



**Childhood Lead Exposure Prevention Amendatory Act of 2016  
Testimony for the Record**

**DC Council Committee on Transportation and the Environment and The  
Committee on Education  
October 6, 2016**

Dear Committee Chairs and Members,

The health and safety of public charter school students is the Public Charter School Board's (DC PCSB) highest priority. When news of excessive lead levels in the water supply of Flint and Newark broke, we took the initiative in March to spend a portion of our reserve funds to rapidly test all sources at all of DC's public charter schools for lead<sup>1</sup>.

As we reported in June, the vast majority of public charter school campuses, 95, did not have levels of lead in their water that exceeded the EPA standard of 15 parts per billion (ppb). Of the remaining schools, 20 had a few sources (e.g. a sink or fountain) with elevated levels of lead. The 71 sources testing positive represent 2.5 percent of the 2,866 devices tested. Those sources with actionable levels have been retested and remediated by installing filters on drinkable sources. To do so, the affected public charter schools purchased filters for those devices before the sources were put back into use.

At this point, all drinking sources that showed a test result of >15ppb now have a filter installed or have been taken out of service.

Overall, DC PCSB has spent nearly \$100,000 to test the 2,866 devices, funds which the Healthy Youth & Schools Commission at OSSE has pledged to reimburse on a one-time basis.

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<sup>1</sup> Schools able to provide clear documentation that their building had already been thoroughly tested were exempt.

While the EPA has long established a standard for municipal drinking water of 15 ppb, the American Academy of Pediatrics on June 20 of this year stated that “there is no safe level of lead exposure in children.” Based on this extremely rigorous standard, we, along with our colleagues in city government, determined that all drinking sources in all schools should have a filter placed on them. This is based on the recognition that there could be cases where a source showing no presence of lead might at another time show some lead presence. I should emphasize that this standard is exceptionally rigorous – even bottled water is permitted to have trace amounts of lead at 5 ppb.

Last month, the city identified and allocated one-time funding of \$721,164 to purchase and install filters for all public charter schools. DC PCSB is overseeing this process and we are currently in the process of soliciting bids for one or more firms to manage this process. We are hopeful that the funds identified will be sufficient, but until we receive bids we cannot be certain. And it is important to note that these filters need to be replaced approximately every year. Replacement is not difficult, but the cost of new filters can range from \$200 to \$600 each.

The Childhood Lead Exposure Prevention Amendatory Act’s goals are laudible. The city should, where it can, set appropriate health and safety standards to ensure no student in the District of Columbia is put in danger. However, DC PCSB has a few concerns with the bill as drafted.

Many public charter school LEAs operate in commercially owned facilities with landlords. DC PCSB does not believe DGS has the authority nor the staffing capacity to enter a private facility to conduct lead testing and to physically alter any drinking sources. As tenants in these buildings, public charter schools oftentimes must work with landlords to alter their facilities. We propose that DGS coordinate with PCSB and supply replacement water filters to schools annually, leaving the schools to perform the simple installation.

In addition, we are concerned with lowering the lead standard to 1ppb. As previously noted, the standard for bottled water is 5ppb. Lowering a school’s standard to 1ppb would be going above and beyond a widely accepted standard. We believe that this lower codified standard could open schools up to a cause of action if their drinking sources are found to be even slightly above the new standard. Even if a school would ultimately be

removed as a party from a claim, there are legal costs associated with getting extricated from any claim.

We agree with DGS's proposed testing and abatement protocol and intend to advise schools to follow it. However, given that testing and filter placement must happen annually, DC PCSB would like to see a more permanent solution to shift the process of managing a lead testing firm to LEAs or another agency. In any solution identified, LEAs must have annual funding allocated by the city to conduct sample tests and to purchase replacement filters. We would like to see the PACE bill, currently working through the Council's Committee on Education, have a process whereby DGS would identify and pay for contractors to perform annual building inspections that include lead testing, allowing LEA's to select from this list the contractor they wish to use.

We urge the Council to work with us and our governmental partners to help set appropriate standards for testing -- and to find a way to ensure that the costs associated with periodic testing and adding filters, does not put an undue burden on already limited school budgets nor on staff.

Sincerely,

A handwritten signature in black ink, appearing to read 'SP', written in a cursive style.

Scott Pearson