
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair
2015 - 2016 Regular

Bill No: AB 496
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Version: May 28, 2015
Urgency: No
Consultant: Lynn Lorber
Hearing Date: July 8, 2015
Fiscal: Yes

Subject: Pupil nutrition: fresh drinking water: funding

NOTE: This bill has been referred to the Committees on Education and Environmental Quality. A "do pass" motion should include referral to the Committee on Environmental Quality.

SUMMARY

This bill requires the California Department of Education to consult with the State Water Resources Control Board to identify available sources of funding for school water quality and infrastructure.

BACKGROUND

The federal Safe Drinking Water Act (SDWA) authorizes the United States Environmental Protection Agency to set standards for drinking water quality and to oversee the states, localities and water suppliers who implement those standards. The California SDWA requires the State Water Resources Control Board to regulate drinking water and to enforce the federal SDWA and other related regulations. The duties and responsibilities related to the regulation and oversight of drinking water were transferred from the California Department of Public Health to the State Water Resources Control Board in 2014. (Health and Safety Code § 116270, et seq.)

The State Water Resources Control Board's Division of Drinking water regulates over 8,000 public water systems by inspecting the systems, issuing permits, taking enforcement actions and implementing new requirements due to changes in federal or state law or regulations.

Existing law:

- 1) Requires schools that receive notification from a public water system regarding non-compliance with any primary drinking water standard or a violation of monitoring requirements, to notify school employees, students and parents. (HSC § 116450)
- 2) Requires interior and exterior drinking fountains to be functional, accessible, and free of leaks, and with adequate water pressure. Drinking fountain water must be clear and without unusual taste or odor, and have no evidence of moss, mold, or excessive staining. Drinking fountains must appear to have been cleaned each day that the school is in session. (Education Code § 17002)

- 3) Requires school districts to provide access to free, fresh drinking water during meal times in the food service areas. School districts may adopt a resolution stating that it is unable to comply with this requirement and demonstrate the reasons why it is unable to comply due to fiscal constraints or health and safety concerns.
(EC § 38086)

ANALYSIS

This bill requires the California Department of Education (CDE) to consult with the State Water Resources Control Board to identify available sources of funding for school water quality and infrastructure. Specifically, this bill:

- 1) Requires the CDE to consult with the State Water Resources Control Board's Division of Drinking Water Programs to identify available sources of funding, including, but not limited to
 - a) Funding from Proposition 1, approved in the November 4, 2014, statewide General Election.
 - b) Funds for safe drinking water programs administered by the CDE, the Department of Public Health, the Department of Water Resources, and the State Water Resources Control Board.
 - c) Other state funding.
 - d) Federal funding available to fund school water quality and infrastructure.
- 2) Requires the CDE to post the information collected on the CDE's website.
- 3) Authorizes the CDE to receive funds transferred from any available state and federal source, to be allocated by the CDE to school districts for the purpose of complying with the requirement for schools to provide access to free, fresh drinking water during meal time.
- 4) Authorizes funds received to provide access to free, fresh drinking water to be used for water quality projects including, but not limited to, water treatment, water facilities restructuring, water filling stations, and maintenance of water facilities.
- 5) States legislative findings and declarations relative to poor drinking water quality at schools and limited funding to rebuild the infrastructure of schools.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, "Recent studies show unsafe drinking water plagues school water systems at a startling rate. Some schools sealed pipes and turned off drinking water sources due to lead piping and other water system contaminants. Limited funding and a growing list of needs to repair school infrastructure causes clean drinking water to fall to the wayside. School districts may be unaware of various state and federal funding streams available to them. Districts need a one-stop shop where information and funding is available for clean drinking water programs."

- 2) **Funds for safe drinking water programs.** This bill requires the identification of available sources of funding, including funds for safe drinking water programs administered by the California Department of Education (CDE). Information on CDE's website relative to safe drinking water programs includes a link relative to school facilities funding through the State Allocation Board; school facilities funds are not currently available for safe drinking water programs, as those funds have been fully expended and will not be replenished until a school facilities bond is approved. <http://www.cde.ca.gov/ls/nu/he/water.asp>
- 3) **Survey of schools.** Current law requires the State Department of Health Services (now called the Department of Public Health) to conduct a sample survey of schools to determine the likely extent and distribution of lead exposure to children from paint on the school, soil in play areas at the school, drinking water at the tap, and other potential sources. The Department of Health Services conducted a study, beginning in 1994, of the extent of lead contamination in paint, soil and water in California schools. Data was collected from 200 randomly selected schools between 1995 and 1997; the report was submitted to the Legislature in 1998. The report states:

The United States Environmental Protection Agency (USEPA) has set the action level for lead in drinking water at 15 parts lead per billion (ppb) parts water. The action recommended by USEPA is to remove the drinking water outlet from service immediately until the lead content falls below the action level. Study data indicate that an estimated 18.1 percent of California schools are likely to have lead in drinking water at or above the federal action level. Lead exceeding this level was found at 10.5 percent of schools where the sampled outlet had been used within 24 hours of testing. These findings indicate that in some situations drinking water from school water outlets could contribute to children's lead exposure, and demonstrate a need for monitoring lead from drinking water outlets in schools. Water from outlets that have been left standing for 24 hours are generally more likely to contain higher lead levels than water from outlets that have recently been flushed. However, within the study, this flushing procedure did not always reduce lead content to below the action level. The age of the school was not a significant factor in the amount of lead in drinking water.

<http://files.eric.ed.gov/fulltext/ED462820.pdf>

Current law required the Department of Health Services to work with the CDE to develop guidelines to ensure that lead hazards are minimized in the course of school repair and maintenance and abatement procedures. These guidelines were never developed.

- 4) **Los Angeles Unified.** The Los Angeles Unified School District (LAUSD) requires all drinking water fountains, faucets and food service faucets to be flushed for a minimum of 30 seconds prior to the first use each day. Reference Guide REF-3930.3 states:

Water that remains stationary within standard piping for extended periods of time can leach lead out of pipes joined with lead-

containing solder as well as brass fixtures or galvanized pipes. Flushing fixtures has been found to be an effective means of reducing lead levels below the Action Level set by the Environmental Protection Agency. Based on past studies and current data, all drinking water fountains, faucets and food service faucets must be flushed for a minimum of 30 seconds prior to the first use each day. Faucets not used for human consumption which are labeled "Hand Wash Only" or "Laboratory Use Only" are not required to be flushed daily.

<http://www.lausd-oehs.org/docs/ReferenceGuides/REF-3930.pdf>

According to the Los Angeles Unified School District (LAUSD), the district tested drinking fountains for lead annually between 1988 and 2009, but halted testing due to budget reductions. In 2013, the LAUSD Board of Education requested an audit titled "Maintaining School Cleanliness and Safety" after the board expressed concerns about the effectiveness of the district's cleanliness, safety and custodial programs due to the declining budget for maintenance and operations.

One of the audit's objectives was to assess the daily flushing of drinking fountains. The audit found, of the 35 schoolsites visited, 23 had drinking fountains inside the classroom; six of the 23 schoolsites did not flush the drinking faucets for a minimum of 30 seconds prior to the first use each day. The audit also found that, although the classroom drinking faucets had not been flushed, the administrators at the six schoolsites had certified that all applicable fixtures had been flushed.

http://notebook.lausd.net/pls/ptl/docs/PAGE/CA_LAUSD/FLDR_ORGANIZATIONS/FLDR_OIG_PUBLICATIONS_AUDIT_REPORTS/13512MAINTINSCHOOLCLEANLINESS.PDF

The LAUSD reports it has replaced drinking fountains at 200 schoolsites at a cost of \$15,000 - \$20,000 *per* drinking fountain.

- 5) **Fiscal impact.** According to the Assembly Appropriations Committee, this bill would impose General Fund administrative costs to California Department of Education of approximately \$400,000, to research available resources, consult with the appropriate outside agencies and perform other administrative tasks related to the identification and provision of funds for school water quality and infrastructure.
- 6) **Related legislation.** SB 334 (Leyva, 2015) requires the State Department of Public Health to test drinking water resources at a sample of schoolsites for lead in the drinking water, prohibits drinking water that does not meet the United States Environmental Protection Agency drinking water standards for lead from being provided at a school facility. SB 334 is pending in the Assembly Environmental Quality Committee.

SUPPORT

American Heart Association
American Stroke Association

California Food Policy Advocates
California School Employees Association
California State PTA
Community Clinic Association of Los Angeles County
Los Angeles Unified School District
Santa Clara Valley Water District

OPPOSITION

None received.

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