

BILL ANALYSIS

C.S.H.B. 605
By: Gervin-Hawkins
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised that the state is not doing enough to address lead in school water sources. Lead is a toxic metal that is harmful to public health, especially to children. Lead can enter drinking water when plumbing materials that contain lead, such as pipes, faucets, and fixtures, corrode. In children, low levels of exposure to lead have been linked to damage to the central and peripheral nervous system, learning disabilities, shorter stature, impaired hearing, and impaired blood cell formation and function. C.S.H.B. 605 seeks to address these concerns by requiring each public school district and open-enrollment charter school to adopt a healthy and safe school water plan.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 605 amends the Education Code to require the Texas Commission on Environmental Quality (TCEQ) to adopt rules to provide guidance to public school districts on the adoption of a healthy and safe school water plan. The adopted rules must be at least as protective as the technical guidance for reducing lead in drinking water in schools developed by the U.S. Environmental Protection Agency. The bill requires each district and open-enrollment charter school, as applicable, to adopt a plan in accordance with those rules not later than September 1, 2022, that includes provisions for periodic testing for lead in school water sources and reducing exposure to elevated levels of lead in school water sources. The bill defines "water source" as any running water tap that is used for drinking or food preparation.

C.S.H.B. 605 requires a district to do the following:

- if applicable, restrict access to a school water source within 48 hours of learning of the water source's lead test results that show elevated levels of lead and determine and mitigate the source of the lead contamination before access to the water source is returned to normal;
- maintain records for each water source in the district, including the location of the water source and the date and results of each periodic test for lead in the water source;
- submit a copy of the records to TCEQ not less than once every four years;
- post applicable water source information on the district's website;
- notify the parent or legal guardian of each student enrolled in the district and each district employee of the results of each periodic test not later than 24 hours after learning of the

test results and of the accessibility of information regarding school water source tests on the district's website at least once each school year; and

- designate an employee to act as the point of contact for TCEQ and the public regarding testing for lead in school water sources under the bill's provisions.

C.S.H.B. 605 requires the Texas Education Agency (TEA), in collaboration with TCEQ, the Department of State Health Services, regional education service centers, and other stakeholders and not later than December 31, 2021, to develop a model healthy and safe school water plan that may be used by a district to comply with the bill's provisions. The bill requires TEA, to the extent that funds are available to TEA for the purpose, to develop a program under which TEA reimburses a district for testing lead concentrations in water sources at the district.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 605 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes provisions not included in the original requiring TCEQ to adopt rules regarding the healthy and safe school water plan.

The substitute differs from the original by changing the lead levels resulting from a school water source test that trigger the requirement for a district to restrict access to a water source from a level of lead that exceeds 15 parts per billion, as in the original, to elevated levels of lead. The substitute does not include a requirement included in the original for a subsequent test before access to the water source is returned to normal.

The substitute includes requirements not included in the original for each district regarding the following:

- the maintenance of records for water sources, submission of record copies to TCEQ, and online posting of that information;
- certain notification of lead test results and information accessibility provided to students' parents or legal guardians and district employees; and
- designation of an employee as a point of contact for TCEQ and the public regarding lead testing.