Great Lakes-St. Lawrence Legislative Caucus

Web Meeting

March 1, 2019 | 10 am EST/9 am CST
Housekeeping

- This event is being recorded. The recording will be available later today at www.greatlakeslegislators.org
- To reduce noise on the phone lines, all participants will be in “listen-only” mode during the presentations.
- There will be time for questions after the presentations.
  - Click on the “raise hand” icon in the webinar console, or
  - Type questions using the “questions” pane in the webinar console.
- If you wish to speak, you must enter the audio PIN.
Agenda

Welcome and Introductions

*Indiana Senator Ed Charbonneau, GLLC Chair*

Featured Presentations

- Perspectives on State Legislation Concerning Lead Testing in School Drinking Water
  *Elizabeth Beardsley, Senior Policy Counsel, U.S. Green Building Council*

- Achieving Equity in Lead Poisoning Prevention Policy Making
  *Juliana Pino, Policy Director, Little Village Environmental Justice Organization*

Business Session

- Report from the Task Force on Lead
- GLLC Executive Committee Correspondence
- Preview of 2019 Events and Activities
About the GLLC

- The GLLC is a binational, nonpartisan group of state and provincial lawmakers from the Great Lakes region.
- Organized around the principle of assuring that the Great Lakes and St. Lawrence River continue to provide a plentiful source of clean, affordable water to the region’s residents, businesses, and industries.
- Legislators may enroll at bit.ly/GLLCmember (case sensitive).
Featured Speakers

Elizabeth Beardsley, PE
Senior Policy Counsel
U.S. Green Building Council
ebeardsley@usgbc.org
(202) 595-3989

Juliana Pino, MPP, MS
Policy Director
Little Village Environmental Justice Organization
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(773) 762-6991
Business Session

- Report from the Task Force on Lead
- Executive Committee Correspondence
- Preview of 2019 Events and Activities
Task Force on Lead

- New Members from Michigan and New York
- Elements of Model Policy
- Educational Activities
  - Today’s web meeting
  - Session at MLC Annual Meeting in July (Chicago)
  - Session at GLLC Annual Meeting on September 14 (Chicago)
  - Task Force Workshop on September 13 (Chicago)
- Made possible by a grant from the Joyce Foundation
Correspondence

- GLMRIS-Brandon Road
  - Implement an effective, affordable solution
  - Involve states and provinces (and legislators) in decision-making
  - Act with urgency

- Support for the Great Lakes Restoration Initiative

- Priorities for Sustaining Great Lakes Restoration and Economic Revitalization: A Joint Agenda for the Great Lakes Region
Events and Activities

- Delegation in Washington, DC, on March 6-7
- Quarterly Web Meetings on June 7, September 6, and December 6 at 9 am Central/10 am Eastern
  - June 7: Annual Review of Federal, State, and Provincial Legislation
- GLLC 2019 Annual Meeting in Chicago on September 13-14
  - Registration for members will open June 1
Events and Activities

● Patricia Birkholz Institute for Great Lakes-St. Lawrence Policy in late 2019 in Michigan
  ○ Focus will be on nutrient pollution
  ○ Made possible by a grant from the Fred A. and Barbara M. Erb Family Foundation

● Resolution on Great Lakes-St. Lawrence Appreciation Day
State Legislation for Lead Testing in School Drinking Water

March 1, 2019

Presented to
Great Lakes-St. Lawrence Legislative Caucus

Elizabeth Beardsley, P.E.
Senior Policy Counsel
U.S. Green Building Council
SAFE
HEALTHY
INCLUSIVE
SMART
PRODUCTIVE
EFFICIENT
EQUITABLE
SUSTAINABLE
RESPONSIVE
RESILIENT
LEED v4 is the newest version of the world’s premier benchmark for high-performance green buildings. It is bolder and more specialized for building projects worldwide. LEED v4 encourages and accelerates global adoption of sustainable green building and development practices through the creation and implementation of universally understood and accepted tools and performance criteria.
Arc™ is a building performance monitoring and scoring platform for LEED-certified projects, providing annual LEED recertification and global benchmarking. The plaque displays a LEED performance score, which reflects the measured performance of the building across five categories: energy, water, waste, transportation and human experience. The LEED Dynamic Plaque makes the invisible actionable and offers a means for interaction with the building on multiple levels.
Resilience

The Center for Resilience

Promoting resilient communities

USGBC is working to transform the way buildings and communities are designed and constructed. The goal is to create a more sustainable built environment. The Center for Resilience is a project of the USGBC, a nonprofit organization committed to sustainable building and community resilience.

The hard work of USGBC members, partners, and LEED users underpins the resilience we enjoy today.

Resilience at USGBC

POLICY BRIEF
THE ROLE OF STATES IN PLANNING FOR RESILIENCE
How state governments can drive resilience planning and prioritize sustainability during disaster recovery

For most local and regional governments around the United States, preparing for the next event has become a necessity. Last year, the most destructive wildfires in California's history scorched over one million acres and caused extensive damage, with cumulative costs reaching $255 billion. These events, volcanic eruptions, earthquakes, and hurricanes have been developing from financial, environmental, and humanitarian standpoints, and they have brought into focus the importance of thoughtful planning and education.

The U.S. Government produces the frameworks that are the first lines of defense for communities across the country, who are the best of all to inform the local communities about this. The Center for Resilience aims to provide support at all levels of government to communities that are facing disasters.

EXECUTIVE SUMMARY
In a 2014 policy brief, the Center for Planning for Resilience (USGBC) identified a number of actions that state and local governments can take to improve their ability to prepare and respond for attacks, recover from, and then quickly adapt to or mitigate events. For a state or community, achieving resilience is key to the capacity of its local government, businesses, and infrastructure systems to endure.

ALVARÉZ & VALLADÓL OFFICES SAN JUAN, PUERTO RICO

Originally built in the early twentieth century, the building that is home to the offices of Álvarez-Valladares & Valladares was renovated in 2013 to meet sustainable standards and criteria. In 2014, the ADA's facility became the first architectural and interior design firm in the United States to receive LEED Platinum certification. This building is one of the most versatile LEED certified buildings in the world. These LEED projects showcase that LEED can work with buildings and communities that are already in place.

LEED certification. LEED is a building certification standard that is recognized worldwide as the leading green building program. LEED promotes sustainable building design and construction practices that reduce the environmental impact of a building throughout its lifecycle. LEED encourages the use of renewable and recycled materials, energy-efficient systems, and water conservation practices. In addition, LEED promotes the integration of building systems, such as HVAC and lighting, to improve the energy efficiency of the building.

Following the devastation of Hurricane Maria, the MDRF office space was renovated to a fully functional work space within a few days, a feat not typically seen in the area at the time. Because of this quick recovery, the office was able to continue serving their clients, and a temporary command center. Critical features include:

- A backup power generator and satellite internet reduce reliance on traditional infrastructure, which was badly damaged following the storm.
- Air-conditioning units with 20% LEED-certified minimum energy consumption, thus facilitating cooling in the operation of the generator.
- Solar panels are installed to keep power in house, which is most beneficial during moments of low grid capacity.
ADVOCACY & POLICY
What GAO Found

An estimated 43 percent of school districts, serving 35 million students, tested for lead in school drinking water in 2016 or 2017, according to GAO’s nationwide survey of school districts. An estimated 41 percent of school districts, serving 12 million students, had not tested for lead. GAO’s survey showed that, among school districts that did test, an estimated 37 percent found elevated lead (lead at levels above their selected threshold for taking remedial action.) (See figure.) All school districts that found elevated lead in drinking water reported taking steps to reduce or eliminate exposure to lead, including replacing water fountains, installing filters or new fixtures, or providing bottled water.

Source: GAO survey of public school districts. | GAO-18-382
The Gap in Federal Regulation of School Drinking Water

- States and Community Water Systems are regulated through the Safe Drinking Water Act
- Safe Drinking Water Act and the Lead and Copper Rule do not require testing at schools
- Community Water Systems are responsible for the water in their system as a whole
Figure 1. State Laws Concerning Lead Testing in School Drinking Water
States indicated in dark green have state laws that specifically address testing for lead in school drinking water.
Table 1. State Law Features Influencing Potential Effectiveness

*Marks indicate that the feature identified is considered to have an impact on the specified aspect of effectiveness.*

<table>
<thead>
<tr>
<th>Feature</th>
<th>Coverage</th>
<th>Testing Implementation</th>
<th>Risk Reduction</th>
<th>Disclosure</th>
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<tbody>
<tr>
<td>Nature of lead testing (e.g., mandatory or voluntary)</td>
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<td>Responsibility for testing</td>
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<td>Accountability and enforcement</td>
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<td>Financial burden</td>
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<td>Varying *</td>
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<td>Scope of testing:</td>
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<tr>
<td>- Schools covered</td>
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<tr>
<td>- Age of school buildings</td>
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<tr>
<td>- Outlets tested</td>
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<tr>
<td>Subsequent testing and frequency</td>
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<tr>
<td>Action level</td>
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<tr>
<td>Communication of testing results:</td>
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<tr>
<td>- Reporting to parents &amp; guardians</td>
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<tr>
<td>- Reporting to the public</td>
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<tr>
<td>- Reporting to state &amp; local agencies</td>
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<tr>
<td>Stakeholder advisory group</td>
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*The impact of financial burden on whether testing is implemented is more important for voluntary programs.*
Mandatory vs. Voluntary

- Most laws passed so far require mandatory testing of schools
- Those that do not include Colorado and Washington, which have grant programs to assist schools with the cost of testing
- 22 schools have signed up for testing in Colorado, and 246 schools (out of 2,400) have signed up in Washington
Responsibility for Testing

- Most laws passed so far put responsibility for testing on the Local Education Agency.
- Washington, Rhode Island, and DC put state agencies in charge of testing.
- California has put responsibility in the hands of Community Water Systems, who have the equipment and personnel who are familiar with water testing protocols.
Action Level

- Most laws reference either the EPA action level of 15 ppb or its (previous) guidance that remediation be conducted if an individual outlet’s lead level is 20 ppb or higher.
- Washington, DC set an action level of 5 ppb for remediation.
- EPA’s updated guidance released in October 2018 stresses that there is no safe level of lead and that states and local officials should determine when remediation is needed.
Considerations for Legislation

• Mandatory programs with clear responsibilities, appropriate to state specific context, will set up conditions for success

• Scope should generally include all K-12 schools

• Testing should be recurring after initial assessment

• State legislatures should be cautious in establishing an action level and consider directing state agencies to develop and update guidance on remediation triggers

• Backing remediation requirements with funding would likely be more effective

• Transparency, disclosure, and reporting are essential
3Ts for Reducing Lead in Drinking Water Toolkit

EPA's 3Ts - Training, Testing, and Taking Action - provides tools for schools, child care facilities, states, and water systems to implement voluntary lead in drinking water testing programs.

Additional Resources
- Lead Testing Programs
- EPA schools and child care WTW grant
- 3Ts Highlights (printable version)
Ground Water and Drinking Water

Drinking Water Grants

Grant Programs
Water Infrastructure Improvements for the Nation Act (WIIN) Grants

WIIN addresses, supports and improves America’s drinking water infrastructure. Included in the WIIN Act are three new drinking water grants that promote public health and the protection of the environment. As part of the grant, the EPA will award approximately $1.2 million for fiscal year 2018 to support lead testing in drinking water at tribal schools and child care facilities.

- EPA launched the first of these three grants, Lead Testing in School and Child Care Program Drinking Water, on September 21, 2018.

Information at: www.epa.gov/ground-water-and-drinking-water/drinking-water-grants
State Legislation for Lead Testing in School Drinking Water

Download at: centerforgreenschools.org

Elizabeth Beardsley, P.E.
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Achieving Equity in Lead Poisoning Prevention Policy Making: Proceedings from a Consensus Conference

Focus on Drinking Water in Schools and Childcare Facilities

March 1, 2019
Webinar Overview

- Describe consensus conference proceedings background
- Highlight overarching identified impacts and recommendations
- Highlight impacts and recommendations of lead poisoning prevention policies in schools and child care facilities
Today’s Speaker

Juliana Pino, Policy Director
Little Village Environmental Justice Organization

Today’s Content

40 national experts who came together at the *Equity Analysis of Lead Policies Consensus Conference in Chicago* in August 2018 contributed the ideas within
Accessing Report & Resources

- Report can be found on Human Impact Partners website:
  https://humanimpact.org/hipprojects/achieving-equity-in-lead-poisoning-prevention-policy-making/

- Additional resources can be found on the Joyce Foundation website:
Project Background

- Decision makers enact lead prevention policies, often without regard to the unintended consequences for low-income communities and communities of color.
- The Joyce Foundation and other experts identified the need for an equity analysis of lead policies to uncover and address these unintended consequences.
- Joyce identified Human Impact Partners as an organization to address this gap.
- Human Impact Partners convened a consensus research conference to look closely at the potential equity impacts of new lead policy.
Consensus Conference Goals

Explore the extent to which policy makers are implementing lead prevention policies in consideration of equity impacts in low-income communities and communities of color.

Make recommendations to improve equity considerations in those communities.
Consensus Conference Approach

- In August 2018, ~40 national experts came together at the Equity Analysis of Lead Policies Consensus Conference in Chicago.

- Consensus conference = Structured, professionally facilitated meeting with a group of community members and stakeholders.

- Participants deliberate on information related to a topic and produce consensus findings on impacts and recommendations through open discussion.
Equity Analysis Tool

- Conference participants used an equity analysis tool to come to consensus on potential impacts and recommendations.
- Tool emphasized:
  - Equity as a **process** and an **outcome**
  - Who’s affected and how they’re affected
  - Identifying concrete actions to limit or mitigate adverse impacts
Equity as an **Outcome**

We achieve equity when identity no longer systematically exposes people to risks or grants people privileges with regard to socioeconomic and life outcomes, and when people who need them most are prioritized to receive the resources required to thrive.

Equity as a **Process**

We achieve equity when those most impacted by historic and current structural biases and injustices are leading or meaningfully engaged in efforts to prioritize issues, to craft and implement solutions, to develop accountability measures, and to monitor progress.
Prioritized Policies

Steering committee prioritized focus on:

1. Residential lead service line replacement
2. Lead testing in water at schools and licensed childcare facilities
3. Testing and remediation of lead-based paint hazards in housing
Overarching Impacts and Recommendations of Lead Poisoning Prevention Policy-Making
### Overarching Impacts and Recommendations

<table>
<thead>
<tr>
<th>Impact</th>
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<tbody>
<tr>
<td>Exacerbated inequities and mistrust resulting from poor community engagement</td>
<td>Fragmented lead policy frameworks</td>
<td>Disproportionate cost of unfunded remediation</td>
<td>Unfair stigmatization</td>
</tr>
</tbody>
</table>
Overarching Impacts and **Recommendations**

**Recommendation 1**
Ensure meaningful community engagement and prioritize community needs in decision making.

**Recommendation 2**
Implement a holistic lead remediation framework that addresses multiple sources of lead simultaneously and employs permanent remediation methods.

**Recommendation 3**
Develop and implement a national public awareness campaign that elevates the need for comprehensive lead exposure reduction and compels policy action.

**Recommendation 4**
Prioritize funding for lead prevention and remediation programs based on communities that need it most.
Drinking Water in Schools and Childcare Facilities: Impacts and Recommendations
# Drinking Water in Schools and Child Care Facilities: Impacts and Recommendations

<table>
<thead>
<tr>
<th>Impact 1</th>
<th>Impact 2</th>
<th>Impact 3</th>
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<tbody>
<tr>
<td>Insufficient testing protocols, which create more problems</td>
<td>Enormous financial challenges for local school districts and childcare facilities</td>
<td>Children falling through the cracks</td>
</tr>
</tbody>
</table>
Impact 1

Insufficient testing protocols, which create more problems

Impact 1 in Detail

No federal requirement for lead testing or disclosure in schools or childcare facilities, thus if and how lead is detected varies:

- testing protocols are inconsistently applied
- mitigation thresholds and strategies differ
- disclosure requirements are unclear

Difficult to monitor whether issues are adequately addressed

Can create a false sense of security among families who are unaware of exposure risk
Impact 2

Enormous financial challenges for local school districts and childcare facilities

Impact 2 in Detail

Requirements often do not come with funding and vary by school or district

Affluent schools and facilities are both less likely to have lead issues because their buildings are newer and more likely to be financially equipped to address them should they emerge

Implementing water testing and remediation can threaten the financial stability of smaller districts and childcare facilities that are already struggling with basic maintenance expenses
Impact 3

Children falling through the cracks

Impact 3 in Detail

Gaps in drinking water testing and remediation policies leave children vulnerable

Examples:
- Testing policies that require only public schools to test water leave out children in private schools
- Policies that cover only licensed facilities leave out children in unlicensed facilities
Drinking Water in Schools and Childcare Facilities: Impacts and Recommendations

**Recommendation 1**
Provide financial resources to schools and childcare facilities to achieve the ultimate goal of remediation, along with support to properly install and maintain filtration systems.

**Recommendation 2**
Improve and standardize testing and disclosure requirements.

**Recommendation 3**
Target prevention and remediation efforts at all places where children engage.
Provide financial resources to schools and childcare facilities to achieve the ultimate goal of remediation, along with support to properly install and maintain filtration systems. Since schools and childcare facilities typically lack funding to address remediation, it is imperative that these sites receive the ample funding needed to carry out testing, disclosure, and remediation.

They also need support to ensure they are:

- using the best technologies
- following manufacturer requirements for installation and monitoring of filtration systems
- maintaining devices appropriately
Recommendation 2

Improve and standardize testing and disclosure requirements

- **Required — and not voluntary** — testing at school and childcare sites occurring routinely, on a public schedule
- **Protocols** should ensure that tests demonstrate a tap is safe for drinking
- Following testing, schools and childcare facilities should disclose results and remediation plans:
  - in a timely fashion
  - in a way that is informative and clear for parents, families, and communities
- In the absence of reliable test results, schools and childcare facilities should provide filtered water stations and refillable bottles
Recommendation 3

Target prevention and remediation efforts at all places where children engage

Policies should target all sites where children reside or engage. Not only schools and licensed childcare facilities, but also including:

- unlicensed child care providers
- park and community facilities where summer programs, after-school programs, and sports activities take place
THANK YOU!

Contact information for today’s speaker:

Juliana Pino, jpino@lvejo.org

Contact Report Authors and Consensus Conference Convenors:

Humanimpact.org
Thank you for attending!

Please join us at this same time on June 7, 2019.

Great Lakes-St. Lawrence Legislative Legislative Caucus

Web Meeting

March 1, 2019 | 10 am EST/9 am CST