

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1587
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Agriculture, Water & Rural Affairs
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Following the water crisis in Flint, Michigan, where drinking water in an entire city was found to be contaminated with lead, Texas schools have been eager to investigate and eliminate potentially contaminated water. In 2016, unsafe lead levels were found at multiple campuses in Fort Worth Independent School District (ISD), Dallas ISD, and Houston ISD. Though these individual districts have taken efforts to address the problem, Texas is facing a statewide crisis of tests revealing unsafe lead levels in schools, or districts are not testing at all to determine if there are unsafe lead levels. In fact, Texas has an "F" rating from Environment Texas on policies protecting children from lead in water at school.¹

Children are particularly susceptible to lead poisoning, which can cause numerous adverse health effects including behavior and learning problems, lower IQ and hyperactivity, slowed growth, hearing problems, and anemia.² While the federal Lead and Copper Rule (LCR) is 15 parts per billion (ppb), S.B. 1587 adopts the American Academy of Pediatrics' recommendation of 1 ppb standard for unsafe levels of lead in schools' drinking water because there is no safe level of lead exposure.³

Lead poisoning affects mostly small children, and it only takes a small amount of lead exposure to cause serious health effects. Since lead poisoning is not treatable, it is only preventable. S.B. 1587 is aimed at prevention.⁴

S.B. 1587 requires:

- (1) public water systems to replace lead service lines;
- (2) public and private schools and child care facilities to develop and adopt a plan of action to prevent elevated lead levels; and
- (3) public and private schools to conduct tests of water for lead at least once per year.

Furthermore, if a test reveals an elevated lead level, the facility must alert parents and school and childcare facility staff about test results; thus, S.B. 1587 also promotes public transparency.

Citations:

1. "Get the Lead Out"- Ensuring Safe Drinking Water for Our Children at School. Report. Environment Texas
2. Learn About Lead. <https://www.epa.gov/lead/learn-about-lead>
3. <http://pediatrics.aappublications.org/content/early/2016/06/16/peds.2016-1493>
4. AAP Commends CDC for Recognizing That for Children, There is No Safe Level of Lead Exposure. <https://www.aap.org/en-us/about-the-aap/aap-press-room/Pages/AAP-Statement-CDC-Revised-Lead-Exposure-Guidelines.aspx> (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 1587 amends current law relating to lead in drinking water at public schools.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 2 (Section 341.053, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 341.040, Health and Safety Code, as follows:

Sec. 341.040. New heading: DEFINITIONS. Defines "commission," "drinking water outlet," "elevated lead level," "executive director," "lead service line," "public school," and "public water system."

SECTION 2. Amends Subchapter C, Chapter 341, Health and Safety Code, by adding Sections 341.051, 341.052, 341.053, 341.054, and 341.055, as follows:

Sec. 341.051. PUBLIC SCHOOL DRINKING WATER: LEAD SERVICE LINE INFORMATION. Requires that a public water system provide each public school that the public water system serves any information in its possession relating to the location of lead service lines. Requires that each public school determine which of the school's buildings receive drinking water through lead service lines and report the information to the Texas Commission on Environmental Quality (TCEQ).

Sec. 341.052. PUBLIC SCHOOL DRINKING WATER: TESTING. Authorizes a public school to undertake periodic testing of the drinking water outlets in each school building for the presence of lead. Requires that each test for lead, if conducted, be conducted:

(1) by a laboratory certified for that purpose by the executive director of TCEQ (executive director); and

(2) in accordance with the sampling and testing methods specified by the Environmental Protection Agency and any applicable technical guidance issued by TCEQ under Section 341.054.

Sec. 341.053. PUBLIC SCHOOL DRINKING WATER: TRANSPARENCY AND PUBLIC RIGHT TO KNOW. (a) Requires that a public school that performs testing under Section 341.052:

(1) submit to TCEQ and the Texas Education Agency (TEA) a report that includes certain information;

(2) maintain copies of information submitted under Subdivision (1) in a suitable location for inspection by the public and on the Internet website of the school;

(3) notify parent, teacher, and employee organizations of the availability of the submitted information; and

(4) designate a person to serve as the contact person for communications with TCEQ and the public regarding the lead testing and any remediation activities.

(b) Requires TCEQ to adopt rules regarding the format for the submission of information under Subsection (a).

Sec. 341.054. PUBLIC SCHOOL DRINKING WATER: TECHNICAL GUIDANCE. Requires TCEQ to post technical guidance for lead testing on TCEQ's Internet website, and to include certain information.

Sec. 341.055. PUBLIC SCHOOL DRINKING WATER: COMMISSION BIENNIAL REPORT. Requires the executive director of TCEQ (executive director), not later than December 1 of each even-numbered year, to submit to certain persons a report that includes a summary of the information submitted under Section 341.053(a) in the preceding two-year period.

SECTION 3. (a) Requires that each public water system, not later than October 1, 2017, provide public schools that it serves with information relating to the location of lead service lines, as required by Section 341.051, Health and Safety Code, as added by this Act.

(b) Requires each public school, not later than November 1, 2017, to inform TCEQ which buildings are served by lead service lines as required by Section 341.051, Health and Safety Code, as added by this Act.

(c) Requires TCEQ, not later than October 15, 2017, to post the technical guidance required by Section 341.054, Health and Safety Code, as added by this Act, on TCEQ's Internet website.

SECTION 4. Provides that TCEQ is required to implement Sections 341.053, 341.054, and 341.055, Health and Safety Code, as added by this Act, only if the legislature appropriates money specifically for those purposes. Authorizes, but does not require, TCEQ, if the legislature does not appropriate money specifically for those purposes, to implement those sections using other appropriations available to TCEQ for those purposes.

SECTION 5. Effective date: upon passage or September 1, 2017.