SENATE COMMITTEE ON ENVIRONMENTAL QUALITY
Senator Blakespear, Chair
2025 - 2026 Regular

Bill No:	AB 1096		
Author:	Connolly		
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Urgency:	No	**Fiscal:**	Yes
Consultant:	Taylor McKie		

SUBJECT: Water: schoolsites: lead testing

DIGEST: This bill requires the State Water Resources Control Board (State Water Board) to publicly post on its website specified information, collected and submitted to the State Water Board by community water systems (CWSs) pursuant to federal Lead and Copper Rule Improvement (LCRI) requirements for lead testing in schools and child care facilities.

ANALYSIS:

Existing federal law:

1) Defines, for the purposes of the Lead and Copper Rule (LCR) under the federal SDWA, a "school" to mean any building associated with public, private, or charter institutions that primarily provide teaching and learning for elementary or secondary students; defines "child care facility" to mean a location that houses a provider of child care, day care, or early learning services to children, as licensed by the state, local, or tribal licensing agency. (40 Code of Federal Regulations (CFR) § 141.2)

2) Establishes, under the federal LCR, multiple requirements for monitoring for lead in schools and child care facilities, including requirements that community water systems (CWSs) must:
   a) Conduct public education and lead monitoring at the schools and child care facilities they serve;
   b) Compile a list of schools and child care facilities they serve and submit the list to the state by November 1, 2027;
   c) Notify child care facilities, elementary, and secondary schools that they are eligible to be sampled for lead by the CWS, as specified;
   d) Collect lead test samples from child care facilities, elementary, and secondary schools after November 1, 2027, as specified; and,
   e) Provide documentation to the state if an elementary school or child care facility is non-responsive or otherwise declines to participate in the

monitoring or education requirements established under the federal LCR. (40 CFR § 141.92, et seq.)

3) Authorizes states to exempt one or more CWSs from lead sampling requirements under the federal LCR, if schools and child care facilities served by a CWS are sampled for lead in drinking water under a state or local law or program and sampling meets specified requirements. (40 CFR § 141.92(h)(1))

4) Establishes, under the federal LCR, multiple reporting requirements pertaining to a CWS's public education and lead sampling in schools and child care facilities, including requirements that CWSs must:
   a) Report lead sampling results for schools and child care facilities within 30 days of receipt of the results, as specified; and,
   b) Send, annually by January 30, a report on the prior year's activity to the state beginning one year after November 1, 2027; requires that the report contain specified information, including the following:
      i) The number and names of schools and child care facilities served by the CWS;
      ii) The number and names of schools and child care facilities sampled in the previous year;
      iii) The number and names of elementary schools and child care facilities that declined sampling;
      iv) The number and names of elementary schools and child care facilities that did not respond to outreach attempts for sampling; and,
      v) Information pertaining to outreach attempts for sampling that were declined or not responded to by the elementary school or child care facility. (40 CFR § 141.90)

Existing state law:

1) Establishes as policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. (Water Code § 106.3)

2) Requires, pursuant to the California Safe Drinking Water Act (SDWA), the State Water Board to regulate drinking water and to enforce the federal SDWA and other regulations. (Health and Safety Code (HSC) § 116275, et seq.)

3) Requires, under state law, a licensed child day care center that is located in a building constructed before January 1, 2010, to have its drinking water tested for lead contamination levels on or after January 1, 2020, but no later than

January 1, 2023, and every five years after the date of the initial test. (HSC § 1597.16(a)(1))

4) Requires the State Water Board to post all lead test results received for licensed child day care centers on its internet website in a timely manner, and to make test results readily accessible to the public. (HSC § 1597.16(a)(2)(B)(ii))

5) Establishes the Lead-Safe Schools Protection Act and requires the California Department of Public Health (CDPH) to conduct a sample survey of schools, for the purpose of developing risk factors to predict lead contamination in public schools. (Education Code (EC) § 32240-32245)

6) Requires, pursuant to the Lead-Safe Schools Protection Act, that the CDPH work with the California Department of Education to develop voluntary guidelines for distribution to schools, to ensure that lead hazards are minimized in the course of school repair and maintenance programs and abatement procedures. (EC § 32242(g))

7) Prohibits, beginning January 1, 1994, the use of lead-based paint, lead plumbing and solders, or other potential sources of lead contamination in the construction of any new school facility or the modernization or renovation of any existing school facility. (EC § 32244)

8) Prohibits the use of any pipe, pipe or plumbing fitting or fixture, solder, or flux that is not "lead free" in the installation or repair of any public water system or any plumbing in a facility providing water for human consumption. (HSC § 116875(a))

This bill:

1) Requires CWSs to compile:
   a) The number and names of schools and childcare facilities served by the system;
   b) The number and names of schools and child care facilities sampled in the previous year;
   c) The number and names of elementary schools and childcare facilities that declined sampling;
   d) The number and names of elementary schools and childcare facilities that did not respond to outreach attempts for sampling;
   e) Information that pertains to outreach attempts for sampling that were declined or not responded to by an elementary school or childcare facility; and,

f) Sampling results from sampled schools and childcare facilities.

2) Requires CWSs to provide elementary schools and childcare facilities that decline lead testing with an opportunity to provide information about their reasons for declining from a specified list of options.

3) Exempts a CWS from the requirements to compile and solicit for specified information from elementary schools and childcare facilities if the CWS has received a waiver from the State Water Board.

4) Requires CWSs to submit the compiled and solicited specified information to the State Water Board in a process specified by the State Water Board.

5) Authorizes the State Water Board to add additional reasons to the list of reasons for declining lead testing.

6) Requires the State Water Board to make the specified information collected from a CWS publicly available on its internet website in a specified format on or before June 30, 2028.

7) Requires CWSs to include a written statement about lead testing in schools and childcare facilities and a link to the State Water Board's website that displays the information required by this Section in its annual consumer confidence report on or before December 31, 2028.

8) Makes related findings and declarations.

Background

1) *The human right to water*. In 2012, the Legislature enacted AB 685 (Eng, Chapter 524, Statutes of 2012), making California the first state in the nation with a Human Right to Water law. AB 685 establishes a state policy that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitation. However, water supply issues, climate change, contaminants, aging infrastructure, and failing and at-risk systems, especially in disadvantaged communities, are among the multiple factors that continue to challenge progress in implementing the Human Right to Water.

2) *Consequences of childhood lead exposure*. According to the Centers for Disease Control and Prevention (CDC), research shows that there is no safe level of lead in drinking water and even very low levels can have negative and

irreversible health effects, especially for children and pregnant persons. Because of lead's health impacts, the U.S. Environmental Protection Agency (U.S. EPA) maintains a maximum contaminant level goal of zero, and some organizations, such as the American Association of Pediatrics, have called for national and state efforts to bring lead levels in drinking water closer to zero parts per billion (ppb). The CDC states that childhood lead exposure can seriously harm a child's health and cause well-documented adverse effects, including brain and nervous system damage, slowed growth and development, learning and behavior problems, and hearing and speech problems. These health impacts can in turn lead to decreased attention and underperformance in school among lead-exposed children. One study examined data for nearly 58,000 children attending Chicago public schools and found that increasing blood lead levels were associated with increasing failure rates on standardized reading and math tests. Among children with the lowest blood lead levels, even small increases in blood lead levels were associated with what the authors described as "steeper failure rates."[1]

While children, pregnant persons, and developing fetuses are particularly susceptible to the harmful effects of lead, lead in blood can also result in an increased risk of cardiovascular disease, high blood pressure, and kidney and nervous system problems for adults. Because the human body can store lead in bone, even temporary environmental exposures in childhood can result in many years to decades of recurring or ongoing elevations in blood lead levels. Research reports that lead stored in bone can release back into the blood, resulting in elevated blood lead levels during periods of illness (e.g., with skeletal or dental disease) and during multiple life stages, including childhood, pregnancy, lactation, and menopause.[2]

3) *Inequities in childhood lead exposure*. According to the CDC, people with low incomes and people of color are more likely to live in neighborhoods with outdated infrastructure, and are thus more likely to be exposed to lead-based paint and pipes, faucets, and plumbing fixtures containing lead. For Chicago public schools, blood lead levels were highest in black children (relative to Hispanic and white children) and higher in low-income children.[1]

Children from low-income families and communities of color can also be further disadvantaged through the cumulative impacts of lead and other challenges they may face, including higher rates of poverty, malnutrition,

[1] Evens, A., et. al. (2015). The impact of low-level lead toxicity on school performance among children in the Chicago Public Schools: a population-based retrospective cohort study.
[2] Nie, H., et. al. (2009). Bone lead and endogenous exposure in an environmentally exposed elderly population: the normative aging study.

exposure to multiple pollutants, and enrollment in under-resourced schools. The combination of lead exposure and being from a low-income family can result in worse impacts for children, when compared to children who have only one of these risk factors. Specifically, children from low-income families and with the highest risk levels for lead exposure showed reduced cognitive performance and changes in parts of the brain that regulate the capacity for problem solving, planning, critical thinking, and memory.[3]

4) *Sources of childhood exposure to lead*. The U.S. EPA states that children can be exposed to lead in paint, dust, soil, air, and food, as well as drinking water, and that drinking water can make up 20% or more of a person's total lead exposure. Lead is unlikely to be present in source water, unless a specific source of contamination exists. More commonly, lead enters drinking water through the corrosion of plumbing materials and solder that contain lead. Lead can enter a building's drinking water by leaching from lead service lines, lead solder used in copper piping, and from brass fixtures.[4] The amount of lead in tap water can depend on several factors, including the age and material of the pipes and fixtures, concentration of lead in water delivered by the public utility, and corrosiveness of the water. More corrosive water can cause greater leaching from pipes.

   Schools can be a source of lead exposure. Because of their frequent closures and uneven water use patterns during weekends, holidays, or summer break, water is more likely to stagnate in school pipes and fixtures, potentially making the water more corrosive and increasing the chances that lead leaches into the water.[5] The National Association of State Boards of Education recommends that schools test all cooking and drinking water sources because lead levels can vary across taps, with changes in water usage, the amount of time water sits in pipes, and the flow rate at the time of collection.

5) *Federal action on lead in drinking water in schools*. The federal LCR requires CWSs to conduct public education and lead monitoring at the schools and child care facilities they serve, unless those schools or child care facilities were constructed or had fully plumbing replacement on or after January 1, 2014. The State Water Board enforces the California Lead and Copper Rule (CA LCR), which is aligned with the federal LCR to protect the public's drinking water from metals that can adversely affect public health. If the action level for lead—which the federal LCRI lowered from 15 ppb to 10 ppb—is exceeded,

[3] Marshall, A. T., et. al. (2020). Association of lead-exposure risk and family income with childhood brain outcomes.
[4] Brown, M. J. and Margolis, S. (2012). Lead in Drinking Water and Human Blood Lead Levels in the United States.
[5] Pakenham, C. and Olson, B. (2021). How States are Handling Lead in School Drinking Water.

state regulations require public notification and installation or modifications to corrosion control treatment.

On October 8, 2024, the U.S. EPA adopted the federal LCRI, which updated the federal LCR. The LCRI built on a previous round of federal rulemaking (the Lead and Copper Rule Revisions) that, for the first time, required CWSs to offer lead testing to schools and child care facilities. Among other things, the LCRI requires CWSs to notify elementary schools, secondary schools, and child care facilities that they are eligible to be sampled by the CWS for lead in drinking water. After testing, CWSs must—within 30 days of receiving the lead test results—provide the results to the sampled school or child care facility and to the State Water Board. The LCRI also require that CWSs submit other kinds of information to the State Water Board, including the numbers and names of schools and child care facilities that were tested, and the number and names of elementary schools and child care facilities that declined sampling or did not respond to the CWS's outreach attempts.

While the federal regulations establish first-of-their-kind nationwide requirements for CWSs to offer lead testing to schools and child care facilities, the LCRI lack some basic public transparency measures. For example, the LCRI do not require that any of the information collected by CWSs be made publicly available. This means that families, students, and educational staff may not know that their facilities were offered testing, or what the test results were. AB 1096 builds on the LCRI's protections by ensuring that the information collected by CWSs, including test results, are made publicly available on the State Water Board's website.

6) *State action on lead in drinking water in schools*. Lead has been listed under the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) since 1987 as a substance that can cause reproductive damage and birth defects, and as a substance known to cause cancer since 1992. In 2009, the Office of Environmental Health Hazard Assessment established a public health goal of 0.2 ppb for lead in drinking water.

Under the state's Lead-Safe Schools Protection Act, originally passed in the mid-1990s, the CDPH conducted a sample survey of schools to determine the likely extent and distribution of childhood lead exposure from paint, soil in play areas, drinking water, and other potential sources. The resulting report, based on data collected from 200 randomly selected schools between 1995 and 1997, was submitted to the Legislature in 1998. The report demonstrates that lead in drinking water in schools constitutes a long-standing concern in California, finding that an estimated 18.1% of California schools were, at that

time, likely to have lead in drinking water at or above the federal action level (15 ppb). The report concluded that "in some situations drinking water from school water outlets could contribute to children's lead exposure, and demonstrate a need for monitoring lead from drinking water outlets in schools."

In 2010, four years prior to the adoption of the federal LCR, AB 1953 (Chan, Chapter 853, Statutes of 2006) banned for sale and use any pipe, pipe or plumbing fitting, or fixture intended to convey or dispense water for human consumption through drinking or cooking that is not "lead free," which sets very low limits to the amount of lead allowable each with respect to the soldering, fittings, fixtures, and pipes. This definition applies to kitchen faucets, bathroom faucets, and any other endpoint device intended to convey or dispense water for human consumption through drinking or cooking.

In 2017, the State Water Board required approximately 1,200 CWSs to test the drinking water for lead at any school that requested it. The same year, AB 746 (Gonzalez Fletcher, Chapter 746, Statutes of 2017) was enacted to require CWSs that serve a school-site built before January 1, 2010, to test for lead in the potable faucets of the school-site, on or before July 1, 2019. In 2018, EdSource concluded after analyzing lead testing data from nearly 3,700 California schools that "gaps in [AB 746]…could leave children vulnerable to the toxic metal." The analysis found that 4% of schools tested—about 150 schools—recorded a lead level over the 15 ppb action level specified in AB 746. The analysis also showed that at 897 schools, at least one water outlet tested between 5 and 15 ppb, which required no remediation under AB 746.

In 2018, the Legislature enacted AB 2370 (Holden, Chapter 676, Statutes of 2018), which requires licensed child day care centers operating in buildings constructed before January 1, 2010, to have their drinking water tested for lead by January 1, 2023, and every five years after the initial test. AB 2370 also requires the State Water Board to post all lead test results, received for child day care centers, on its internet website. Subsequent written directives from the California Department of Social Services (CDSS) specified an action level of 5 ppb, with a minimum reporting threshold of 1 ppb, for lead in water in child day care centers. Through SB 862 (Budget Committee, Chapter 449, Statutes of 2018), the Legislature appropriated $5 million, which the State Water Board is using to assist child day care centers with the costs of lead testing and fixture replacement.

Comments

1) *Purpose of Bill.* According to the author, "Research shows that there is no safe level of lead in children, and even blood lead levels too low to cause acute poisoning can result in lasting cognitive impairment in children. Adopted in fall 2024, the federal LCRI build upon a previous round of federal rulemaking that, for the first time, requires CWSs to offer lead testing to the schools and child care facilities they serve. However, the federal requirements lack some basic public transparency measures. For example, the LCRI do not require that any of the information collected by CWSs be made publicly available. AB 1096 helps protect children from lead exposure by ensuring that information CWSs are already required to report to the State Water Board, including test results, are made available to the public. This is a common sense public transparency bill that will help ensure local communities and stakeholders have access to critical information about lead levels in drinking water in California's schools and child care facilities."

Related/Prior Legislation

AB 1851 (Holden, 2024) would have required the State Superintendent of Public Instruction to establish a pilot program to test for and remediate lead in drinking water in the schools of 6-10 local educational agencies. This bill was held on the suspense file in the Senate Appropriations Committee.

AB 2671 (Weber, 2024) would have required licensed family day care homes (also known as family child care homes) to only serve children with water, or food prepared with water, that has been filtered using a point-of-use water filtration device certified to meet National Sanitation Foundation/American National Standards Institute standards for lead reduction. This bill was held on the suspense file in the Assembly Appropriations Committee.

AB 249 (Holden, 2023) would have required, on or before January 1, 2027, a community water system that serves a school-site receiving federal Title I funds to test for lead in each of the school-site's potable water system outlets and to perform specified actions, if lead levels exceeded 5 ppb. This bill was vetoed by Governor Gavin Newsom.

AB 2370 (Holden, Chapter 676, Statutes of 2018) required licensed child day care facilities to provide parents or guardians with certain written information related to the risks and effects of lead exposure and blood lead testing recommendations and requirements, and subjects certain child day care centers to requirements related to testing drinking water for lead.

SB 862 (Budget Committee, Chapter 449, Statutes of 2018) appropriated $5 million to the State Water Board to provide grants or contracts for drinking water testing for lead at licensed child day care centers, remediation of lead in plumbing and drinking water fixtures, and technical assistance for licensed child day care providers to apply for testing and remediation.

AB 746 (Gonzalez Fletcher, Chapter 746, Statutes of 2017) required a community water system that serves a school-site built before January 1, 2010 to test for lead in the potable water system of the school-site, on or before July 1, 2019.

AB 2124 (E. Garcia, Lackey, 2016) would have required a public water system to include in its water analysis samples from schools, day care facilities, and health care facilities, to the extent those locations are within the public water system. This bill was held in the Senate Environmental Quality Committee.

AB 1953 (Chan, Chapter 853, Statutes of 2006) banned for sale and use any pipe, pipe or plumbing fitting, or fixture intended to convey or dispense water for human consumption through drinking or cooking that is not "lead free."

SOURCE: Author

SUPPORT:

California State Council of Service Employees International Union (seiu California)
Children Now
Cleanearth4kids.org
Green Policy Initiative
Los Angeles Unified School District

OPPOSITION:

None received

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