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OFFICE OF THE PUBLIC DEFENDER

**STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE**

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ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE SENATE COMMITTEE ON EDUCATION
ON
SENATE BILL NO. 3098

**January 31, 2022
3:00 p.m.
Room 229 and Videoconference**

**MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF
EDUCATION FOR LEAD ABATEMENT**

The Department of Budget and Finance (B&F) offers comments on this bill.

Senate Bill No. 3098 appropriates \$1,850,000 in general funds in FY 22 for lead abatement measures to repair or replace plumbing fixtures shown to have more than five parts per billion lead at Department of Education elementary schools.

B&F notes that the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 01/31/2022

Time: 03:00 PM

Location: CR 229 & Videoconference

Committee: Senate Education

Department: Education

Person Testifying: Keith T. Hayashi, Interim Superintendent of Education

Title of Bill: SB 3098 MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF EDUCATION FOR LEAD ABATEMENT.

Purpose of Bill: Provides funds for lead abatement measures at Department of Education elementary schools.

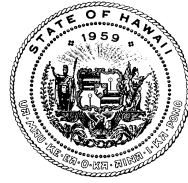
Department's Position:

The Hawaii State Department of Education (Department) supports SB 3098 as it provides an emergency appropriation of general funds to the Department for replacing water fixtures associated with elevated lead levels in school drinking water. The Department also appreciates the support of this bill as it is a part of the Governor's 2022 Legislative Package.

In 2020, the Hawaii State Department of Health (DOH) received an Environmental Protection Agency (EPA) grant funded under the Water Infrastructure Improvements for the Nation Act. The DOH, the Hawaii State Department of Human Services (DHS) and the Department collaborated to test drinking water for the presence of lead at 106 Department elementary schools and 118 DHS-licensed child care facilities. The results showed that approximately 5% of drinking water sources exceeded the project action level of 15 parts per billion (ppb) lead, while nearly 20% exceeded 5 ppb lead.

Because, according to the EPA, there is no safe level of lead and because elementary school students are a particularly vulnerable population due to their developmental stage, there is an urgent need to repair plumbing and/or replace fixtures supplying drinking water with more than 5 ppb lead in order to protect the health and safety of Hawaii elementary school students. The Department appreciates the emergency appropriation as it will allow the Department to address this need.

Thank you for the opportunity to provide testimony in support of this measure.



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony in SUPPORT of SB3098
MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF
EDUCATION FOR LEAD ABATEMENT.**

SENATOR MICHELLE N. KIDANI, CHAIR
SENATE COMMITTEE ON EDUCATION

Hearing Date: 1/31/2022 Room Number: 229/videoconference

1 **Fiscal Implications:** This measure may impact the priorities identified in the Governor's
2 Executive Budget Request.

3 **Department Testimony:** SB3098 seeks emergency appropriations for the Department of
4 Education to replace drinking water fixtures found to have elevated levels of lead. The
5 Department supports this measure.

6 Childhood lead exposure is a serious environmental hazard. Exposure to lead at a young age can
7 cause problems with school performance, IQ and other behavioral and cognitive problems.
8 Children can be exposed to lead through contaminated dust and soil from deteriorated lead-based
9 paint, leaded objects, and lead contaminated drinking water. While source water in Hawaii is not
10 known to contain lead, older plumbing and fixtures can contain lead components that leach into
11 the water, exposing children.

12 In 2021, the Department of Health, in conjunction with the Department of Education (DOE) and
13 the Department of Human Services (DHS) embarked on a project to test the drinking water for
14 lead at schools and child-care facilities across Hawaii. The project, funded by the Environmental
15 Protection Agency's Water Infrastructure Improvement for the Nation (WIIN) Act, tested the
16 drinking water at 106 DOE elementary schools and 118 DHS licensed child-care facilities.

17 Results of the project found old plumbing fixtures at many of the elementary schools
18 contributing to elevated levels of lead in the drinking water. In order to protect the environmental

1 health of Hawaii's vulnerable-aged children and ensure schools are safe places for children to
2 learn, grow and play, these fixtures need to be replaced.

3 The Department supports this bill to enable to Department of Education to replace the affected
4 fixtures and decrease lead exposure to Hawaii's keiki.

5 **Offered Amendments:** None

6 Thank you for the opportunity to testify on this measure.



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TESTIMONY BEFORE THE SENATE COMMITTEE ON EDUCATION

RE: SB3098 –RELATING TO MAKING AN EMERGENCY APPROPRIATION
TO THE DEPARTMENT OF EDUCATION FOR LEAD ABATEMENT.

MONDAY, JANUARY 31, 2022

OSA TUI, JR., PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Kidani and Members of the Committee:

The Hawaii State Teachers Association (HSTA) asks your committee to **support SB3098**, relating to making an appropriation to the department of education for lead abatement. This bill provides funds for lead abatement measures at Department of Education to repair or replace plumbing fixtures shown to have more than five parts per billion lead at department of education elementary schools.

HSTA is pleased of the governor's recommendation for the immediate passage in accordance with section 9 of article VII of the Constitution of the State of Hawaii for this bill. We thank the legislature for taking this measure up right away too, in order to get this much needed work done to keep our students, our teachers, and everyone at our public schools safe.

We know we all agree that our students need a safe educational space to learn, and applaud the Department of Education plan to move on these repairs and replacements of plumbing fixtures right away to ensure that our facilities are maintained to protect the health and safety of our students, teachers, and staff. According to the United States Environmental Protection Agency, there is no known safe level of lead in a child's blood and lead is harmful to health, especially for children. **Results of the recently completed first phase of a United States Environmental Protection Agency's, Water Infrastructure Improvements for the Nation Act grant programs found department of education elementary schools in Hawaii with old plumbing fixtures that are resulting in trace amounts of lead being found in drinking water sources. This is shocking, and must be remedied right away.**

To make our schools safe for our students, teachers, and staff, right away, the Hawaii State Teachers Association urges you to **support** this bill.