



April 10, 2023

The Honorable Chris Holden  
Member, California State Assembly  
1021 O Street, Suite 8220  
Sacramento, CA 95814

Re: **Assembly Bill 249 (Holden)** – Water: schoolsites: lead testing: conservation.  
**Oppose Unless Amended (As amended 3/30/23)**

Dear Assembly Member Holden:

On behalf of Association of California School Administrators (ACSA) and the California Association of School Business Officials (CASBO), we write to express respectful opposition to your Assembly Bill 249, unless amended. We believe the bill is well-intended and recognize the stated intent to reduce the possibility of lead exposure through potable water in all of California's schools. However, we believe components of the measure have unintended negative consequences related to implementation and financial resources. Because this bill goes far beyond previous lead-mitigation efforts we have suggested amendments to help address our concerns below.

#### **Identified Funding Insufficient**

Funding for facilities projects is traditionally identified prior to establishing the program requirements to ensure that resources are available to meet all of the identified project needs. AB 249 identifies \$15 million to be allocated annually, between 2024 to 2027, to carry-out the measure's requirements by state entities channeling federal dollars. Unfortunately, this is woefully insufficient. Lead testing costs an estimated \$6,500 per school site. The estimated cost to replace a single fixture ranges from \$300 to \$1,750. One medium-sized school district's initial estimate to adhere to the proposed requirements under AB 249 and test 16 school sites, with a minimum of 300 fixtures in faucets and sinks, was \$1.8 million. This is particularly distressing at a time when the existing school facility needs statewide exceed \$8 billion and the State Facilities Program is exhausted. Therefore, we respectfully request that the requirements in AB 249 be contingent upon adequate non-Proposition 98 funding being made available.

#### **Measured Response to New Standards**

Various provision in the bill require immediate action to stop access to potable water in schools based on the higher standard. Immediate suspension could leave an entire school site without potable water access for a prolonged period. There are intermediate steps that are proven to help when water has elevated lead levels, such as flushing water for 30 seconds after prolonged absence of a fixture's use. We appreciate the recent amendments providing greater flexibility here and we believe additional, safe options should also be permitted.

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Regarding the public notification provisions, we agree that parental notification on urgent health and safety matters impacting school sites is critical. However, school sites should maintain the maximum flexibility as they make announcements and share information about the testing, outcomes, and appropriate response to those results. AB 249 also requires the State Water Resources Control Board (State Board) to post the results of the community water system survey on its website. We are concerned that this may create unnecessary alarm if only the results are posted and not the additional steps being taken to mitigate unacceptable lead levels in potable water. Furthermore, without subsequent reporting to the State Board this information could paint an inaccurate picture of lead exposure in California's schools.

#### **Exemptions for Additional School Sites**

We appreciate that AB 249 has taken a more focused scope of testing and exempts schoolsites built or modified to replace all faucets and ends points after January 1, 2010. However, additional exemptions may be appropriate given other mitigation steps schools have taken, such as installing filtration systems. We hope to find agreement about targeted schoolsite testing as a resource-savings measure.

#### **Accommodating Federal Testing and New Standards**

We recognize that California is a leading state in our nation on many fronts, including environmental safety and public health. However, in light of the United State EPA's plans to pursue water testing at school sites for lead and other possible contaminants, in adherence to the updated Lead and Copper Rule, it may be prudent to incorporate this additional testing into AB 249, where appropriate, to maximize available dollars and avoid a duplication of effort.

We look forward to discussing our suggested amendments with you to further the goals of ensuring California's schools have safe drinking water. However, for the aforementioned reasons ACSA and CASBO are opposed to AB 249 unless amended. Please contact Dorothy Johnson, ACSA Legislative Advocate, if you have any questions at (916) 329-3807.

Sincerely,



Dorothy Johnson, Legislative Advocate  
Association of California School Administrators



Elizabeth Esquivel, Assistant Executive Director,  
Governmental Relations  
California Association of School Business Officials

cc: Honorable Juan Arambula, California State Assembly  
Honorable Robert Rivas, California State Assembly  
Honorable Members, Assembly Appropriations Committee  
Nakita Koraddi, Principal Consultant, Assembly Appropriations Committee  
Joe Shinstock, Consultant, Assembly Republican Caucus