



Assembly Bill 249 – School Lead Testing and Mitigation
Assemblymember Chris R. Holden

SUMMARY

[AB 249](#) enacts a goal of removing all lead from school drinking water and requires water utilities to test all potable water faucets and fixtures in TK-12 schools for lead by 2027. Lead concentrations must be reduced to below five parts per billion (5 ppb). Faucets and fixtures found to exceed 5 ppb must be made inoperable until the lead is reduced or fixture replaced.

This bill mirrors a recently adopted Department of Social Services standard, which was developed in collaboration with the State Water Resources Control Board, for lead testing of child care center drinking water. Many school-site preschools and elementary after-school programs are licensed child care centers.

BACKGROUND

The [American Academy of Pediatrics](#) and the [Centers for Disease Control](#) and Prevention state that there is no safe amount of lead content in drinking water. Children are particularly vulnerable to even slightly elevated levels of lead exposure which can lead to adverse cardiovascular, renal, reproductive, immunological, and neurological effects, as well as cancer. A [US Environmental Protection Agency analysis](#) found that minority and low-income populations experience disproportionate risk of lead exposure in drinking water. Nearly all (99.2%) of California's ZIP codes are defined as being "[at risk](#)" for childhood lead exposure, which contributes to lifelong developmental delays and health effects.

Until the enactment of AB 746 (Gonzalez, 2017), lead testing programs for schools were conducted on a voluntary basis. AB 746 required community water systems (CWS) to test K-12 school sites built before 2010 once prior to 2019 for lead and to mitigate any lead levels that exceeded 15 ppb.

When complying with AB 746's mandate, schools only tested three to five faucets at each campus, even though schools have many more faucets. Nevertheless, this limited sampling revealed that approximately 18 percent of K-12 schools had faucets emitting lead levels above 5 ppb.

AB 2370 (Holden, 2018) required licensed child care centers to test their drinking water for lead once every five years. When implementing AB 2370, the California Department of Social Services (CDSS) adopted regulations that established a goal of reducing lead levels to as close to zero as possible and required centers to remediate lead levels above 5 ppb.

The federal Lead and Copper Rule Revision (LCRR), published in June 2021 with an effective date of October 2024, requires community water systems to test the drinking water at childcare facilities and elementary schools once within five years from the rule's implementation date, and in K-12 schools upon request thereafter. The federal rule requires minimal testing – water systems only have to test five outlets per campus – and the federal rule does not set a health-protective remediation threshold for lead. In order for the state to implement and enforce this water testing requirement, the state will have to formally adopt regulations – a process that could take four years.

Although the federal government and state of California have established some lead testing standards for child care centers and schools, the standards' misalignments leave room for important improvements, and continue to expose children to lead.

EXISTING LAW

Existing law and regulations for child care centers establish a goal of reducing lead levels in center drinking water to as close to zero as possible, specify a lead action level of 5 ppb, and require all

drinking and cooking faucets to be tested for lead.

Existing law required community water systems to perform one-time testing of several faucets on each K-12 campus. State law required schools at that time to meet a lead action level of 15 ppb, but some school districts chose to meet a 5 ppb standard and set an even lower goal.

THE SOLUTION

AB 249 aligns lead-in-water removal goals and action levels for childcare centers and TK-12 school buildings built before 2010. Specifically, the bill creates a goal of 0 ppb lead, and remediation level of 5 ppb lead, for TK-12 schools. The bill also requires testing for lead contamination at all drinking water and food preparation faucets and fixtures in those buildings over the next five years. Remediation solutions to bring lead levels in water below 5 ppb, include replacing faucets and installing water filters.

FUNDING

The federal Bipartisan Infrastructure Law (BIL) appropriated \$30.7 billion nationwide over five years to Drinking Water State Revolving Funds (DWSRF) programs and allocated approximately \$2.56 billion of the BIL funding directly to California's State Water Resources Control Board (Water Board). Within each DWSRF allotment category are set-asides that the state can decide how to use. Set-aside activities, according to the EPA, can include statewide special purpose water sampling and filters. The state's BIL allocations can be used over the course of 10 years.

This bill would require the Water Board to allocate \$10 million each fiscal year for the years 2024 to 2027, inclusive, from the funds the Water Board receives from the federal BIL. AB 249 would also require the board to allocate \$5 million each fiscal year for the years 2024 to 2027, inclusive, from its federal DWSRF federal allocation to pay for water efficient faucet and fixture replacements at schoolsites. The board can use the "set aside"

portions of these federal allocations to pay for testing and faucet replacement.

A second possible funding stream includes the California Energy Commission (CEC) CalSHAPE program School Plumbing Fixture and Appliance Replacement Grant. This grant program can fund school installation of low-flow water faucets. As of February 2022, \$482 million was unencumbered.

In addition to the BIL and CEC money, there are two Water Infrastructure Improvements for the Nation (WIIN) grants available for funding AB 249. The first and broadest—the [Voluntary School and Child Care Lead Testing and Reduction Grant](#)—is non-competitive, but California must apply for its individual allotment from the EPA. The second funding opportunity—the [Reducing Lead in Drinking Water Grant](#)—is competitive; community water systems and schools with their own water systems must apply.

[Last year, the Legislature appropriated](#) \$2.7 billion for school infrastructure construction and modernization. These Proposition 51 monies (\$1.4 billion) and general funds (\$1.3 billion) can be used to upgrade school drinking water infrastructure, faucets, and fixtures, and install drinking water filters. The FY 2022-23 budget package also stated the intent of the Legislature to appropriate an additional \$2.9 billion in FYs 2023-24 and 2024-25 for school construction and modernization.

SUPPORT

Environmental Working Group (Co-sponsor)
Children Now (Co-sponsor)