



The State of New Hampshire
Department of Environmental Services



Clark B. Freise, Assistant Commissioner

February 21 , 2017

The Honorable Jeb Bradley, Chair
Health and Human Services Committee
Legislative Office Building, Room 101
Concord, NH 03301

RE: SB 247-FN An Act preventing childhood lead poisoning from paint and water and making an appropriation to a special fund

Dear Chairman Bradley and Members of the Committee:

Thank you for the opportunity to testify on SB 247-FN. This bill covers many aspects of preventing childhood lead poisoning. The New Hampshire Department of Environmental Services (NHDES) supports those sections which pertain to lead in drinking water and our testimony is limited to those sections. Specifically, the bill, as it relates to drinking water, expands the notification to buyers of real estate to include notice that lead may be present in drinking water related to premise plumbing and privately owned service lines. It also requires schools and childcare facilities to test for lead at all places where water is being consumed once every five years until three rounds demonstrate lead is below the current action level. In addition, it requires public water systems to identify any lead in their system and suggests that the drinking water and groundwater trust fund established in RSA 6:D:1 may be a source for lead line replacement, subject to fund availability. Finally, the bill requires testing drinking water in rental units. As introduced, we do have some concerns about the requirements for testing schools and daycares and at rental units. These concerns were discussed at the Childhood Lead Poisoning Prevention and Screening Commission (Commission) meetings and we believe that the prime sponsor may introduce an amendment that would address them. They are briefly described below:

- The language related to schools and childcare facilities includes "license exempt childcare". The Department believes this category of childcare should be removed, both because there is no current inventory of such childcare and by definition would include taking care of any children other than your own. The department believes that outreach and education, similar to what is used for homeowners, is the the best approach for license exempt childcare.
- The current bill requires review by the department of an interim and final plan when drinking water exceeds the action limit at a tap in a school or licensed daycare. Based on experience with public water systems that have been testing for lead for decades, the interim measure to ensure children are not drinking water with unhealthy levels of lead is to provide bottled water or install a filter. Accordingly, we believe that only the final solution should be reviewed by the department.

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
(603) 271-3503 • TDD Access: Relay NH 1-800-735-2964

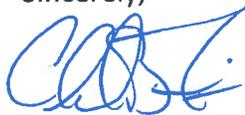
- The testing requirements for drinking water in rental units are unclear and, in cases where the rental property is a public water system regulated under the Safe Drinking Water Act, redundant. We would favor the language discussed at the last Commission meeting which better describes when and how testing should occur and exempts public water systems.

As for the bill's suggestion that the drinking water and groundwater trust fund be used as a source of funding for these efforts, NHDES does not take a position on this. The trust fund was established to ensure funding of testing and remedial efforts associated with MtBE contamination of drinking water and groundwater. The New Hampshire Drinking Water and Groundwater Advisory Commission established under RSA 485-F:4 has the responsibility to provide recommendations on potential additional tasks for which the trust fund could be used.

Provided that the bill is amended to address these concerns, the Department is in full support of this legislation and we are available to work with the bill sponsors to address these and any other drinking water related concerns.

Thank you again for the opportunity to comment on SB247-FN. If you have questions or need additional information, please feel free to contact Sarah Pillsbury, Drinking Water and Groundwater Bureau Administrator (Sarah.Pillsbury@des.nh.gov , 271-1168).

Sincerely,



Clark B. Freise
Assistant Commissioner

cc: Sponsors of SB247-FN:
Senator Feltes
Senator Bradley
Senator Carson
Senator Fuller Clark
Senator Hennessey
Senator Kahn
Senator Sousy
Senator Waters
Representative Nelson
Representative Messmer
Representative LeBrun