Beyond Testing for Lead in Drinking Water: Implications for Funding

By Joseph Hedger

While most states have programs encouraging or requiring schools to test for lead in drinking water, funding for remediation lags. Given the significant federal investment to improve school water quality, state education leaders must ask, Where is the money going, and is enough left to remediate when schools find lead?

Based on its latest Drinking Water Infrastructure Needs Survey and Assessment of water utilities from 2021, the Environmental Protection Agency (EPA) estimates the cost of eligible state infrastructure projects over a 20-year horizon at $625 billion, about 32 percent higher than the previous estimate from 2018.

In October 2021, a NASBE report outlined opportunities to allocate federal funds for testing and removal of lead in school drinking water. According to the report, 18 states require schools to test for lead, but schools still struggle to deal with the aftermath—securing funding for pipe replacement or filters as well as communicating test results and remediation strategies to the public. Only 15 states provide schools with some financial resources to enact mitigation.

While recent federal grants boosted funding for removal of lead from school drinking water, barriers to mitigation as well as communication hurdles underscore the need for more attention from state education policy-makers. Despite these barriers, some states have managed to identify innovative funding streams, set up communication plans, and speedily implement remediation and filter programs for schools.

**MITIGATION**

The federal government has called for replacement of all lead service lines over the next decade. However, at the state level, many efforts to address lead in school drinking water remain fraught. For example, last year, California Gov. Gavin Newsom vetoed legislation that would have required replacement of fixtures, appliances, and lead pipes, citing too broad a scope and lack of sufficient staff and resources to implement the mandate.

Illinois also ran into similar financial hurdles with state policy efforts. After roughly 2,100 public schools tested their sinks and fountains for lead, more than 1,350 found lead levels exceeding the state threshold and were required to notify parents of testing results. However, the 2017 lead testing law that spurred these efforts did not require schools to take action to reduce lead levels and lacked readily available state funding, which led to inconsistent remediation efforts across school districts.

**COMMUNICATION**

Before starting any testing efforts, state leaders must develop a well-thought-out plan for how to guide and support schools when they find lead in drinking water, said Caroline Pakenham, senior manager of water programs at the environmental nonprofit Elevate.

State leaders can start by developing clear guidance for when to act and how to apply for resources to support those actions, whether through replacing pipes or installing filters. “That helps promote equity, too, so you’re not having one place take action and another place not because maybe they don’t have the financial resources,” she added.

States should also support schools in communicating efforts, which can be done by providing templates, toolkits, and trainings. Vermont has a strong community notification strategy for when schools test positive for lead in drinking water. The strategy includes step-by-step instructions for each stage of testing and remediation, which is especially helpful for understaffed schools that may not know where to start. The state also created templates for parent and staff notification and reimbursement requests.

Another important step is ensuring schools have someone to reach out to if they have questions or need help. “School administrators aren’t trained to be lead in water experts,” Pakenham said. “So we need to have someone there who can support them and answer questions and have thoughtful training in place before the testing effort begins.

**STATE EFFORTS**

In New Jersey, state requirements for all schools and child care facilities to test for lead in drinking water every three years resulted in 480 school buildings across a third of the state’s districts recording elevated lead levels. In response, Gov. Phil Murphy signed legislation in July 2021 that appropriated $6.6 million in state grants for water infrastructure projects in public schools, including improvements to drinking water outlets and remediation of water distribution systems such as lead service lines.

In preparation for mandatory testing, the North Carolina State Board of Education in May 2022 approved temporary rules for testing for lead in school drinking water. The state budget for fiscal year 2021–22 allocated $150 million in one-time funds—drawing on federal COVID relief money—for testing and possible abatement of lead or asbestos in schools and child care facilities, with about $32.8 million going toward testing.

However, education officials expressed concern over whether schools could afford mitigation, since it was unclear at the outset what it would cost to fix identified problems. Funds have not yet been used. But state leaders, working alongside contractor RTI International, presented a testing plan at
the board’s April 2023 meeting. The plan prioritizes elementary schools, followed by schools with high percentages of low-income students, then majority students of color, and then schools built before 1988.

In May 2023, the California State Assembly sought to strengthen current state lead testing and remediation requirements for school drinking water. Legislators passed a bill that would require lead tests at all drinking water fountains and faucets used in preK-12 schools that receive federal Title I funds. They set a goal of reducing school lead levels to zero, using federal and state funds. Additionally, the bill would require parent and guardian notification and immediate steps to shut down all potable water system outlets where excess lead levels exist.

Washington state recently began requiring all schools built before 2016 to test school faucets for lead. It also provided $3 million to support fixing or replacing outlets that have high lead levels, plus an additional $1 million for the state health agency to conduct the testing. This mandate followed a prior voluntary effort, where nearly all the 200 elementary schools that tested had at least one faucet with a lead concentration of more than the state-required threshold, one part per billion.

Filtration can be a cheaper and quicker approach to mitigation. The District of Columbia is currently the only state or territory that requires the installation of lead-removing filters at every drinking water tap in schools, earning it the highest grade nationally on an Environment America report on state policies addressing lead contamination.

The Michigan state senate recently passed “filter first” legislation, which would require and provide funding for every child care center and school to have National Sanitation Foundation–approved filters for taps and drinking fountains. Similar legislation was introduced in the Michigan house and is expected to be revisited in the fall. In the meantime, Gov. Gretchen Whitmer in July signed a budget bill that allocated $61.4 million to household drinking water projects and $9.4 million to general lead service-line replacement projects.

The EPA also has a variety of funding available. These funding streams include the Voluntary School and Child Care Lead Testing and Reduction Grant Program, where states can apply for grants to test and remediate lead in school drinking water.

In July 2023, the EPA announced $58 million in new funding and expanded eligibility to make these grant dollars available for lead service-line replacement and filter installation as well.

The EPA is also aiming for another round of the competitive Reducing Lead in Drinking Water Grant, which has been used for school and child care facilities. Lastly, opportunities for addressing lead service line continuity through the EPA’s Drinking Water State Revolving Funds, which received $15 billion under the Bipartisan Infrastructure Law of 2021.

QUESTIONS FOR STATES

The task of ensuring students have access to safe and healthy school environments is shared, but state board members can ask the following key questions about drinking water testing, communication strategies, and remediation efforts:

- What partnerships can be leveraged to help underresourced school districts apply for federal funding?
- How does the state gather and share lead-in-water test results for voluntary or mandatory programs?
- What state policies or guidance exist for districts to communicate effectively with the public about lead test results and subsequent action?
- How can state policy ensure that the greatest attention is given to schools and facilities where students are at the highest risk of lead exposure?

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