

Assembly Bill 249 – Child Lead Testing and Mitigation

Assemblymember Chris R. Holden

SUMMARY

AB 249 requires water utilities to test water faucets and fixtures in Transitional Kindergarten (TK)-12 schools for lead concentrations greater than five parts per a billion (5 ppb) over the next five years. Faucets and fixtures found to exceed the 5ppb standard must be made inoperable until the lead is mitigated or fixture replaced.

BACKGROUND

While there is no safe amount of lead content in drinking water, children are particularly vulnerable to elevated levels of lead exposure, which can lead to adverse cardiovascular, renal, reproductive, immunological, and neurological effects, and cancer. A US Environmental Protection Agency analysis found that minority and low-income populations experience disproportionate risk of lead exposure in drinking water¹. A hearing held in 2018 by the California State Assembly Committee on Environmental Safety and Toxic Materials highlighted the heightened risk these populations face. The Committee's background paper states, "[l]ead exposure is a result of poverty as well as a contributor to the cycle that perpetuates and deepens the state of being poor."

Until the enactment of AB 746 (Gonzalez, 2017), lead testing programs for schools were conducted on a voluntary basis. AB 746 required community water systems (CWS) to test K-12 school sites built before 2010 once prior to 2019 for lead levels above the federal standard of 15ppb. Remediation of faucets and fixtures with elevated lead levels is not required if alternative drinking water provided to students does not exceed the 15ppb standard. A testing sample of three to five faucets at school sites revealed that approximately 18 percent of K-12 schools contained lead levels above 5 ppb².

AB 2370 (Holden, 2018) required the California Department of Social Services (CDSS) to adopt regulations for lead testing of child day care centers as a part of the Department's Child Care Licensing Program. Subsequent CDSS regulations established a

lead content action level of 5ppb. AB 2370 also required child day care centers to test their drinking water once every five years through an accredited laboratory.

The Lead and Copper Rule Revision (LCRR), published in June 2021 with an implementation date of October 2024, requires childcare centers and elementary schools be tested once within five years from its implementation date and upon request thereafter.

Although the federal government and state of California have enhanced lead testing standards and processes, the misalignment of lead testing standards for childcare center and TK-12 leave room for important improvements.

EXISTING LAW

Existing law specifies a lead action level of 5ppb for childcare centers and 15ppb for K-12 schools.

HSC Sec. 116277: Would align lead action levels of childcare centers and K-12 schools.

THE SOLUTION

AB 249 will align lead action levels of childcare center and TK-12 school buildings built after 2010 at 5ppb. It will also require testing for lead contamination of drinking water and food preparation faucets and fixtures in those buildings over the next five years.

SUPPORT

Environmental Working Group (Sponsor)
Children Now (Sponsor)

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¹ file:///C:/Users/porterfr/Downloads/EPA-HQ-OW-2017-0300-1769_content.pdf.

² https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/lead_sampling_in_schools.html