



August 24, 2018

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Re: Lead in Drinking Water

Dear School and School-Health Leaders:

We are writing to you because of the important role your organizations serve in ensuring a safe learning environment for New Hampshire's children. As you are likely aware, our state has a significant childhood lead poisoning problem. In fact, because of our aging housing stock and infrastructure, New Hampshire's rate of childhood lead poisoning is more than twice the national average. **We believe you and the networks you serve can play a critical role safeguarding the health of New Hampshire children by proactively addressing the issue of lead in drinking water in our schools.**

Lead is a potent neurotoxin that can interfere with a child's ability to learn and cause other health problems. It is widely accepted in the health and medical communities that there is no safe level of lead exposure for children and that even low levels of exposure can result in lifelong, irreversible consequences. The consequences of lead exposure can include attention disorders, loss of IQ, delayed learning, and behavioral, kidney and hearing problems, to name a few. While deteriorating lead-based paint is the most prevalent source of exposure, lead also can be found in drinking water, putting the health of our children at risk. The U.S. Environmental Protection Agency (EPA) has estimated that 10 to 20 percent of human exposure to lead may come from drinking water.¹

This year, the New Hampshire Legislature passed important new legislation addressing our state's lead problem – SB 247, *Preventing Childhood Lead Poisoning from Paint and Water*. Recognizing the importance of ensuring safe drinking water in schools, the new law requires all schools to test for the presence of lead in all locations where water is available for consumption by children (e.g., all drinking water fountains, sources used for cooking, etc.). The new law also requires schools to take prescribed actions if lead is found at a level exceeding federal standards. While these requirements do not go into effect until July 1, 2019, we believe schools should proactively address this issue now, without delay.

As a first step, it is essential that schools ensure that their facilities contain only safe, lead-free water fountains. Enclosed with this letter is an appendix from the EPA's *3Ts for Reducing Lead in Drinking Water in Schools: Revised Technical Guidance*. That document contains a list of water coolers with lead-lined tanks (Table E-1) and water coolers with other lead components (Table E-2). We urge all schools to proactively assess whether any of these units are present in their facilities and, if any are, immediately decommission and replace them.

Importantly, even if water coolers with lead-lined tanks or other lead components are not in service in a school, lead may nonetheless be present in drinking water as a result of lead components in the school's plumbing system (e.g., service lines, pipes, and solder). Accordingly, testing water for the presence of lead – soon to be mandatory for all schools – is essential. Again, we urge all schools to do so without delay. And we urge the results of such testing to be provided both to the N.H. Department of Environmental Services (NHDES), and to the parents of each school community.

With specific regard to lead testing results, we urge schools to take action (informing parents and working with NHDES to remediate the problem) if any point of water consumption contains lead at a level exceeding 1 part per billion (ppb). Applying this standard is consistent with the American Academy of Pediatrics' recommendation that "[s]tate and local governments should take steps to ensure that water fountains in schools do not exceed water lead concentrations of 1 ppb."² While the EPA has established a standard of 15 ppb as part of its so-called Lead and Copper Rule, it is essential to understand that this is not a health-based standard; rather, it is an administrative tool used by the EPA, as part of its so-called Lead and Copper Rule, to assess on a community-wide basis whether anti-

¹ EPA, "3Ts for Reducing Lead in Drinking Water in Schools," EPA 916-B-05-009 (Dec. 2005) (available at: <https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockkey=20017JM2.txt>).

² American Academy of Pediatrics, "Prevention of Childhood Lead Toxicity," PEDIATRICS Vo. 138, No. 1 (July 2016), p. 11 (recommending that "State and local governments should take steps to ensure that water fountains in schools do not exceed water lead concentrations of 1 ppb.") (available at <http://pediatrics.aappublications.org/content/pediatrics/early/2016/06/16/peds.2016-1493.full.pdf>).

corrosion measures are needed at the public water system-scale. Acknowledging that there is no safe level of lead exposure, EPA has established a Maximum Contaminant Level Goal of *zero* ppb.

We would be happy to meet with you to discuss this issue of such importance to New Hampshire's schoolchildren and the role you can serve in protecting our children from the preventable problem of childhood lead poisoning. We also note that NHDES has useful resources for schools on its "Lead in Drinking Water" webpage, <https://www.des.nh.gov/organization/divisions/water/dwgb/lead-drinking-water.htm>.

Thank you for your attention to this matter. If you have any questions about this issue, or would like to meet to further discuss it, please contact Tom Irwin, of Conservation Law Foundation, at (603) 573-9139 or tirwin@clf.org.

Sincerely,



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cc: New Hampshire PTA