

CONCURRENCE IN SENATE AMENDMENTS

AB 1096 (Connolly)

As Amended September 04, 2025

Majority vote

SUMMARY

Requires the State Water Resources Control Board (State Water Board) to publicly post on its internet website specified information pertaining to lead testing offered by community water systems (CWS), pursuant to federal requirements, to elementary schools and child care facilities; requires CWSs to allow elementary schools and child care facilities to indicate their reasons for declining an offer to test, if applicable; and, requires CWSs to include specified information pertaining to lead testing in their annual consumer confidence reports.

Senate Amendments

- 1) Delete a requirement for the State Water Board to adopt regulations consistent with the federal Lead and Copper Rule.
- 2) Require a CWS, when making outreach attempts to offer lead sampling to elementary schools and child care facilities, pursuant to the federal Lead and Copper Rule, to do both of the following:
 - a) Compile all of the following information:
 - i) The number and names of schools and child care facilities served by the CWS and sampled in the previous year;
 - ii) The number and names of elementary schools and child care facilities that declined sampling or did not respond to outreach attempts;
 - iii) Information that pertains to outreach attempts for sampling that were declined or not responded to by an elementary school or child care facility; and,
 - iv) Sampling results from sampled schools and child care facilities.
 - b) Provide elementary schools and child care facilities that decline a CWS's offer for lead testing with an opportunity to indicate their reasons for declining, as specified.
- 3) Require CWSs to submit the information listed above (under bullet #2) to the State Water Board, pursuant to a process specified by the State Water Board; authorize the State Water Board to implement this provision through the adoption of a policy handbook.
- 4) Provide that a CWS will be exempt from the requirements listed above (under bullet #2) if the CWS has received a written waiver from the State Water Board exempting it from federal lead sampling requirements, as authorized under the Lead and Copper Rule Improvements (LCRI), for the subset of schools or child care facilities to which the waiver applies.
- 5) Authorize the State Water Board to issue a statewide written waiver exempting more than one CWS from lead sampling requirements, for CWSs subject to a statewide sampling law or program, through the policy handbook specified above.

- 6) Require the State Water Board to make the information listed above (under bullet #2) publicly available in a searchable format on its internet website, and to aid members of the public in understanding the information, as specified.
- 7) Require, on or before December 31, 2028, CWSs to include, in their annual consumer confidence reports, a written statement that information pertaining to lead testing in schools and child care facilities, including the names of schools and child care facilities that received testing, is available on the State Water Board's website.
- 8) Provide that AB 1096 shall not be construed as altering compliance deadlines specified in the federal Lead and Copper Rule.
- 9) Define "child care facility," "elementary school," and "school" to have the same meanings as those established under the federal Lead and Copper Rule.
- 10) Make technical and clarifying changes.

COMMENTS

No safe level of lead: According to the Centers for Disease Control and Prevention (CDC), 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 United States Environmental Protection Agency (US EPA) maintains a maximum contaminant level goal of zero. 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.

Lead in drinking water in educational settings: In a 2021 report, *How States Are Handling Lead in School Drinking Water*, the National Association of State Boards of Education (NASBE) states: "Due in part to their frequent closures and uneven water use patterns during weekends, holidays, summer break, or extenuating circumstances like the pandemic, the topic of lead in drinking water is of special relevance to schools. Water is more likely to stagnate in school pipes and fixtures during closures, potentially making the water more corrosive and increasing the chances that lead leaches into the water." NASBE's report further states that because it is not possible to see, smell, or taste lead in drinking water, testing is the only way to identify its presence. The report recommends that schools test all cooking and drinking water sources, since lead levels can vary across taps, seasons, and with changes in water usage, temperature, the amount of time water sits in pipes, and the flow rate at the time of collection.

The federal LCRI: On October 8, 2024, the US EPA adopted the LCRI, which update the federal Lead and Copper Rule, the nation's regulations pertaining to the management of lead in drinking water. The LCRI build 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 require 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. The LCRI go a step farther for elementary schools and child care facilities, requiring that each year for five years, CWSs offer sampling to 20% of the elementary schools and 20% of the child care facilities they serve, until all elementary schools and child care facilities have been

offered testing. 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 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 schoolsite built before January 1, 2010, to test for lead in the potable faucets of the schoolsite, 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 parts per billion (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. A 2020 study of AB 746 implementation in *Preventing Chronic Disease* (Umunna et al.) found that among 240 randomly selected California public schools, roughly 3% of schools that tested had at least one sample that exceeded 15 ppb. The authors also found a wide range in implementation among schools, stating that "although some schools tested only one tap, others tested as many as 76. Schools that test fewer taps may be less likely to adequately capture the risk of elevated lead in drinking water than schools that test a greater number of taps."

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 for child day care centers on its internet website. Subsequent written directives from the California Department of Social Services 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.

This bill: The Legislature has worked towards reducing children's exposure to toxic lead for more than decade. AB 1096 builds on these efforts by ensuring that recently adopted federal requirements for lead testing in the drinking water of schools and child care facilities are

implemented with transparency, so that members of the public have access to critical information, including lead test results.

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 ensure our communities have access to critical information about lead levels in drinking water in California's schools and child care facilities."

Arguments in Support

According to the Environmental Working Group (EWG):

"EWG has long advocated for stronger protections against lead exposure in drinking water, particularly in settings where children, who are most vulnerable to the toxic effects of lead, spend significant time...Although the federal [LCRI], adopted in late 2024, require [CWSs] to offer lead testing to the schools and child care facilities they serve, these rules fall short in a critical area: public transparency. Families and school communities may never be informed that testing was conducted or be granted access to the results, leaving them unaware of potential lead exposure risks. AB 1096 fills this gap by requiring the public disclosure of lead testing data that CWSs are already obligated to report to the [State Water Board], ensuring that students, parents, and school staff can make informed decisions...This legislation empowers communities, protects children's health, and upholds California's leadership in environmental safety."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Senate Appropriations Committee, the State Water Board estimates limited-term costs of \$250,000 over two years for regulation development, ongoing annual costs of \$250,000 for data management and posting to the State Water Board's website, and one-time costs of \$500,000 to make system enhancements.

VOTES:

ASM ENVIRONMENTAL SAFETY AND TOXIC MATERIALS: 7-0-0

YES: Connolly, Ellis, Bauer-Kahan, Castillo, Lee, McKinnor, Papan

ASM APPROPRIATIONS: 14-0-1

YES: Wicks, Arambula, Calderon, Caloza, Dixon, Elhawary, Fong, Mark González, Hart, Pacheco, Pellerin, Solache, Ta, Tangipa

ABS, ABST OR NV: Sanchez

ASSEMBLY FLOOR: 79-0-0

YES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

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