



Great Lakes-St. Lawrence Legislative Caucus Web Meeting

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



GREAT LAKES-ST. LAWRENCE
LEGISLATIVE CAUCUS



MIDWEST

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
jpino@lvejo.org
(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

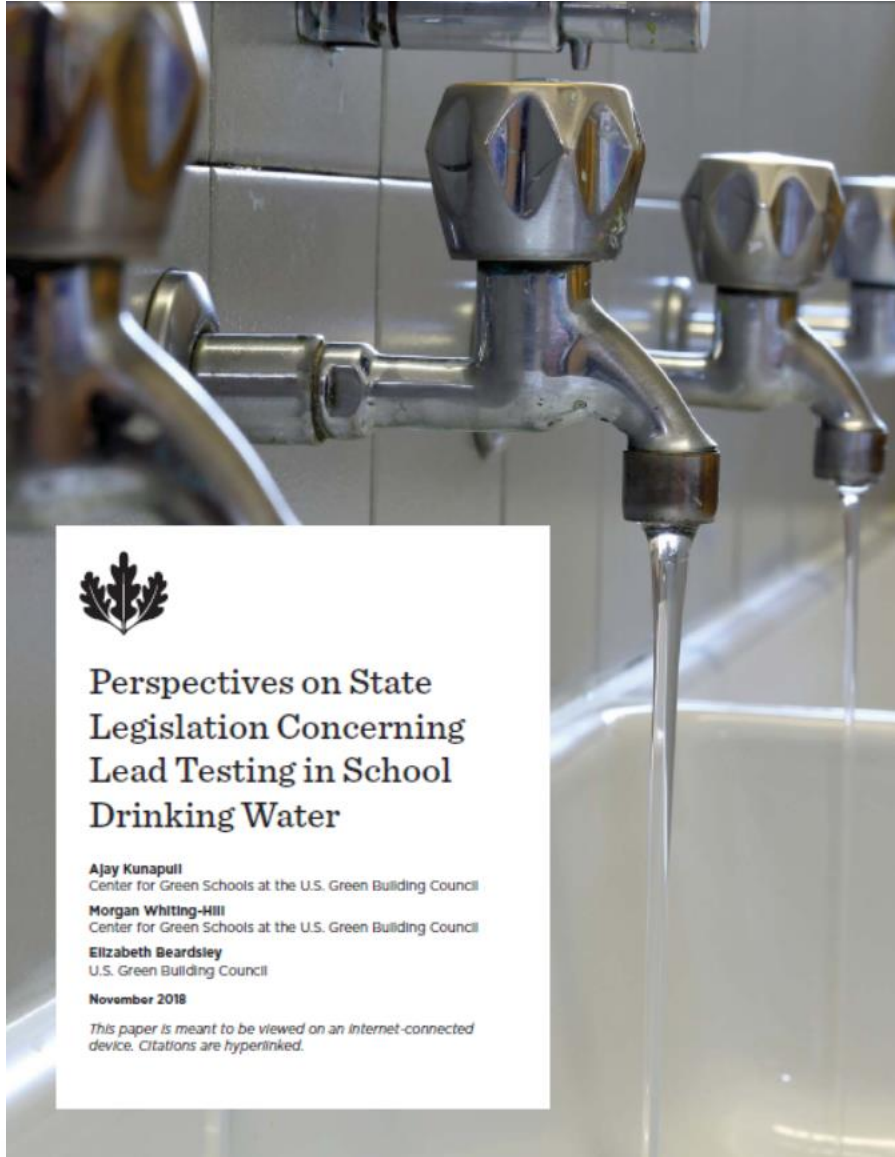
- GLMRIS-Brandon Road
 - Implement an effective, affordable solution
 - Involve states and provinces (and legislators) in decision-making
 - Act with urgency
- Support for the Great Lakes Restoration Initiative
- Priorities for Sustaining Great Lakes Restoration and Economic Revitalization: A Joint Agenda 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



**Perspectives on State
Legislation Concerning
Lead Testing in School
Drinking Water**

Ajay Kunapull
Center for Green Schools at the U.S. Green Building Council

Morgan Whiting-Hill
Center for Green Schools at the U.S. Green Building Council

Elizabeth Beardsley
U.S. Green Building Council

November 2018

This paper is meant to be viewed on an Internet-connected device. Citations are hyperlinked.

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**

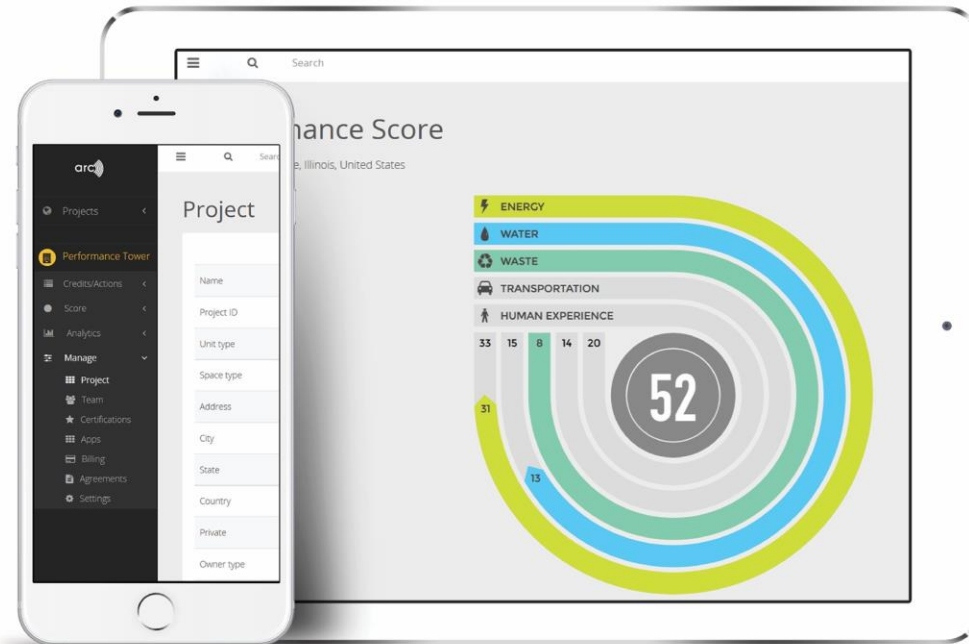




LEED v4 is the newest version of the world's premier benchmark for high-performance green buildings. It is bolder and more specialized for building projects worldwide. LEED v4 encourages and accelerates global adoption of sustainable green building and development practices through the creation and implementation of universally understood and accepted tools and performance criteria.



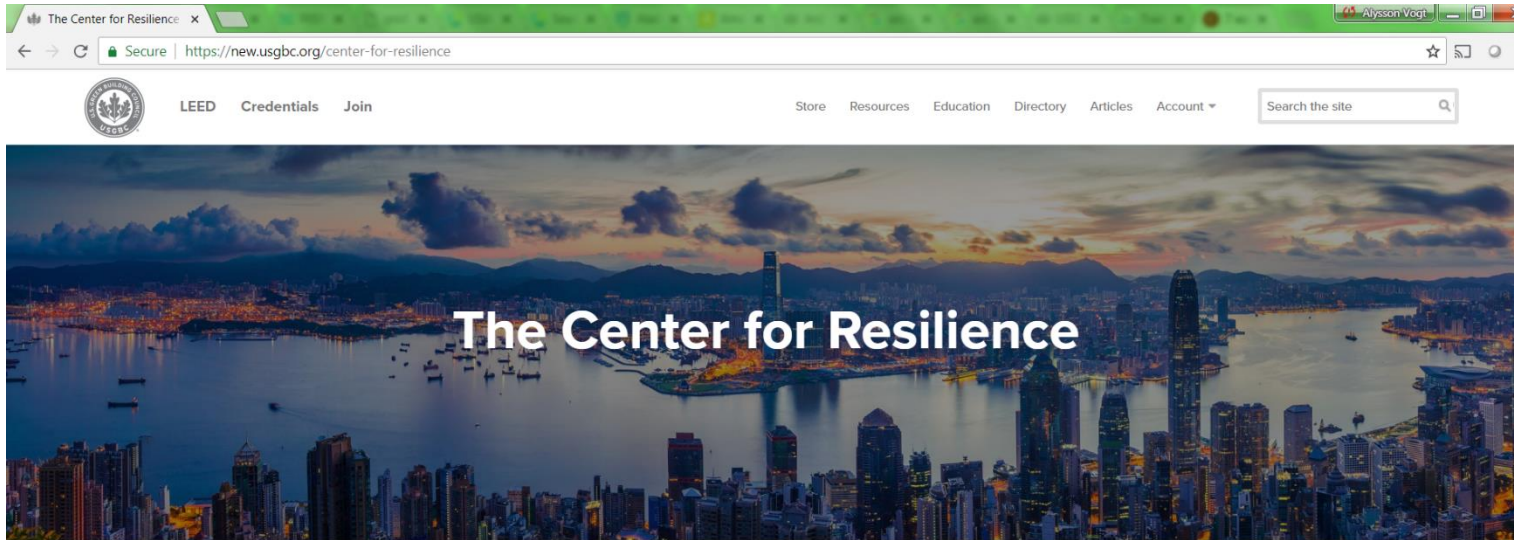
Arc™ is a building performance monitoring and scoring platform for LEED-certified projects, providing annual LEED recertification and global benchmarking. The plaque displays a LEED performance score, which reflects the measured performance of the building across five categories: energy, water, waste, transportation and human experience. The LEED Dynamic Plaque makes the invisible actionable and offers a means for interaction with the building on multiple levels.



**THE Sustainable
SITES
Initiative®**



Resilience



Promoting resilient

USGBC is working to transform the way buildings and communities are designed, built, and operated. This is a clear extension of this work. We know that more sustainable buildings and communities are within our reach to other sectors of the built environment. The Center for Resilience is focused on addressing and emphasizing resilience through green building.

The hard work of USGBC members, partners, and LEED users underscores



Resilience at USGBC

POLICY BRIEF

THE ROLE OF STATES IN PLANNING FOR RESILIENCE

JULY 2018



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 worst has become a necessity. Last year was the [most expensive year on record](#) for damage from climate and weather disasters, with cumulative costs reaching \$300 billion. These storms, wildfires, earthquakes, and mudslides have been devastating from financial, environmental, and humanitarian standpoints, and they have brought into focus the importance of serious planning for long-term resilience.

EXECUTIVE SUMMARY

In a 2014 joint building industry [statement](#), USGBC and industry partners identified resilience as "the ability to prepare and plan for, absorb, recover from, and more successfully adapt to adverse events." For a state or community, achieving resilience is tied to the capacity of its individual communities, residents, businesses, and infrastructure systems to endure and thrive in the face of major disasters and

The U.S. Green Building Council produced this series of briefs for communities at both the short- and long-term scales. The series details the voices of experts who participated in a roundtable in 2017 after the Storm Resilience Summit. The series details solutions that can support local levels.



POLICY BRIEF

MARCH 2018



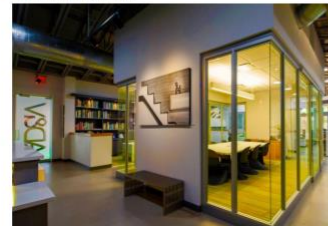
PROFILES OF RESILIENCE: LEED IN PRACTICE

As part of our commitment to building a more resilient future for the built environment, USGBC defines resilience as "the ability to prepare and plan for, absorb, recover from, and more successfully adapt to adverse events." To meet this goal, USGBC is driving [resilience](#) in more ways than one by making buildings more sustainable, durable, and functional through the application of LEED. Through integrative design and key credits, LEED guides project teams to invest in climate adaptation strategies to enhance building and community resilience.

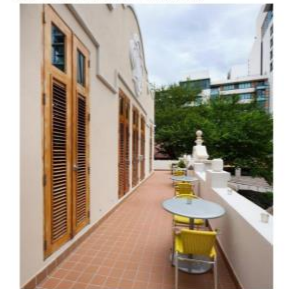
This brief dives into several examples of LEED-certified buildings that have been tested and have demonstrated exceptional resilience. These LEED project teams attest that the LEED process – including purposeful design and third-party validation – has helped these projects achieve critical resilience outcomes.

ÁLVAREZ-DÍAZ & VILLALÓN OFFICES SAN JUAN, PUERTO RICO

Originally built in the early twentieth century, the building that is home to the offices of Álvarez-Díaz & Villalón (AD&V) was [renovated](#) in 2013 to maximize sustainability and resilience. In 2014, the AD&V offices became the first architecture and interior design firm in Latin America to earn [LEED Platinum](#) certification. The resilient features of both the office space and the building at large (outlined below), contributed to its quick recovery from Hurricane Maria in 2017.



certification. Each energy conservation measure (ECM) implemented as part of the project's renovation helped contribute to overall greater efficiency, cost savings, and a shorter period required to restore building operations.



AD&V Offices

Following the devastation of Hurricane Maria, the AD&V office space returned to a fully functional work space within a few days, a feat not typical in the area at the time. Because of this quick recovery, the office also served as a community gathering place and a temporary command center. Critical features include:

- A back-up power generator and satellite internet reduce reliance on ground infrastructure, which was heavily damaged following the storm.
- Air conditioning units with 20 SEER rating minimizes energy consumption, thus facilitating running cooling operations off the generator.
- Solar tube lighting enables people to work without the need for electricity by using natural light.
- Lighting control systems minimize energy use helping

ADVOCACY & POLICY

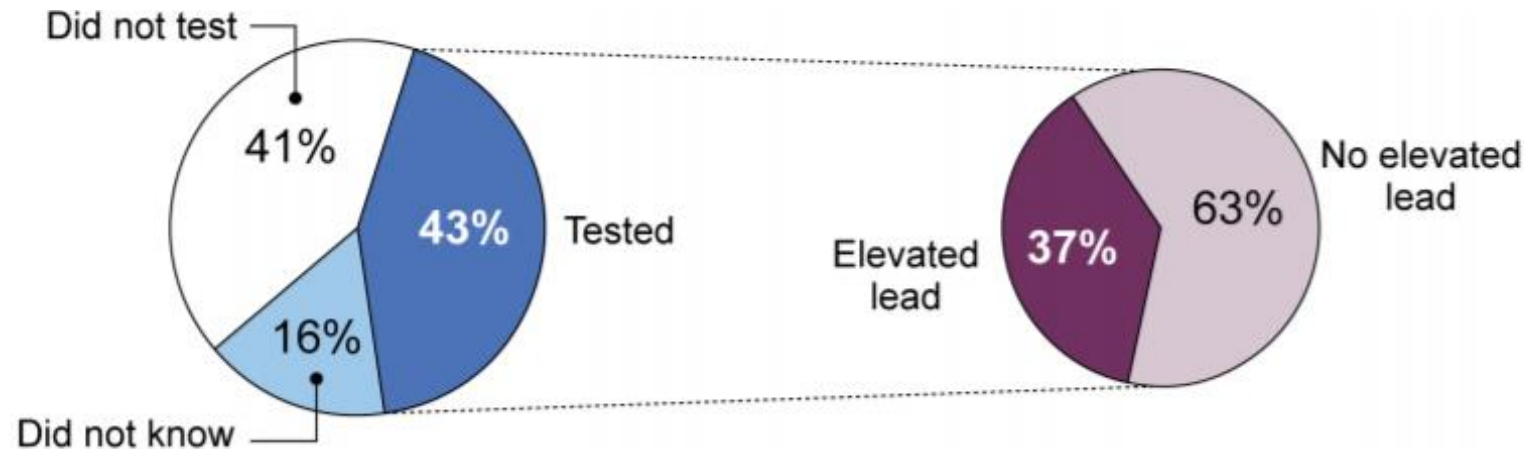


GAO Study: Scope of the Problem

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.

Estimated Percentage of Public School Districts Reporting Lead Testing and Results for Drinking Water



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.

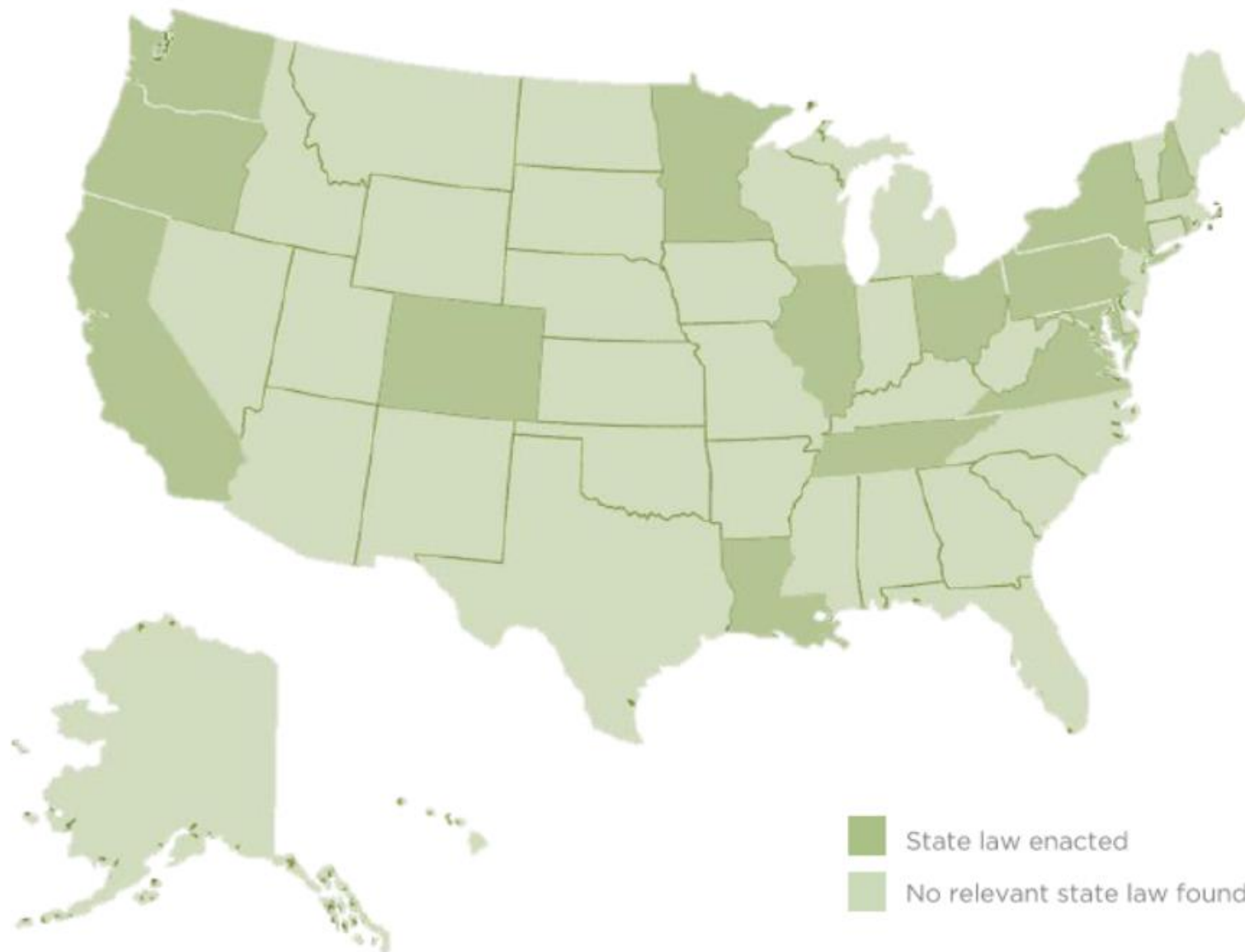


Table 1. State Law Features Influencing Potential Effectiveness

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

Feature	Coverage	Testing Implementation	Risk Reduction	Disclosure
Nature of lead testing (e.g., mandatory or voluntary)		<input type="checkbox"/>	<input type="checkbox"/>	
Responsibility for testing		<input type="checkbox"/>		
Accountability and enforcement		<input type="checkbox"/>	<input type="checkbox"/>	
Financial burden		Varying *	<input type="checkbox"/>	
Scope of testing: <ul style="list-style-type: none"> - Schools covered - Age of school buildings - Outlets tested 	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			
Subsequent testing and frequency			<input type="checkbox"/>	
Action level			<input type="checkbox"/>	<input type="checkbox"/>
Communication of testing results: <ul style="list-style-type: none"> - Reporting to parents & guardians - Reporting to the public - Reporting to state & local agencies 			<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Stakeholder advisory group		<input type="checkbox"/>	<input type="checkbox"/>	

* 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

Ground Water and Drinking Water

CONTACT US

SHARE



Ground Water and Drinking Water Home

Basic Information

Private Wells

Consumer Confidence Reports

Regulatory Requirements

Standards and Regulations

All Drinking Water Topics

Safe Drinking Water Information System

For Students and Teachers

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 WIIN grant](#)
- [3Ts Highlights](#) (printable version)

Information at: www.epa.gov/ground-water-and-drinking-water/3ts-reducing-lead-drinking-water-toolkit



Ground Water and Drinking Water

CONTACT US

SHARE



Ground Water and Drinking Water Home

Basic Information

Private Wells

Consumer Confidence Reports

Regulatory Requirements

Standards and Regulations

All Drinking Water Topics

Safe Drinking Water Information System

For Students and Teachers

Drinking Water Grants

Grant Programs

Water Infrastructure Improvements for the Nation Act (WIIN) Grants

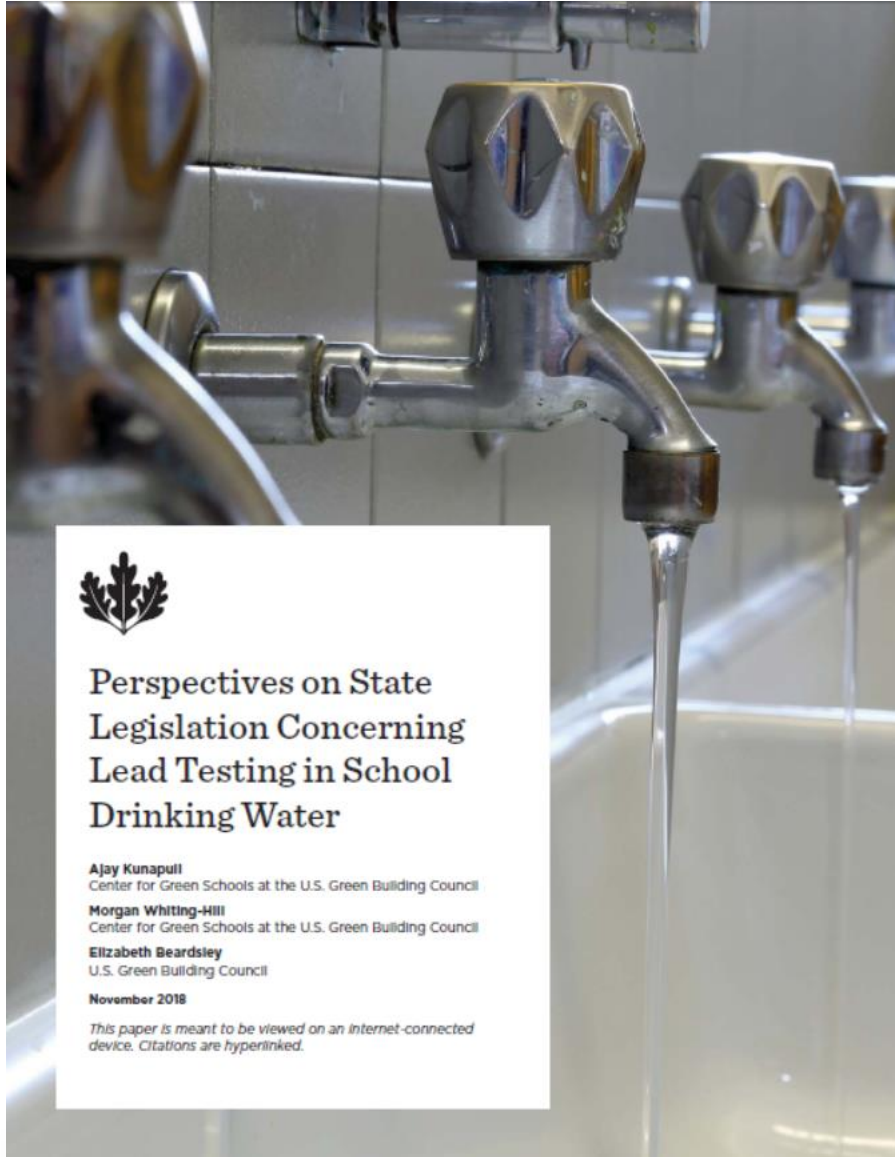
WIIN addresses, supports and improves America's drinking water infrastructure. Included in the [WIIN Act](#) are three new drinking water grants that promote public health and the protection of the environment. As part of the grant, the EPA will award approximately \$1.2 million for fiscal year 2018 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.

WIIN Webinar for States

Tuesday, **December 11, 2018**, 2:00-3:00 pm EDT

[View more information and register](#)



Perspectives on State Legislation Concerning Lead Testing in School Drinking Water

Ajay Kunapull
Center for Green Schools at the U.S. Green Building Council

Morgan Whiting-Hill
Center for Green Schools at the U.S. Green Building Council

Elizabeth Beardsley
U.S. Green Building Council

November 2018

This paper is meant to be viewed on an Internet-connected device. Citations are hyperlinked.

State Legislation for Lead Testing in School Drinking Water

Download at: centerforgreenschools.org

Elizabeth Beardsley, P.E.
Senior Policy Counsel
U.S. Green Building Council

ebeardsley@usgbc.org



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





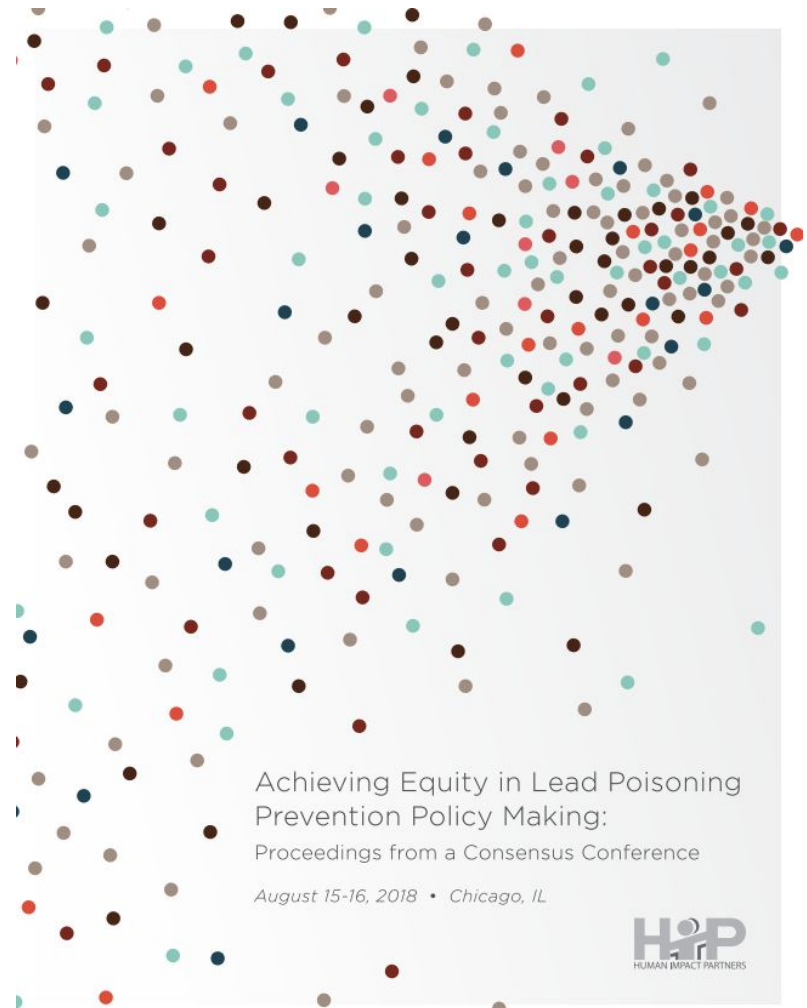
Accessing Report & Resources

- 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:

<http://www.joycefdn.org/news/achieving-equity-in-lead-poisoning-prevention-policy-making>



Achieving Equity in Lead Poisoning
Prevention Policy Making:
Proceedings from a Consensus Conference

August 15-16, 2018 • Chicago, IL

HIP
HUMAN IMPACT PARTNERS



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

Impact	Impact	Impact	Impact
Exacerbated inequities and mistrust resulting from poor community engagement	Fragmented lead policy frameworks	Disproportionate cost of unfunded remediation	Unfair stigmatization

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

Impact 1

Insufficient testing protocols, which create more problems

Impact 2

Enormous financial challenges for local school districts and childcare facilities

Impact 3

Children falling through the cracks

Drinking Water in Schools and Childcare Facilities: **Impacts** and Recommendations

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

Drinking Water in Schools and Childcare Facilities: **Impacts** and Recommendations

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

Drinking Water in Schools and Childcare Facilities: Impacts and Recommendations

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

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

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

Drinking Water in Schools and Childcare Facilities: Impacts and **Recommendations**

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**

Drinking Water in Schools and Childcare Facilities: Impacts and Recommendations

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](https://humanimpact.org)

Thank you for attending!

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

**Great Lakes-St. Lawrence Legislative Caucus
Web Meeting**

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



**GREAT LAKES-ST. LAWRENCE
LEGISLATIVE CAUCUS**



MIDWEST