

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 465 Session of 2021

INTRODUCED BY BOBACK, HAMM, RYAN, HILL-EVANS, SCHLOSSBERG, MIZGORSKI, JAMES, DRISCOLL, McNEILL, HOWARD, MILLARD, SCHLEGEL CULVER, PISCIOTTANO, CIRESI, SANCHEZ, HELM, CONKLIN, THOMAS, R. MACKENZIE, A. DAVIS, OTTEN, QUINN, M. MACKENZIE, WARREN AND POLINCHOCK, FEBRUARY 9, 2021

REFERRED TO COMMITTEE ON EDUCATION, FEBRUARY 9, 2021

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, repealing
 6 provisions relating to lead testing and providing for testing
 7 and remediation of lead contamination.

8 The General Assembly of the Commonwealth of Pennsylvania
 9 hereby enacts as follows:

10 Section 1. Section 742 of the act of March 10, 1949 (P.L.30,
 11 No.14), known as the Public School Code of 1949, is repealed:

12 [Section 742. Lead Testing.--(a) Beginning in the 2018-2019
 13 school year, and every school year thereafter, school facilities
 14 where children attend school may be tested for lead levels in
 15 the drinking water and any school facility whose testing shows
 16 lead levels in excess of the maximum contaminant level goal or
 17 milligrams per liter as set by the United States Environmental
 18 Protection Agency's National Primary Drinking Water Regulations
 19 shall immediately implement a plan to ensure no child or adult

1 is exposed to lead contamination drinking water and that
2 alternative sources of drinking water are made available.

3 (b) If a school entity does not test lead levels under
4 paragraph (a) the school entity shall, at a public meeting,
5 discuss lead issues in the school facilities.

6 (c) If a test of lead levels under subsection (a) is
7 elevated, the level shall be reported to the Department of
8 Education and posted on the department's publicly accessible
9 Internet website.]

10 Section 2. The act is amended by adding a section to read:

11 Section 743. Testing and Remediation of Lead

12 Contamination.--(a) No later than June 30, 2022, and each year
13 thereafter, in accordance with the rules and regulations
14 established by the Department of Environmental Protection under
15 subsection (c), a school shall:

16 (1) Conduct testing within the school of all water outlets
17 used for drinking and cooking to determine if there is lead
18 contamination.

19 (2) Remediate any lead contamination identified under
20 paragraph (1).

21 (b) Upon obtaining the results of the testing under
22 subsection (a)(1), the school shall:

23 (1) Within twenty-four (24) hours of receiving the testing
24 results, take the water outlets which are used for cooking or
25 drinking and which contain lead contamination out of service.

26 (2) Within ten (10) days of receiving the testing results:

27 (i) Provide written notice of the testing results to:

28 (A) The parents or guardians of the students of the school,
29 which shall be sent home with the students.

30 (B) The staff members of the school.

1 (ii) Display the testing results and remediation plan in a
2 prominent location at the school.

3 (iii) Post the testing results and remediation plan on the
4 school's publicly accessible Internet website.

5 (3) Submit the testing results to the Department of
6 Environmental Protection and the Department of Education if lead
7 contamination is present.

8 (c) The following shall apply regarding rules and
9 regulations:

10 (1) No later than sixty (60) days after the effective date
11 of this subsection, the Department of Environmental Protection,
12 in consultation with the Department of Education, shall
13 establish rules and regulations for schools regarding:

14 (i) The testing of water outlets used for drinking and
15 cooking to determine if there is lead contamination.

16 (ii) The remediation of water outlets used for drinking or
17 cooking if lead contamination is present.

18 (2) The rules and regulations under paragraph (1) shall
19 include, but not be limited to, the following:

20 (i) The minimum criteria for testing water outlets used for
21 drinking and cooking to determine if there is lead
22 contamination.

23 (ii) The testing of water outlets used for drinking and
24 cooking, using best practices for testing as established by the
25 United States Environmental Protection Agency and the testing of
26 the first and second draw of water from an outlet after the
27 water system has not been used for at least eight (8) hours.

28 (iii) Procedures to ensure that students have access to
29 water free of lead contamination before and during remediation.

30 (iv) Procedures for the remediation of water outlets used

1 for drinking or cooking if lead contamination is present.

2 (d) The following words and phrases when used in this
3 section shall have the meanings given to them in this subsection
4 unless the context clearly indicates otherwise:

5 "Lead contamination." The presence of lead equal to at least
6 five (5) parts per billion.

7 "Remediation." Steps taken to reduce a water outlet's lead
8 level below five (5) parts per billion, including the
9 installation of filters certified to remove lead and the removal
10 of lead-bearing fountains and other parts, if feasible.

11 "School." A public or private primary or secondary school.

12 Section 3. This act shall take effect immediately.