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October 25, 2018

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Re: Lead in Drinking Water

Dear School and School-Health Leaders:

We are writing to you during Lead Poisoning Prevention Week because of the important role your organizations serve in ensuring a safe learning environment for Massachusetts's children. As you are likely aware, our state has a significant childhood lead poisoning problem. This problem stems, in part, from our aging housing stock—the oldest of all states except New York—[1] and infrastructure. **We believe you and the networks you serve can play a critical role in better safeguarding the health of Massachusetts' children by proactively addressing the issue of lead in drinking water in our schools.**

As you may know, 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

[1] Na Zhao, "Age of Housing Stock by State," NATIONAL ASSOCIATION OF HOME BUILDERS, Jan. 5, 2017 (available at http://eyeonhousing.org/2017/01/age-of-housing-stock-by-state).

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.[2] Recent tests of more than 67,000 taps in Massachusetts public schools found nearly half (49%) of these water sources contained some level of lead in water.[3] A vast majority of these lead levels were greater than the 1 part per billion (ppb) standard endorsed by the American Academy of Pediatrics.[4]

This past year, the Massachusetts Senate approved an important new bill addressing our state's lead problem – S. 2595, *Resolve Creating a Commission on Remediating Lead in Drinking Water of Schools and Early Education Centers*. Recognizing the importance of ensuring safe drinking water in schools, the proposed legislation would have created a commission to study the remediation of lead drinking water for all private and public schools in Massachusetts,[5] providing guidance on evidence-based measures for testing for and remediating the harmful effects of lead in school and center-based child care facilities' drinking water.[6] Unfortunately, this bill did not pass into law.

We believe one essential remediation measure for Massachusetts schools is providing students with 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 and water coolers with other lead components. Although this list is from 1990 and, as referenced in the appendix, the federal Lead Contamination Control Act of 1988 banned the manufacture or sale of drinking water coolers that are not lead free, it is nevertheless possible that there are facilities still using these coolers. 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 and water used in food preparation 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 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 Massachusetts Department of Environmental Protection (MassDEP), and to the parents of each school community. While the recent tests of 67,000 taps mentioned earlier provides an important sampling of general conditions, many schools have not been tested or have not made their test results available to MassDEP and their communities.

With specific regard to lead testing results, we urge schools to take action (informing parents and working with MassDEP to remediate the problem) if any point of water consumption contains lead at a level exceeding 1 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

[2] 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?Dockey=20017JM2.txt).
[3] Massachusetts Public Interest Research Group, "Senate Passes Bill Addressing Lead in Drinking Water at Schools and Day Care Centers," MASSPIRG, July 12, 2018 (available at https://masspirg.org/news/map/senate-passes-bill-addressing-lead-drinking-water-schools-and-day-care-centers).
[4] Id.
[5] Resolve Creating a Commission on Remediating Lead in Drinking Water of Schools and Early Education Centers, S. 2595, 190th Gen. Ct. (Mass. 2018).
[6] Id.

in schools do not exceed water lead concentrations of 1 ppb."[7] 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-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 consequence to Massachusetts schoolchildren and their families, learn about measures your members may have already taken, and discuss the role you can serve in protecting our children from the preventable problem of childhood lead poisoning. We also note that MassDEP has useful resources for schools on its "Lead in Drinking Water" webpage, https://www.mass.gov/lists/lead-in-drinking-water.

We appreciate your shared concern for this critical issue and hope you can be part of a greater effort to address it. If you have any questions, please feel free to contact me at 617-850-1704 or arayman-read@clf.org.

Sincerely,

Alyssa Rayman-Read

Alyssa Rayman-Read
VP and Massachusetts Director

[7] 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).