ava Hawkes 271-3266

Ruth Ward
Chairman

Senate Education Committee

Ava Hawkes 271-3266

HB 1421-FN, relative to lead in school drinking water.

Hearing Date: March 15, 2022

Time Opened: 9:45 a.m.

Time Closed: 10:15 a.m.

Members of the Committee Present: Senators Ward, Hennessey, Ricciardi, Kahn and Prentiss

Members of the Committee Absent : None

Bill 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.

Sponsors:

Rep. Grassie

Rep. B. Nelson

Rep. Woods

Rep. Meuse

Rep. Langley

Rep. Marsh

Rep. Knirk

Rep. Rung

Sen. Watters

Who supports the bill: Senator David Watters (Senate District 4), Representative Rick Ladd, Janet Lucas, Wiltrud Mott-Smith

Who opposes the bill: None

Who is neutral on the bill: Brandon Kernen (NHDES)

Summary of testimony presented:

Representative Rick Ladd - Grafton, District 4

- Representative Ladd introduced HB 1421-FN on Representative Grassie's behalf.
- This bill passed the House Education Committee unanimously.
- The House Education Committee heard testimony from Commissioner Scott of the department of environmental services (DES.) They supplied some suggested changes as well.
- He recalls an instance in NH where the state had to cart water into a school as the what available was not safe for use.
- Lead in water becomes dangerous to kids when it gets to 15 parts per billion (PPB.)
- We need to rectify any issues with lead pipes to ensure that water is clean.

- This is one thing we can and need to do as a state in schools and licensed daycares.
- DES already oversees this. With this bill, they would be tasked with tracking and enforcing issues with lead in water.
- DES will need another staff member to make sure that all responsibilities in this bill are covered.
- Federal grant money is available for the next two years.
- The language to require submission of all test results to a DES-overseen database was requested by Commissioner Scott of DES. This would allow for more efficient tracking.
- DES recommended the follow-up sample collection be entered into the database.
- Post-remediation samples would be required as well.
- The date change is to align with the federal funding being received.
- There needs to be accountability for these organizations through the oversight of DES.
- Senator Kahn asked Representative Ladd about a typo on line 19 of the bill related to the word “mediation.”
 - Representative Ladd said that is correct, there is a small typo. It should not read mediation, but *remediation*. He said OLS said the Senate should modify and correct this language as it is in our possession now.
- Senator Kahn asked Representative Ladd about this bill in comparison to SB 452 and how many facilities would be identified as out of compliance.
 - Representative Ladd said the House Education Committee did not discuss the number of facilities that would be out of compliance. He does not know the number, however, districts need to clean their acts up.
- Senator Kahn asked Representative Ladd about the change in parts per billion (PPB) in this bill.
 - Representative Ladd said their Committee did not get into the weeds on PPB in this bill, DES should be able to answer the Committee’s questions on this.
- Senator Hennessey asked Representative Ladd about the fiscal note and why there is funding allotted for a person in FY25 if this bill runs through the last day in FY24.
 - Representative Ladd said he does not know why the language reads that way, DES would be better suited for that question. One caveat would be if the department receives future grant money.

Brandon Kernen – Administrator, Drinking Water & Groundwater Bureau, Water Division of the NH Department of Environmental Services

- Addressing lead in drinking water in schools and childcare facilities is a priority.

- They worked closely with the House Education Committee to work to find a proper implementation method.
- With this bill and SB 452, we are creating a comprehensive, regulatory program for schools and childcare facilities. Streamlining this new regulatory program and process may be warranted.
- It has become clear that sampling requirements for schools and childcare facilities will open a lot of communication back and forth with DES. Currently, schools have not communicated back and forth with DES very much.
- There is burdensome language to take under consideration in this bill.
- If this bill were to pass, DES would be required to issue correspondence to over 1,300 facilities, with about 20,000 sampling points, to request statutorily required samples. Subsequently, if DES does not receive samples after such correspondence and warnings, enforcements would be required. If/once facilities complete sampling, DES would still have to send various correspondence related to follow-up sample requirements, parental notifications of lead content, etc.
- DES would be required to be in continuous communication with these facilities.
- It would be a long process to accomplish what would be required by this bill. This may frustrate folks who are not accustomed to working with DES.
- There may be other ways to look at accomplishing the intent of the bill by working with the stakeholders.
 - For example, if facilities make a concerted effort to remediate lead in drinking water, by implementing other fixtures like water bottle filling stations in their facilities for example, this may be a less costly and less burdensome way to achieve a similar outcome.
- Currently, DES has resources and a few more years of grant funding ahead. Federal money may continue as well.
- Ultimately, all of this funding comes from the federal government. If DES were to lose it, they would not be able to implement this program.
- There could be financial opportunities for schools and childcare. There is a trust fund available that helps with 50% of the costs associated with mitigation efforts in schools only, not childcare facilities. DES could work with the trust fund to see if they could expand the fund to childcare facilities.
- There is additional state revolving loan funding; however, they do not have guidelines yet.
- Senator Hennessey asked Mr. Kernan if this sampling/testing is already being done in some capacity and who currently collects this information if not DES. She asked for clarity on his concern about a confusion push within these facilities if a level of this work is already being done.
 - Mr. Kernan said current law requires DES to provide outreach on laws related to lead to schools, but they have no reinforcement authority as of current.

- This bill provides very specific guidelines on how parents/guardians are notified of such lead issues and authorizes fining authority by the department.
 - DES would shift from more encouragement-based outreach to overseeing these facilities through a new, consequence-based system.
- Senator Hennessey asked Mr. Kernan if there a lot of facilities who are not completing the testing required by law.
 - Mr. Kernan said about 40% of schools have not completed testing. DES does not currently track parental notification requirements.
 - This bill makes it clear that data would need to be submitted.
- Senator Hennessey asked Mr. Kernan if a school already tested and submitted their data associated with their three rounds of testing, however not to DES, who would those facilities be submitting this data to. Mr. Kernan said no one.
- Senator Hennessey asked Mr. Kernan about the dates noted in the bill, particularly June 30th, 2024. She asked if that date would be efficient for sampling to take place and would that timeline include post-remediation plans.
 - Mr. Kernan said this would be another question that a working group could look into. The June 30th, 2024 date was based on the federal budget to afford schools grants for sampling.
 - DES would lose those funds after that date, however, the department is expected to get more funding.
 - As for mitigation, that is tied to the groundwater trust fund. The bill does envision that mitigation will occur after 2024, thus why this position still carries after that date for follow-up work.
- Senator Kahn asked Mr. Kernan about the timeline. If the standard has changed, does that mean testing that occurred prior to this change in the lead limits would need to be redone.
 - Mr. Kernan said most facilities have only completed one round of testing. They would catch the data in the newer rounds of testing/sampling. They would not use old data from six years ago.
- Senator Kahn referenced SB 233 from this session, related to water bottle filling stations in schools. It sounds like there are three bills trying to work on the same issue. He asked if the Senate's deadline in May to act on House Bills would be a sufficient timeframe to sort out remaining questions.
 - Mr. Kernan said SB 452 and HB 1421 change the lead standards, thus doubling the cost of mitigation.
 - There could be discussion to see if there are flaws to the approach of limiting access to certain fixtures like water bottle filling stations.
 - He said more open-endedness is important as the EPA continuously changes their timelines and budgets yearly. There are moving targets in federal government/funding.

- Senator Kahn asked Mr. Kernan about lines 11-12 related to test results. If we enact SB 452, would we be setting a state standard and would modifications to the bill need to be made to acknowledge federal standards in conjunction with state standards.
 - Mr. Kernan said yes, we would be setting a state standard for schools and childcare facilities. He also said yes to the need to modify language to acknowledge federal standards in conjunction with state standards.
- Senator Ricciardi agreed that there is merit to this bill, however, we also have a statewide PFOA issue. We need to be cognizant of all water issues in our state. Water bottle filling stations are only for new construction. We should be more prudent or judicious with spending to fix all water problems in our state at once. She asked for his thoughts on this.
 - Mr. Kernan said that is where water bottle filling stations could certainly help address toxins in our water.
 - He referenced an example of a Fremont School who had issues with PFNA in their water. By happenstance, their water bottle filling stations had carbon filters which filtered out PFNA.
 - There are other bills in the House that have been interim studied which intended to look at PFAS.
 - DES agreed to compile data, from public water systems of whom are already testing, on PFAS in water in schools and childcare facilities. They also plan to test approximately 150 private wells in the next year.
 - While they already have some data, through these samples and testing, DES would have a full set of data.
 - Customers of water systems in Merrimack, Hudson, etc. are already testing for PFAS. DES can use that data and link where these facilities are getting their water from.

Speakers

Senate Remote Testify

Education Committee Testify List for Bill HB1421 on 2022-03-15

Support: 3 Oppose: 0

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
Watters, Senator David	An Elected Official	Myself	Support
Mott-Smith, Wiltrud	A Member of the Public	Myself	Support
Lucas, Janet	A Member of the Public	Myself	Support

Testimony



The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner



March 14, 2022

The Honorable Ruth Ward
Chair, Senate Education Committee
Legislative Office Building, Room 101
Concord, NH 03301

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

Dear Chair Ward 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, the equivalent of a new full-time staff position and the development of a database would be needed to cover this additional responsibility. Federal grant funding is available to cover the first two years of these costs. However, failing additional federal funding beyond that period, any additional work by NHDES will be contingent upon availability of State funding.

It is important to note that SB 452 is currently being considered by the Senate Finance Committee. SB 452 proposes to also amend RSA 485:17-a to lower the action level for lead in drinking water in schools and childcare facilities from 15 ppb to 5 ppb. RSA 485:17-a currently requires: 1) Parents and guardians be notified if a fixture in the facility produces drinking water with lead above 15 ppb; and 2) The fixture be mitigated so that the concentration of lead in drinking water is below the action level or that the fixture is taken out of service. Lowering the action level from 15 ppb to 5 ppb will double the number of non-compliant fixtures which will require notification to parents/guardians and the mitigation of the fixtures. It is important to understand that when the proposed requirements of HB 1421 are coupled with the proposed requirements of SB 452, that a substantial new regulatory and enforcement program will be in place for schools and childcare facilities, most of which NHDES does not currently interact with. NHDES

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
(603) 271-3449 • TDD Access: Relay NH 1-800-735-2964

The Honorable Ruth Ward
Chair, Senate Education Committee
March 14, 2022
Page 2

believes it would be prudent to discuss alternative actions for schools and childcare facilities; such as, establishing state-of-the-art bottle fill-up stations for potable drinking water in these facilities in lieu of sampling and mitigating a large number of fixtures in these facilities.

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,

A handwritten signature in black ink, appearing to read "Robert R. Scott", with a long horizontal flourish extending to the right.

Robert R. Scott
Commissioner

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

Ava Hawkes

From: Marie Marston
Sent: Thursday, March 24, 2022 3:51 PM
To: Senator Ricciardi; Jay Kahn; Suzanne Prentiss; Hennessey, Erin
Cc: Jessica Bourque; Peter O'Neill; Ava Hawkes
Subject: HB 1421
Attachments: Lead Bill Comparisons.docx; HB1421_SB452_Combo_DES.docx

Importance: High

Good Afternoon: On behalf of Senator Ward attached please find the information provided by Brandon Kernen for your review and for discussion at our next hearing date.

Thank you,

Marie

Marie Marston, Administrative Assistant
Administrative Assistant to Senator Regina Birdsell
Administrative Assistant to Senator Denise Ricciardi
Administrative Assistant to Senator Ruth Ward
107 North Main Street
State House Room 302
Concord, NH 03301
(603) 271-2609



Summary of Proposed Changes to RSA 485:17-a Lead in Drinking Water in Schools and Licensed Child Care Facilities

	Current RSA	HB1421	SB452	Proposed Combination of HB1421 and SB452 provided by DES
General approach	Test and, if needed, remediate every drinking water outlet	Test and, if needed, remediate every drinking water outlet	Test and, if needed, remediate every drinking water outlet	Install water bottle filling stations <i>OR</i> test and, if needed, remediate every drinking water outlet
Standard	EPA standard (currently 15 ppb)	EPA standard (currently 15 ppb)	Creates a new standard of 5 ppb for schools and child care facilities only	Creates a new standard of 5 ppb for schools and child care facilities only
Timing for testing	Every 5 years, until 3 rounds are less than standard	3 rounds between 2016 and 2024; if 3 rounds less than standard, no further testing required	3 rounds between 2016 and 2024; if 3 rounds less than standard, no further testing required	Water bottle filling stations to be tested after installation, and 180 following installation For other outlets - 3 rounds between 2016 and 2024; if 3 rounds less than standard, no further testing required
Notification requirements for exceedances	Notify parents and guardians within 5 business days	Notify parents and guardians within 5 business days, with notification in at least 2 places and at least one method of direct communication	Notify parents and guardians within 5 business days	Notify parents and guardians within 5 business days, with notification in at least 2 places and at least one method of direct communication
Reporting requirements	Report exceedances to DES	Provide all sample results and all remediation information to DES	Provide all sample results and all remediation information to DES	Provide all sample results and all remediation information to DES

Proposed Amendment Combining SB-452 and HB-1241

I. Public and private schools and licensed child care facilities shall take measures to limit exposure to lead in drinking water by either a) ensuring that children have access to water bottle filling stations (as outlined in paragraph II) or b) testing drinking water outlets for lead and remediating them where necessary (as outlined in paragraph III). The department of environmental services' ability to assist with implementation and oversight of this program shall be contingent upon continuation of federal funding, or allocation of state funding.

II. *Water bottle filling station option.* Facilities can install filling stations in lieu of, or in addition to, testing and remediating, all drinking water outlets, with the exception of those used for food preparation unless done exclusively through the use of a water bottle filling station, per the following:

(a) A water bottle filling station shall mean a water dispenser accessible to all people in compliance with the American with Disabilities Act (42 U.S.C. 12101 et seq.) that dispenses clean drinking water directly into a bottle or other drinking container.

(b) A water filling station shall also include a water fountain dispenser that does not require the use of a container to drink water

(c) Water bottle filling stations may be touchless for sanitary reasons.

(d) Water bottle filling stations installed under this section shall:

(1) Be regularly cleaned to maintain sanitary conditions;

(2) Designed to remove lead or be able to add an additional filter to remove lead from drinking water;

(3) Be maintained to ensure they function properly, including replacing filters as recommended by the manufacturers;

(4) Include an indicator light or other mechanism that is activated when it is time to change a filter; and

(5) Dispense drinking water that meets applicable standards. The station shall be tested following installation and within 180 days thereafter to confirm that any lead that may be present is being removed to levels below 5 parts per billion.

(e) Water bottle filling stations installed prior to the effective date of this section that meets the requirements of (a)-(d), above, shall be tested within 180 days of the effective date of this section to confirm that any lead that may be present is being removed to levels below 5 parts per billion.

(f) Water from other outlets available to children (e.g., classroom and bathroom sinks) shall be posted as not suitable for drinking water, unless tested and remediated if necessary, per the provisions in paragraph III.

(g) Stations in schools shall be installed in accordance with Ed 321.18 (h) requirements for number of drinking fountains required. This number shall include a minimum of one station on each floor or wing of the building, a minimum of one station located near cafeterias, gymnasiums, or outdoor recreation spaces and other high-traffic areas.

(h) Stations in child care facilities shall be provided in such a manner to ensure that every child and staff have adequate access to drinking water.

(i) Child care facilities serving less than 25 people where the current source of water is a sink may install point of use treatment that removes lead from drinking water in lieu of installing a water bottle filling station.

(j) Entities that elect to implement the provisions of this section shall notify the department of environmental services using a form provided by the department that demonstrates compliance with the applicable requirements of this section.

Commented [AL1]: Per DHHS Child Care Licensing Unit: if the school number is 40, would it make sense to align the number with one sink needs the point of use if licensed capacity is 40 or fewer children over 1 year of age? You already mention the exception of food prep, so preparing formula for infants is covered if food prep sinks have to be remediated.

III. Sampling and remediation option. Public and private schools and licensed child care facilities shall test a minimum of 3 rounds for the presence of lead in drinking water at all outlets at the school or facility.

(a) For existing public and private schools and licensed child care facilities, sampling shall be completed between January 1, 2016 and June 30, 2024; for new schools and child care facilities opening after the effectiveness date of this section, sampling rounds shall be completed a minimum of 6 months apart. For purposes of this section, "outlet" means a drinking water fixture currently or reasonably expected to be used for consumption or cooking. Testing shall be in accordance with guidance from the department of environmental services. Schools and licensed child care facilities that have not tested their outlets between January 1, 2016 and the effective date of this paragraph shall initiate testing within 30 days of the effective date of this paragraph.

(b) If test results obtained by a school or licensed child care center after the effective date of this paragraph demonstrate the presence of lead at a concentration at or exceeding 5 parts per billion, the school or licensed child care facility shall, within 5 business days, notify parents and guardians and shall, as an interim measure, ensure that the children are provided only drinking water that meets the standard. Notification shall be made in at least 2 places including, but not limited to, the school or school administrative unit / child care facility website and at least one method of direct communication via email or printed flyer. The school or licensed child care facility shall also implement a remediation plan, as approved by the department, within 180 days of notification of parents or, in consultation with the department, as soon as practicable. The department shall review the plan and any associated submittals within 60 days of receiving them. The school or licensed child care facility shall conduct testing after remediation measures have been implemented and shall provide those results to the department of environmental services to demonstrate that lead levels do not exceed the standard.

(c) Within 90 days of the effective date of this section, public and private schools and licensed child care facilities shall compare the results of testing conducted after January 1, 2016 with the new standard and, in the event any such results are at or exceed this standard, proceed with the requirements of paragraph b relative to remediation and interim measures. Any results for samples collected after January 1, 2022 shall be compared to the new standard and proceed with all requirements of requirements of paragraph b.

(d). If 2 consecutive rounds of sampling performed after January 1, 2022 are below the 5 parts per billion standard at an outlet, further testing of the outlet shall not be required.

(e). All test results, including but not limited to those obtained between January 1, 2016 and the effective date of this section, shall be provided to the department of environmental services, which shall maintain a database of results established under the authority of RSA 21-O:12, I(e) accessible to the public on the department's website.

(f). To the extent it is allowable under federal regulations, remediation funding from federal sources shall be made available to licensed schools and child care facilities by the department of environmental services.

2 Effective Date. This act shall take effect upon its passage.

Voting Sheets

P. 1042

Senate Education Committee
EXECUTIVE SESSION RECORD
2022-2023 Session

Bill # HB 1421 FN

Hearing date: 3/15/22

Executive Session date: 4/6/22

Motion of: OTP Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Ward, Chair	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey, VC	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: amendment 1239s Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Ward, Chair	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey, VC	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: OTPIA Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Ward, Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey, VC	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Ward

Notes:

P. 2 of 2

Senate Education Committee EXECUTIVE SESSION RECORD 2022-2023 Session

Bill # HB 1421-FW

Hearing date: 3/15/22

Executive Session date: 4/6/22

Motion of: consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Ward, Chair	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey, VC	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Ward, Chair	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey, VC	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Ward, Chair	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey, VC	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
Sen. Prentiss	<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: sen. Ward

Notes:

Senate Finance Committee

EXECUTIVE SESSION

Bill # HB1421-FN

Hearing date: N/A

Executive session date: 04/19/22

③ Motion of: OTP/A

VOTE: 7-0

<u>Made by</u> Daniels <input type="checkbox"/>	<u>Seconded</u> Daniels <input type="checkbox"/>	<u>Reported</u> Daniels <input type="checkbox"/>	
<u>Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input checked="" type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>	
Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>	
Rosenwald <input type="checkbox"/>	Rosenwald <input checked="" type="checkbox"/>	Rosenwald <input type="checkbox"/>	
D'Allesandro <input checked="" type="checkbox"/>	D'Allesandro <input type="checkbox"/>	D'Allesandro <input checked="" type="checkbox"/>	
Morse <input type="checkbox"/>	Morse <input type="checkbox"/>	Morse <input type="checkbox"/>	
Hennessey <input checked="" type="checkbox"/>	Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>	

① Motion of: Move Amndmt # 1609s

VOTE: 7-0

<u>Made by</u> Daniels <input type="checkbox"/>	<u>Seconded</u> Daniels <input type="checkbox"/>	<u>Reported</u> Daniels <input type="checkbox"/>	
<u>Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>	
Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>	
Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>	
D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>	
Morse <input checked="" type="checkbox"/>	Morse <input type="checkbox"/>	Morse <input type="checkbox"/>	
Hennessey <input type="checkbox"/>	Hennessey <input checked="" type="checkbox"/>	Hennessey <input type="checkbox"/>	

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Daniels, Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Reagan, Vice-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Giuda	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Hennessey	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Rosenwald	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Morse	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator D'Allesandro	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Amendments: ② Move Amndmt # 1609s
Rosenwald - Motion } Withdrawn!
Reagan Second }

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Thursday, April 7, 2022

THE COMMITTEE ON Education

to which was referred HB 1421-FN

AN ACT relative to lead in school drinking water.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 1365s

Senator Ruth Ward
For the Committee

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. This bill changes the lead levels standard in drinking water in schools and licensed child care facilities from 15 parts per billion to 5 parts per billion. The Committee amended the bill to provide two options for limiting exposure to lead in drinking water in schools and licensed child care facilities: installing and providing access to water bottle filling stations or testing already available drinking water outlets for lead and remediating them where necessary in accordance with statute.

Ava Hawkes 271-3266

FOR THE CONSENT CALENDAR

EDUCATION

HB 1421-FN, relative to lead in school drinking water.

Ought to Pass with Amendment, Vote 5-0.

Senator Ruth Ward for the committee.

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. This bill changes the lead levels standard in drinking water in schools and licensed child care facilities from 15 parts per billion to 5 parts per billion. The Committee amended the bill to provide two options for limiting exposure to lead in drinking water in schools and licensed child care facilities: installing and providing access to water bottle filling stations or testing already available drinking water outlets for lead and remediating them where necessary in accordance with statute.

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Wednesday, April 20, 2022

THE COMMITTEE ON Finance

to which was referred **HB 1421-FN**

AN ACT relative to lead in school drinking water.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 7-0

AMENDMENT # 1665s

Senator Lou D'Allesandro
For the Committee

Deb Martone 271-4980

Docket of hb1421

12/01/2021	H	Introduced 01/05/2022 and referred to Education
01/09/2022	H	Public Hearing: 01/21/2022 10:00 am LOB 205-207
02/10/2022	H	Executive Session: 01/21/2022 10:00 am LOB 205-207
02/10/2022	H	Committee Report: Ought to Pass with Amendment # 2022-0612h (Vote 18-0; CC)
02/16/2022	H	Ought to Pass with Amendment 2022-0612h: MA VV 02/16/2022 HJ 3
02/23/2022	H	Amendment # 2022-0612h: AA VV 02/16/2022 HJ 3
03/01/2022	S	Introduced 02/24/2022 and Referred to Education; SJ 5
03/09/2022	S	Hearing: 03/15/2022, Room 101, LOB, 09:45 am; SC 11
04/07/2022	S	Committee Report: Ought to Pass with Amendment # 2022-1365s, 04/14/2022; Vote 5-0; CC; SC 15
04/14/2022	S	Committee Amendment # 2022-1365s, AA, VV; 04/14/2022; SJ 8
04/14/2022	S	Ought to Pass with Amendment 2022-1365s, MA, VV; Refer to Finance Rule 4-5; 04/14/2022; SJ 8
04/20/2022	S	Committee Report: Ought to Pass with Amendment # 2022-1665s, 04/28/2022; SC 17
04/28/2022	S	Committee Amendment # 2022-1665s, AA, VV; 04/28/2022; SJ 10
04/28/2022	S	Sen. Rosenwald Floor Amendment # 2022-1839s, AA, VV; 04/28/2022; SJ 10
04/28/2022	S	Ought to Pass with Amendments 2022-1665s and 2022-1839s, MA, VV; OT3rdg; 04/28/2022; SJ 10
05/10/2022	H	House Non-Concurs with Senate Amendment 2022-1839s 2022-1665s 2022-1365s and Requests CofC (Reps. Ladd, Cordelli, B. Nelson, Ellison): MA VV 05/05/2022 HJ 12
05/12/2022	S	Sen. Ward Accedes to House Request for Committee of Conference, MA, VV; 05/12/2022; SJ 12
05/12/2022	S	President Appoints: Senators Ward, Hennessey, Rosenwald; 05/12/2022; SJ 12
05/17/2022	H	Conference Committee Meeting: 05/17/2022 09:00 am LOB 205-207
05/19/2022	S	Conference Committee Report Filed, # 2022-2034c; 05/26/2022
05/26/2022	S	Conference Committee Report # 2022-2034c, Adopted, VV; 05/26/2022; SJ 13
05/26/2022	H	Conference Committee Report 2022-2034c: Adopted, VV 05/26/2022 HJ 14
06/22/2022	S	Enrolled Bill Amendment # 2022-2128e Adopted, VV, (In recess of 05/26/2022); SJ 13
06/22/2022	H	Enrolled Bill Amendment # 2022-2128e: AA VV (in recess of) 05/26/2022 HJ 14
06/24/2022	S	Enrolled Adopted, VV, (In recess 05/26/2022); SJ 13
06/27/2022	H	Enrolled (in recess of) 05/26/2022 HJ 14
07/13/2022	H	Signed by Governor Sununu 07/08/2022; Chapter 325; 07/08/2022 HJ 14

General Court of New Hampshire - Bill Status System

Docket of HB1421

Docket Abbreviations

Bill Title: relative to lead in school drinking water.**Official Docket of HB1421.:**

Date	Body	Description
12/1/2021	H	Introduced 01/05/2022 and referred to Education
1/9/2022	H	Public Hearing: 01/21/2022 10:00 am LOB 205-207
2/10/2022	H	Executive Session: 01/21/2022 10:00 am LOB 205-207
2/10/2022	H	Committee Report: Ought to Pass with Amendment #2022-0612h (Vote 18-0; CC)
2/16/2022	H	Ought to Pass with Amendment 2022-0612h: MA VV 02/16/2022 HJ 3
2/23/2022	H	Amendment #2022-0612h : AA VV 02/16/2022 HJ 3
3/1/2022	S	Introduced 02/24/2022 and Referred to Education; SJ 5
3/9/2022	S	Hearing: 03/15/2022, Room 101, LOB, 09:45 am; SC 11
4/7/2022	S	Committee Report: Ought to Pass with Amendment #2022-1365s , 04/14/2022; Vote 5-0; CC; SC 15
4/14/2022	S	Committee Amendment #2022-1365s , AA, VV; 04/14/2022; SJ 8
4/14/2022	S	Ought to Pass with Amendment 2022-1365s, MA, VV; Refer to Finance Rule 4-5; 04/14/2022; SJ 8
4/20/2022	S	Committee Report: Ought to Pass with Amendment #2022-1665s , 04/28/2022; SC 17
4/28/2022	S	Committee Amendment #2022-1665s , AA, VV; 04/28/2022; SJ 10
4/28/2022	S	Sen. Rosenwald Floor Amendment #2022-1839s , AA, VV; 04/28/2022; SJ 10
4/28/2022	S	Ought to Pass with Amendments 2022-1665s and 2022-1839s, MA, VV; OT3rdg; 04/28/2022; SJ 10
5/10/2022	H	House Non-Concurs with Senate Amendment 2022-1839s 2022-1665s 2022-1365s and Requests CofC (Reps. Ladd, Cordelli, B. Nelson, Ellison): MA VV 05/05/2022 HJ 12
5/12/2022	S	Sen. Ward Accedes to House Request for Committee of Conference, MA, VV; 05/12/2022; SJ 12
5/12/2022	S	President Appoints: Senators Ward, Hennessey, Rosenwald; 05/12/2022; SJ 12
5/17/2022	H	Conference Committee Meeting: 05/17/2022 09:00 am LOB 205-207
5/19/2022	S	Conference Committee Report Filed, #2022-2034c ; 05/26/2022
5/26/2022	S	Conference Committee Report #2022-2034c , Adopted, VV; 05/26/2022; SJ 13
5/26/2022	H	Conference Committee Report 2022-2034c: Adopted, VV 05/26/2022 HJ 14
6/22/2022	S	Enrolled Bill Amendment #2022-2128e Adopted, VV, (In recess of 05/26/2022); SJ 13
6/22/2022	H	Enrolled Bill Amendment #2022-2128e : AA VV (in recess of) 05/26/2022 HJ 14
6/24/2022	S	Enrolled Adopted, VV, (In recess 05/26/2022); SJ 13
6/27/2022	H	Enrolled (in recess of) 05/26/2022 HJ 14

7/13/2022	H	Signed by Governor Sununu 07/08/2022; Chapter 325; 07/08/2022 HJ 14
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NH House

NH Senate

Other Referrals

May 17, 2022
2022-2034-CofC
08/05

1 Committee of Conference Report on HB 1421-FN, relative to lead in school drinking water.

2

3 Recommendation:

4 That the House recede from its position of nonconcurrence with the Senate amendment, and
5 concur with the Senate amendment, and

6 That the Senate and House adopt the following new amendment to the bill as amended by the
7 Senate, and pass the bill as so amended:

8

9 Amend RSA 485:17-a, II(c) as inserted by section 1 of the bill by replacing it with the following:

10

11 (c) Water from other outlets available to children, including classroom and bathroom
12 sinks and water outlets used for food preparation, shall be tested and remediated if necessary, per
13 the provisions in paragraph III.

The signatures below attest to the authenticity of this Report on HB 1421-FN, relative to lead in school drinking water.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Ward, Dist. 8

Rep. Ladd, Graf. 4

Sen. Hennessey, Dist. 1

Rep. Cordelli, Carr. 4

Sen. Rosenwald, Dist. 13

Rep. B. Nelson, Carr. 5

Rep. Ellison, Merr. 27

Senate Inventory Checklist for Archives

Bill Number: HB 1421-FN

Senate Committee: FINANCE

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):

- amendment # 16125 - amendment # 16655
- amendment # 16095 - 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 # 1839s - 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): 2034c
- Enrolled Bill Amendment(s) 2128
- 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:

Debra A. Martore
Committee Aide

06/14/22
Date

Senate Clerk's Office JM

June 16, 2022
2022-2128-EBA
10/07

Enrolled Bill Amendment to HB 1421-FN

The Committee on Enrolled Bills 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 as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 1421-FN

This enrolled bill amendment makes a grammatical correction.

Enrolled Bill Amendment to HB 1421-FN

Amend RSA 485:17-a, III(a) as inserted by section 1 of the bill by replacing line 3 with the following:

facilities opening after the effective date of this section, sampling rounds shall be completed a

Senate Inventory Checklist for Archives

Bill Number: HB 1421 FN

Senate Committee: EDU

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):

- amendment # 12395 ___ - amendment # _____
- amendment # 13165 ___ - 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:

Chris Hawkes
Committee Aide

9/28/22
Date

Senate Clerk's Office *AK*