

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2011 Session of 2024

INTRODUCED BY GREEN, KHAN, ORTITAY, MAJOR, HADDOCK, HOGAN,
DONAHUE, HILL-EVANS, MADDEN, KENYATTA, SCHLOSSBERG, HANBIDGE,
JAMES, PROBST, McNEILL, MIHALEK, BOYD, MALAGARI, STEELE,
MENTZER, SANCHEZ, PARKER, CERRATO, CIRESI, MAYES, TOMLINSON,
OTTEN, DALEY, O'MARA, KRAJEWSKI AND SHUSTERMAN,
FEBRUARY 5, 2024

REFERRED TO COMMITTEE ON EDUCATION, FEBRUARY 5, 2024

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 certified point-of-use filter required; establishing the
7 Safe Schools Drinking Water Fund; and making an interfund
8 transfer.

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

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

14 Section 743. Certified Point-of-Use Filter Required.--(a)
15 By January 1, 2026, each school entity shall:

16 (1) Ensure that all drinking water outlets in each school
17 building within the school entity are equipped with certified
18 point-of-use filters.

19 (2) Remove and replace existing drinking water fountains

without certified point-of-use filters with bottle-filling stations or drinking fountains equipped with certified point-of-use filters at the rate of at least one (1) per one hundred (100) students and staff.

(3) Set up a filter maintenance and oversight schedule for all certified point-of-use filters installed under this subsection. The school entity shall follow the manufacturer's recommended maintenance and replacement protocols for all equipment and certified point-of-use filters installed under this subsection.

(4) Ensure that all new drinking water outlets purchased for installation at a school building do not leach more than one (1) microgram of lead for test statistic Q or R, when normalized for a first draw sample up to or equal to one (1) liter in volume, as calculated in accordance with 2020 NSF International Standard 61, which became effective in 2020, and certified by an American National Standards Institute-accredited third party.

(b) To comply with the provisions of subsection (a), a school entity may:

(1) Seek the assistance of a local board of health or a public water system.

(2) Apply for a grant under subsection (c).

(c) The department shall develop a grant program for eligible school entities as provided under this subsection. The following shall apply:

(1) A grant award shall be used for:

(i) The installation of certified point-of-use filters on drinking water outlets.

(ii) The replacement of drinking water fountains with bottle-filling stations or drinking fountains equipped with

1 certified point-of-use filters.

2 (2) Within three (3) months of the effective date of this
3 paragraph, the department shall issue guidelines on the grant
4 program under this subsection and develop and make available an
5 application for grant funding on the department's publicly
6 accessible Internet website.

7 (3) The following shall receive preference for a grant
8 under this subsection:

9 (i) School buildings built before 2014.

10 (ii) School buildings that include students in
11 prekindergarten.

12 (4) Each school entity:

13 (i) Applying for a grant under this subsection shall submit
14 the following information with the application:

15 (A) The number of existing drinking water outlets with lead-
16 filtering systems within each respective school building for
17 which the school entity is applying for funding.

18 (B) The number of drinking water outlets without lead-
19 filtering systems within each respective school building for
20 which the school entity is applying for funding.

21 (C) The number of students and staff enrolled or employed in
22 each respective school building for which the school entity is
23 applying for funding at the time of application.

24 (ii) Awarded a grant under this subsection shall maintain
25 and post the information submitted to the department under
26 subparagraph (i) on the school entity's publicly accessible
27 Internet website.

28 (iii) Shall:

29 (A) Designate an employee to serve as the contact person for
30 communications with the department and the public regarding the

certified point-of-use filter installation and shall post the contact information of the designated employee on the school entity's publicly accessible Internet website.

(B) Post on the school entity's publicly accessible Internet website information on the public health effects and risks posed by lead in drinking water and information on the availability of additional resources concerning lead in drinking water, as outlined in the technical guidance under subsection (f).

(C) Publish at each drinking water outlet the maintenance schedule and log for installed certified point-of-use filters at that drinking water outlet.

(D) Post at every nondrinking water outlet "not for drinking."

(5) The following shall apply to school entities:

(i) A school entity that receives a grant under this subsection shall report back to the Department of Education and Department of Environmental Protection within 18 months that the work has been completed, which the Department of Education shall post on the department's publicly accessible Internet website.

(ii) By August 1, 2024, each school entity shall submit a report containing the school entity's plan to comply with this section to the Department of Education and the Department of Environmental Protection, which will post the report on their respective publicly accessible Internet websites within 60 days of receiving the report.

(d) The department may award up to ten million dollars (\$10,000,000) in grants each fiscal year for the three (3) fiscal years following the effective date of this section.

(e) The Safe Schools Drinking Water Fund is established as a separate fund in the State Treasury. Money in the fund shall be

appropriated to the department on a continuing basis for the purpose of awarding grants under this section.

(f) The department shall develop technical guidance for standards and regular maintenance of bottle-filling stations or drinking fountains with certified point-of-use filters.

(g) The department, in consultation with the Department of Education and the Department of Health, shall promulgate rules and regulations necessary to implement this section.

(h) The department, the Department of Education and the Department of Health shall share information, databases and analyses and use risk assessment tools, data, mapping and any other information that is available to the departments to ensure that funding is targeted to school entities in this Commonwealth with the most need to eliminate lead from school drinking water.

(i) Nothing in this section shall be construed to place additional requirements on a school entity that, prior to the effective date of this subsection, has already taken measures which, in the judgment of the department, permanently eliminate the risk of elevated lead levels in the school entity's water at all drinking water outlets.

(j) For purposes of this section:

"Certified point-of-use filter" means a filter that includes a light or other device to indicate filter replacement status installed at the point where water is dispensed from an outlet and is certified to the NSF/ANSI 53 standard for lead reduction and NSF/ANSI 42 standard for particulate reduction (Class I) in effect on the effective date of this section. The certification body shall be accredited by the American National Standards Institute National Accreditation Board.

"Department" means the Department of Environmental Protection

1 of the Commonwealth.

2 "Drinking water outlet" means a drinking fountain, faucet,
3 tap or other end point for delivery of water used for drinking
4 or food preparation, including ice-making and hot drink
5 machines.

6 "Elevated lead level" means lead concentration levels in
7 drinking water that exceed one part per billion.

8 "Nondrinking water outlet" means a faucet, tap or other end
9 point for delivery of water used for any purpose other than
10 drinking or food preparation.

11 "School building" shall mean a building owned by or under the
12 control of a school entity where classes are taught or
13 extracurricular activities are conducted on a regular basis.

14 "School entity" shall mean a school district, charter school,
15 cyber charter school, regional charter school, intermediate
16 unit, area career and technical school, private school or
17 nonpublic school.

18 Section 2. The sum of \$30,000,000 is transferred from the
19 General Fund to the Safe Schools Drinking Water Fund.

20 Section 3. This act shall take effect in 60 days.