



WISCONSIN LEGISLATURE

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August 6, 2019

LRBs 3539 and 3566: SCHOOL Acts Overview

Supporting Children's Health by Ousting Outdated Lead

LRB 19-3539: This bill requires all K-12 schools that receive public funding to test all sources of drinking water, known as potable water, for lead contamination. Testing is phased in over three years and allows the submission of tests already completed in prior years if it meets the testing standards prescribed by this bill. Testing continues to be required every three years unless two consecutive tests show lead levels that are effectively negligible, defined as below 1 part-per-billion.

Test results must be posted on the schools website or available for examination upon request and submitted to DPI within thirty days of receiving results. If no potable source had lead levels higher than federal standards of 15 parts-per-billion, no further action is required. However, if lead levels on any source of drinking water exceed the federal standard, the source of water with lead contamination (i.e. a drinking fountain) must be taken offline and, if necessary, alternative sources of potable drinking water must be provided. Additionally, a remediation plan must be developed, posted online or made available for examination upon request, and submitted to DPI within six months. If only one or a couple of drinking fountains or other sources are contaminated, as has happened in some of the limited known cases of testing in Wisconsin, alternative sources or remediation may not be necessary as taking the source offline may suffice since other safe potable sources are available.

If remediation efforts are necessary and may not be absorbed in the current budget of a school district, LRB 19-3539 allows districts to go to referendum outside of a regularly scheduled election and to ask more than two questions in one year if necessary and *only* for the purposes of lead remediation. This referendum limit exemption is similar to the current law exemptions for natural disasters.

Finally, this legislation provides an incentive for schools to fund remediation by applying for a School Trust Fund Loan at BCPL. This legislation takes 20% of the total funding from the Safe Drinking Water Loan Program (SDWLP), which is largely federally funded, for the purposes of buying down the interest rate of schools using BCPL for lead remediation efforts. Estimated at about \$15 million per year, this can be absorbed in the current SDWLP budget while still funding existing priorities and will help school districts to provide clean drinking water while reducing some of the added expenses from long-term bonding. This funding must be distributed equitably among all eligible applicants, and no one community can receive more than 20% of the total funding made available for lead remediation. While the goal of this program is to buy down interest rates, if funding is still available near the end of the fiscal year, it may be used to buy down principal.

LRB 19-3539 ensures that action is taken to deal with the issue of lead in drinking water while balancing this priority with the preservation of independence of local schools. The Legislative Fiscal Bureau has identified more than 25 unique statutory requirements related to health and safety on school districts. This bill is an important step to ensure the delivery of clean water and to protect the health and safety of Wisconsin's youth while still recognizing that the scope of this issue varies by community, so the solutions must also vary.

LRB 19-3566: The second bill of the SCHOOL Acts recognizes that schools aren't the only place that children spend a lot of time outside of the home. This bill requires lead testing of drinking water sources as a condition of an initial licensure or renewal or continuance of licensures for day care centers, day care providers, group homes, and summer camps. Tests that show lead contamination above the federal limit will not prevent licensure so long as contaminated sources are taken offline, clean sources of potable water are provided, a remediation plan is developed, and six month updates are submitted to DCF or DATCP until test results show lead levels below the federal limit.

Testing methods and laboratories are specified in the legislation, preventing the burdensome costs and lengthy delays of rulemaking. A quick survey of the State Laboratory of Hygiene and certified labs under the DNR shows lead tests are not prohibitively expensive, costing around \$20 to \$40 for a test. If a prior test shows no more than 1 part-per-billion of lead, no more testing is required for license renewal or continuance for day care centers, day care providers, group homes, and summer camps.

LRB 19-3566 compliments LRB 19-3539 by prescribing reasonable measures to protect children's health when they leave the home. By ensuring the delivery of clean water without revoking licensures and cutting off the revenue sources necessary for remediation efforts, we can protect children's health while eliminating the problem of lead laden water in daycares, group homes, and summer camps.