



Assembly Bill 1851 – School Lead Testing and Mitigation Pilot Project Assemblymember Chris R. Holden

SUMMARY

[AB 1851](#) enacts a state goal of removing all lead from school drinking water. The bill requires the State Superintendent of Public Instruction to contract with a nonprofit technical assistance organization to implement a pilot project that will: 1) sample all potable water outlets at schools within 6-10 selected school districts; 2) remediate lead levels at those outlets down to less than 5 parts per billion lead; and 3) make inoperable outlets exceeding 5 ppb lead until lead is reduced there. The organization will also provide recommendations regarding the most health-protective and cost effective remediation methods for school drinking water. Test results must be provided to school districts, parents, and the SPI, or any state agency that requests the results.

When implementing this pilot project, the State Superintendent of Public Instruction will identify 6-10 geographically and demographically diverse school districts that administer TK-12 and K-12 schools to participate in the pilot project. This bill's water testing requirements mirror a recently adopted Department of Social Services (CDSS) standard for testing at child care centers. This standard was developed by CDSS in collaboration with the State Water Resources Control Board.

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 solely on a voluntary basis. AB 746 required community water systems (CWS) to perform one-time tests at outlets at K-12 school sites built before 2010 for lead. Schools then remediated lead levels at those outlets where results exceeded 15 ppb.

However, when complying with AB 746's mandate, water systems only tested three to five faucets at each campus, even though schools have dozens of faucets and lead levels can vary from faucet to faucet. 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, CDSS required centers to remediate lead levels to below 5 ppb, and created a goal of zero ppb lead in center drinking water. Data from testing conducted pursuant to AB 2370 revealed extremely high levels of lead, some as high as 2200 times the legal limit, in one in four childcare centers' drinking water.

The draft federal Lead and Copper Rule Revision (LCRI), released in June 2023, requires water systems to offer testing of drinking water at childcare centers and homes, and elementary schools once within five years from the rule's implementation date, and in K12 schools upon request thereafter. However, schools are not required to allow the testing to occur – they can opt out. In order for the state to implement and enforce this proposed federal rule, the state will

have to formally adopt regulations – a process that could take four years. In other words, the federal government has prioritized remediation of lead in school drinking water, but left implementation up to the states. The lack of required remediation and comprehensive water testing under the LCRI leaves students, teachers, and school employees at risk of dangerous levels of lead consumption.

EXISTING LAW

Existing state law and regulations for childcare 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.

Existing law required community water systems to perform one-time testing of several faucets on each K-12 campus. State law required to shut down outlets where water exceeded 15 ppb, but some school districts chose to meet a 5 ppb standard and set an even lower goal.

Although the federal government and State of California have established some lead testing standards for childcare centers and schools, the standards' misalignments leave room for important improvements, and continue to expose children to lead. Addressing this, and the gap left by the LCRI, is critical for protecting California's kids from a lead poisoning crisis.

THE SOLUTION

AB 1851 creates a pilot project that comprehensively tests and remediates lead in 6-10 school districts that serve mostly low-income children. Specifically, the bill creates a goal of 0 ppb lead, and remediation level of 5 ppb lead, for TK-12 schools participating in the pilot project. The bill also requires testing for lead contamination at all drinking water and food preparation faucets and fixtures in those school buildings. Schools will then implement remediation solutions to bring lead levels in water below 5 ppb, including replacing faucets or installing water filters.

Campuses that have tested all potable water outlets used for drinking or cooking on the campus after January 1, 2019, shall not be subject to the sampling requirements. Data and the subsequent analysis shall be provided to the Superintendent, the Legislature, and the public.

FUNDING

This bill is accompanied by a \$25 million budget ask which, following consultation with Sacramento State Office of Water Programs, is sufficient for funding the testing and remediation of *at least* 6 school districts. There are, however, many additional sources of funding should the state choose to remediate additional districts.

The federal Bipartisan Infrastructure Law (BIL) appropriated \$30.7 billion nationwide over five years to Drinking Water State Revolving Funds (DWSRF) programs. 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.

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.

In addition to the BIL and CEC money, there are two Water Infrastructure Improvements for the Nation (WIIN) grants available for funding AB 1851. 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.

SUPPORT

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