

Testing Drinking Water for Lead and Copper at Public Schools and State Licensed Day Care Facilities: Advisory September Meeting Minutes

October 27, 2016, RI Department of Health, 3 Capitol Hill, Providence, RI, Beck Conference Room

Attendees:

1. June Swallow, Chief, DOH Drinking Water Quality
2. Clay Commons, DOH Drinking Water Quality
3. Eugenia Marks
4. Pat Nolan, Brown University
5. Jason Blais, Atlantic States Rural Water and Wastewater Association
6. Henry Leibovitz, DOH Laboratories
7. Tim Ryan, RI School Superintendents' Association
8. Andy Andrade, RI Department of Education (RIDE)
9. Alyson McCann, URI Cooperative Extension
10. Elizabeth Herron, URI Cooperative Extension
11. Lorraine Joubert, URI Cooperative Extension
12. Sue Stableford, Plain Language Consultant
13. Chris Smith, Dr Daycare Centers

Purpose of the Meeting: to review the outreach and draft sampling plans and continue collecting project data

During a pre-meeting conference call to finalize the meeting agenda, there was an inquiry as to whether there was regulatory authority to require action in the event of an exceedance in a school sample. RIDOH does not have the authority unless the school is on its own water supply, which puts it under public drinking water supply regulations.

Andy Andrade confirmed that RIDE does not have legal authority to require a response from a school with a lead concentration sample that exceeds the action. But he was confident that the community would force a response, regardless of legal authority.

Tim Ryan suggested that in order to ensure that this is not a one-time effort that the Lead and Copper Checklist and sampling become an added requirement for annual completion and signature by school superintendents, similar to the Health Assessments. Those forms are currently required on an annual basis and require that the schools confirm (check off) that they are "lead-free."

Andy Andrade stated that the data from the Facilities Assessment just completed by a contractor for RI schools is being verified before they share that information.

Tim Ryan suggests that schools should be required to develop Lead and Copper Safety Plans similar to those required for overall school safety as a response to the Sandy Hook shooting. He strongly recommended going

beyond simply making the recommendation to developing the plan requirements, using the Asbestos Abatement Plan as example.

Andy Andrade reminded us that this still needs to be set into the regulatory structure. [Note: reading the Rules and Regulations for Lead Poisoning Prevention (R23-24.6-PB) sampling may already be required for public and private elementary schools.] Currently schools need to be certified as “lead-free” but exactly what that means in terms of sampling for lead in water isn’t exactly clear.

Chris Smith indicated that we should be talking to daycare operators to see how best to proceed there. Collecting samples could be problematic since it would be important to get outside individuals to collect the samples. Collecting samples early enough to ensure that these weren’t flushed samples could be especially challenging in buildings that are shared with other residents/businesses.

Eugenia Marks wondered if we could get trained URI Watershed Watch volunteers to help out collecting samples in daycares? Would background criminal investigations (BCI) be required even if the samplers were in the building before children arrived? Ms. Marks also suggested involving school nurses in the sampling program.

Pat Nolan questioned whether lead-free / lead-safe in daycares included water. [Again, reading R23-24.6-PB and DCYF rules for licensing daycare providers suggests that it does include water, but only at the initial licensure.] We really need to test daycares because we have so little information. At Ms. Nolan’s suggestion there was discussion on the need for translating information provided to parents. It was determined that the schools would be responsible for any translation needed using existing procedures.

For contacting schools to gather information and begin setting up sampling, the Andy Andrade confirmed that the list that we have is for the principals/directors. We should also reach out to the superintendents and school committees (Tim Duffy, RI Association of School Committees should have an up to date contact list).

Tim Ryan urged caution. After speaking with a water supplier, he is concerned that there will be inaccurate results and then misinformation as a result. The water suppliers are good source of information and resources for this project. [Note: water suppliers are part of the communication strategy and we expect to engage them.]

Clay Commons reiterated that public water supplies currently rely on residents to complete the required sampling of residences throughout their distribution area. Very few problems have been encountered as a result of dependence on uncertified samplers.

There was much discussion of whether school staff should take the sample. Tim Ryan noted some districts may not have the staff or may not wish to be responsible. Sue Stableford noted that many staff may have trouble completing the checklist and/or transmittal form.

Chris Smith noted that daycare owners have a financial interest at stake if lead is found, making a contractor preferable.

Discussion ensued on the reporting procedures if lead is found. June Swallow noted that some schools only report that levels were either above or below 15 mg/l without reporting the exact amount.

Communication with public water suppliers PWS is expected to be largely informational as by statute they are not supposed to be sampling schools for compliance currently. Clay Commons verified that all but 1 school do NOT have lead service lines (data that we had previously expected to be seeking from PWS). There might be a role for PWS to collect samples in schools that would be unable to collect samples.

Both Mr. Andrade and Mr. Ryan were concerned that we were taking on too much in too short a timeframe with this project. They suggested we should prioritize efforts to areas of most concern, and also consider requesting that the General Assembly extend the time and funding. There was also discussion about omitting copper testing given that some believed the legislative intent was to focus on lead, and only included copper because it is regulated under the lead and copper rule.

Recommendations from this meeting:

- Target areas of concern.
- Develop procedures for schools and daycares to monitor lead as an annual requirement.
- Provide justification for sampling only lead, not copper.
- Revisit the daycare issue (previously decided to not sample daycares as part of this effort)
 - Develop a list of daycares in
 - Areas with children with elevated blood lead levels
 - Older initial license dates
 - Older buildings

Next meeting: Wednesday, November 16th – 1 pm [Note: we have had to reschedule that for 11/16/16 at 10 am]

Additional notes:

Lorraine Joubert and Elizabeth Herron attended the monthly meeting of the Rhode Island Association of School Maintenance Directors (<http://www.riasmmd.com>) on Friday, October 28th to begin discussions regarding this project with them. Their response was very positive. They expressed an interest in “getting out ahead of this issue” particularly since this project would be funding the cost of analyses and helping to coordinate the process. There was little, if any, concern that their staff would be unable to correctly collect samples.

Several people expressed some trepidation regarding the consequences of finding high lead levels in samples. Much of that was alleviated by learning that “the whole school would not have to be shut down” just the water outlet in question until remediation could take place. They were even more confident after hearing from Anthony Feola, Security and Facilities Director, East Providence. That city hired a company to complete a full assessment of all EP school taps in response to concerns about Flint and the RI legislation. Only 4 taps out of over 100 sampled had levels that exceeded the action levels, which upon flushing were below criteria when re-tested. It should be noted that the samples in EP were collected in late August – worst case for leaching of lead from fixtures into stagnant water. Bristol’s facilities director reported that they too had sampled for lead in August and had similar results – very few if any exceedances.

We are working to obtain the data from school systems that we know have monitored for lead recently. We have also been contacted by the Met schools wanting to begin sampling as soon as possible. Working with the RIASMD's should be helpful in moving this process forward.