
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2694 Session of
2018

INTRODUCED BY DEAN, STEPHENS, J. McNEILL, DALEY, SCHWEYER,
DeLUCA AND BRADFORD, OCTOBER 5, 2018

REFERRED TO COMMITTEE ON EDUCATION, OCTOBER 5, 2018

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," in grounds and buildings, providing
6 for perfluorooctane sulfonic acid (PFOS) and
7 perfluorooctanoic acid (PFOA) testing; and, in charter
8 schools, further providing for provisions applicable to
9 charter schools.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
13 as the Public School Code of 1949, is amended by adding a
14 section to read:

15 Section 743. Perfluorooctane Sulfonic Acid (PFOS) and
16 Perfluorooctanoic Acid (PFOA) Testing.--(a) Prior to the start
17 of each school year, drinking water, paint, dust and soil at
18 every school building of a school district shall be tested by
19 the school district for PFOS and PFOA levels. If the school
20 district finds levels of PFOS AND PFOA in excess of the levels
21 under subsection (c) at at a school building of the school

1 district, the school district shall immediately implement a plan
2 to ensure no child or adult is exposed to PFOS and PFOA
3 contamination and that alternative sources of drinking water are
4 made available.

5 (b) A school building that has drinking water testing at
6 PFOS and PFOA levels higher than the levels under subsection (c)
7 shall be retested by the school district monthly until the PFOS
8 and PFOA levels test below the levels under subsection (c).

9 (c) (1) The PFOS and PFOA levels in drinking water in a
10 school building each may not exceed five parts per trillion.

11 (2) The PFOS and PFOA levels in paint, dust and soil each
12 may not exceed five parts per trillion.

13 (d) If the testing under subsection (a) results in PFOS and
14 PFOA levels in excess of the levels under subsection (c), the
15 school district shall, within 30 days, submit a remediation plan
16 to the Department of Education and the Department of
17 Environmental Protection. The plan shall include a timeline to
18 remediate, abate or replace any PFOS-contaminated and PFOA-
19 contaminated water sources, removing, abating or repainting
20 PFOS-contaminated and PFOA-contaminated paint and soil removal
21 and a timeline in which the remediation or abatement will be
22 completed.

23 (e) The Department of Environmental Protection shall work
24 with the school district to approve and oversee the
25 implementation of the remediation plan. If a school district
26 fails to implement the remediation plan, the Department of
27 Environmental Protection, in consultation with the Department of
28 Education, shall work with the school to implement the
29 remediation plan.

30 (f) The PFOS and PFOA levels of a test under subsection (a)

1 or (b) in excess of the levels under subsection (c) shall be
2 reported in writing to the Department of Education and shall be
3 sent by mail or electronically to the parents and legal
4 guardians of students enrolled in the school building. The
5 Department of Education and school district shall post the PFOS
6 and PFOA level results for each school building on their
7 publicly accessible Internet websites.

8 (g) For the purposes of this section:

9 (1) "PFOA" means perfluorooctanoic acid.

10 (2) "PFOS" means perfluorooctane sulfonic acid.

11 (3) "School building" does not include an administrative or
12 maintenance building.

13 Section 2. Section 1732-A(a) of the act is amended to read:

14 Section 1732-A. Provisions Applicable to Charter Schools.--

15 (a) Charter schools shall be subject to the following:

16 Sections 108, 110, 111, 321, 325, 326, 327, 431, 436, 443,
17 510, 518, 527, 708, 736, 737, 738, 739, 740, 741, 743, 752, 753,
18 755, 771, 776, 777, 808, 809, 810, 1109, 1111, 1112(a), 1301,
19 1310, 1317, 1317.1, 1317.2, 1318, 1326, 1327, 1327.2, 1329,
20 1330, 1332, 1333, 1333.1, 1333.2, 1333.3, 1303-A, 1513, 1517,
21 1518, 1521, 1523, 1531, 1547, 2014-A, Article XIII-A and Article
22 XIV.

23 Act of July 17, 1961 (P.L.776, No.341), known as the
24 "Pennsylvania Fair Educational Opportunities Act."

25 Act of July 19, 1965 (P.L.215, No.116), entitled "An act
26 providing for the use of eye protective devices by persons
27 engaged in hazardous activities or exposed to known dangers in
28 schools, colleges and universities."

29 Section 4 of the act of January 25, 1966 (1965 P.L.1546,
30 No.541), entitled "An act providing scholarships and providing

1 funds to secure Federal funds for qualified students of the
2 Commonwealth of Pennsylvania who need financial assistance to
3 attend postsecondary institutions of higher learning, making an
4 appropriation, and providing for the administration of this
5 act."

6 Act of July 12, 1972 (P.L.765, No.181), entitled "An act
7 relating to drugs and alcohol and their abuse, providing for
8 projects and programs and grants to educational agencies, other
9 public or private agencies, institutions or organizations."

10 Act of December 15, 1986 (P.L.1595, No.175), known as the
11 "Antihazing Law."

12 * * *

13 Section 3. This act shall take effect immediately.