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## SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair  
2025 - 2026 Regular Session

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### AB 1096 (Connolly) - Water: schoolsites: lead testing

**Version:** July 9, 2025

**Urgency:** No

**Hearing Date:** August 18, 2025

**Policy Vote:** E.Q. 8 - 0

**Mandate:** Yes

**Consultant:** Ashley Ames

**Bill Summary:** This bill would require community water systems to provide schools that decline lead testing the opportunity indicate the reason they declined testing from a list of specified options, among other things.

#### **Fiscal Impact:**

- The State Water Board estimates limited-term costs of \$250,000 over two years for regulation development; ongoing costs of \$250,000 annually to modify systems, collect, and compile data, and post it to the State Water Board's website; and one-time costs of \$500,000 for contracting costs to make the system enhancements needed (Safe Drinking Water Account).

#### **Background:**

*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. 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. 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.

*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, 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.

*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.

**Proposed Law:** This bill would require a community water system, when making outreach attempts to elementary schools and childcare facilities for the purposes of offering lead sampling in drinking water, to compile specified information and to provide elementary schools and childcare facilities that decline lead testing with an opportunity to provide information about their reasons for declining by allowing them to select from a list that includes specified options, unless the school or childcare facility is exempted from lead testing by federal waiver, as provided. The bill would authorize the state board to add additional reasons for declining lead testing to that list. The bill would require a community water system to submit all of the above-described information that it compiles or that is provided to it to the state board, as provided. The bill would require the state board, on or before June 30, 2028, to make all of that information publicly available in a searchable format on its internet website, as specified. The bill also would require, on or before December 31, 2028, a community water system to include, in its annual consumer confidence report, a written statement about the availability of information pertaining to lead testing in schools and childcare facilities on the state board’s internet website and a direct link to that website. Because knowingly making a false statement or representation in that report would be a crime under the California Safe Drinking Water Act, the bill would impose a state-mandated local program by expanding the scope of a crime.

#### **Related 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."

**Staff Comments:** The State Water Board notes the \$250,000 2-year limited term costs for regulation development could be removed should the State Water Board be authorized to add to the list of options provided to schools that decline lead testing through a board process in lieu of regulations to issue a blanket statewide childcare waiver through subsequent amends to this bill.

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