



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

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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.