

ASSISTING SCHOOLS AND CHILD CARE CENTERS IN TESTING AND REMEDYING LEAD CONTAMINATION

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House Bill 4124 as introduced
Sponsor: Rep. Sheldon A. Neeley
Committee: Natural Resources
Complete to 6-5-18

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4124 would amend the Safe Drinking Water Act to establish a program to assist schools and child care centers to test for and remedy lead contamination in their drinking water.

The bill would add a section to require the Department of Environmental Quality (DEQ), or its authorized agent, to establish a program to assist schools and child care centers in testing for and remediating lead contamination in drinking water from drinking water coolers or other sources under the control of the schools or child care centers. The program would have to require the school or child care center to repair, replace, remove, or render inoperable a drinking water cooler that is a source of lead contamination.

The school or child care center also would have to conduct periodic sampling and testing of its drinking water for the presence of lead and send the test results to the DEQ. The DEQ would then post these results on its website for the public, and the school or child care center would keep a copy in its administrative offices to be available to its personnel, parents, or the public.

The DEQ would promulgate rules under the Administrative Procedures Act to implement the proposed new section.

Child care center would mean that term as defined in Section 1 of Public Act 116 of 1973: a facility, other than a private residence, that receives one or more children under 13 years of age for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. Child care center includes a facility that provides care for at least two consecutive weeks, regardless of the number of hours of care per day. Such a facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center. However, a child care center does not include any of the following:

- A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are attending for up to 3 hours per day for an indefinite period or for up to 8 hours per day for a period of not more than 4 weeks during a 12-month period.
- A facility operated by a religious organization where children are in the religious organization's care for up to 3 hours while persons responsible for the children are attending religious services.
- A program that is primarily supervised, school-age-child-focused training in a specific subject, such as dancing, drama, music, or religion. This exclusion applies only to the time the child is involved in that training.

- A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including youth clubs, scouting, and school-age recreational or supplementary education programs. This exclusion applies only to the time the child is engaged in those activities and if the child can come and go at will.
- A program that primarily provides therapeutic services to a child.

School would mean a *public school* or *nonpublic school* as defined in Section 5 of the Revised School Code:

- *Public school* means a public elementary or secondary educational entity or agency established under the School Code or another state law that has as its primary mission the teaching and learning of academic and vocational-technical skills and knowledge and that is operated by a school district, intermediate school district, school of excellence corporation, public school academy corporation, strict discipline academy corporation, or urban high school academy corporation or by the department, the state board, or another public body. Public school also includes a laboratory school or other elementary or secondary school that is controlled and operated by a state public university described in Section 4, 5, or 6 of Article VIII of the State Constitution of 1963.
- *Nonpublic school* means a private, denominational, or parochial school.

MCL 325.1002 and proposed MCL 325.1007a

FISCAL IMPACT:

House Bill 4124 would increase costs to the state and local units of government.

The bill would increase administrative and programmatic costs for the Department of Environmental Quality by requiring an expansion of the department's drinking water testing program; the extent of this increase is uncertain. The bill would require the DEQ to establish a drinking water testing program for schools and child care centers and mandate that the department publish test results on the DEQ website. The number of additional water samples that will result from this program is unclear at this time.

School districts, intermediate school districts (ISDs), and public school academies (PSAs) would incur an indeterminate, but potentially significant, cost increase to conduct periodic drinking water sampling and testing for the presence of lead in their schools. More significantly, the bill would require them to repair, replace, remove, or render inoperable drinking water coolers that are a source of lead contamination. Additionally districts, ISDs, and PSAs could incur administrative costs to report test results to DEQ and make test results available in their administrative offices.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.