



HB22-1358

SHORT TITLE: Clean Water in Schools and Child Care Centers

LONG TITLE: Concerning measures to eliminate the presence of lead in the drinking water of certain facilities where children are present.

SPONSORS: Representative Sirota/Senators Winter and Fields

COMMITTEE: House Public & Behavioral Health & Human Services Committee

PURPOSE OF THE BILL: To reduce lead exposure to children. The bill requires schools and childcare facilities to install filters on drinking water sources, provide at least one bottle-filling station for every 100 children, inventory water sources, develop maintenance plans and annually test drinking water sources

PROPOSERS OF THE BILL: Natural Resources Defense Council; Child health advocates

POTENTIAL STAKEHOLDERS: School districts, operators of day care centers and family childcare providers, organizations that operate camps and other facilities where children are served (e.g., YMCA, day camps and summer programs), child advocacy organizations, health care advocacy groups

BACKGROUND: Exposure to lead has long been a concern for children's health and neurological development. Major water providers have been working to replace lead piping; however, this is a long and expensive process. This bill puts the focus (and responsibility) on facilities that serve children to deal with removing lead at the level of the tap.

Is this bill necessary this year? There are no deadlines.

How does the bill change current law? It does not change law, but adds new requirements for schools and childcare facilities, including family childcare homes, presumably as a requirement for licensing although it does not say so explicitly. The bill requires all schools, childcare centers, and family childcare homes (facilities) to install NSF/ANSI-compliant filters on all drinking water sources and have at least one filtered bottle-filling station for every one hundred students or children within 180 days following enactment. Facilities are required to create an inventory of all water sources, distinguishing drinking water sources from other sources, and post visible signs on sources identified as nondrinking water sources. Facilities must also develop and implement a maintenance plan for all filters and maintain records of all filter replacement activities. The CDPHE will develop and maintain a public list of approved filtration systems.

The bill also states that:

IF A SCHOOL, CHILD CARE CENTER, OR FAMILY CHILD CARE HOME BECOMES AWARE THAT A SERVICE LINE TO THE SCHOOL, CHILD CARE CENTER, OR FAMILY CHILD CARE HOME IS A LEAD SERVICE LINE, THE SCHOOL, CHILD CARE CENTER, OR FAMILY CHILD CARE HOME SHALL PROMPTLY NOTIFY THE LOCAL

WATER UTILITY AND REQUEST THAT THE UTILITY PROPERLY REMOVE THE LEAD SERVICE LINE. A UTILITY THAT RECEIVES SUCH A REQUEST SHALL PROPERLY REMOVE THE LEAD SERVICELINE AS SOON AS POSSIBLE

Does the bill affect the prior appropriations system? No.

How is the bill implemented?

Practical Considerations: Childcare is already very expensive and in short supply. This bill, although well intentioned, may lead to childcare becoming even scarcer and less affordable. Also, childcare facilities are frequently operated by non-profit organizations. After the first year, how will they afford the testing and installation costs and continue to operate? For water utilities that receive a request to replace the lead service line, how fast is “promptly” and will there be a penalty for delay?

Fiscal Impact: This money is anticipated to come from federal ARPA dollars. The fiscal note estimates \$34 million from General Fund to CDPHE. School districts will incur costs to comply with the filter installation, maintenance, remediation, and testing requirements of the bill. First year costs are assumed to be reimbursed by CDPHE. Beginning in FY 2023-24, maintenance and testing costs are estimated to be \$7.2 million annually and assumed to be covered by school districts. No estimate was provided for the cost to private family childcare homes which will be borne by individuals.