



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

**Date:** 02/15/2022

**Time:** 10:30 AM

**Location:** CR 211 & Videoconference

**Committee:** Senate Ways and Means

**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.

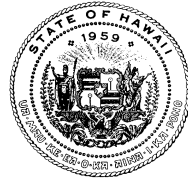
**Department's Position:**

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 DONAVAN M. DELA CRUZ, CHAIR  
SENATE COMMITTEE ON WAYS AND MEANS

Hearing Date: 2/15/2022

Room Number: 211/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.

DAVID Y. IGE  
GOVERNOR



CRAIG K. HIRAI  
DIRECTOR  
  
GLORIA CHANG  
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM  
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND  
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  
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OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

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

**February 15, 2022**  
**10:30 a.m.**  
**Room 211 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, with respect to the general fund appropriation in this bill, 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.



February 15, 2022

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**Position: SUPPORT for SB 3098 – *Emergency Appropriations to Department of Education for Lead Abatement***

Dear Senate Ways and Means Committee Members,

On behalf of the International Association of Plumbing and Mechanical Officials (IAPMO), NSF International (NSF), and the Water Quality Association (WQA), we want to share our support for HB 2130.

Remediation of plumbing fixtures in school facilities are critical to reduce exposure to lead in drinking water. Lead contamination of drinking water poses known health risks, and even low levels of lead exposure can cause permanent cognitive deficits and behavioral difficulties in children. To reduce the presence of lead in drinking water and combat these potential health threats, the United States Environmental Protection Agency (EPA) and Centers for Disease Control and Prevention (CDC) suggest using point of use (POU) filters tested and certified to comply with the U.S. national standard for water filters.<sup>1,2</sup>

To ensure public health and safety is maintained, our organizations recommend that the bill include requirements for drinking water filtration systems (components, filters, and fixtures) to meet nationally recognized industry standards for lead reduction, such as NSF/ANSI Standard 53 (for lead reduction), NSF/ANSI Standard 42 (for Class 1 particulate reduction), and NSF/ANSI 61 (“lead-free” fixtures). Additionally we recommend that the products used be independently certified by accredited certification bodies to ensure they perform as intended.<sup>3</sup>

As such we offer the following language to be included in section 2 after line 5 on page 2:

*“plumbing fixtures, including point-of-use filters, shall be certified by a third-party certifying body that is accredited by the American National Standards Institute (ANSI) National Accreditation Board (ANAB) to meet a pertinent NSF/ANSI American National Standard for drinking water treatment units for lead reduction.”*

<sup>1</sup> <https://www.epa.gov/system/files/documents/2021-07/epa-3ts-guidance-document-english.pdf>

<sup>2</sup> [https://www.cdc.gov/nceh/lead/prevention/sources/water.htm?CDC\\_AA\\_refVal=https%3A%2F%2Fwww.cdc.gov%20%2Fnceh%2Flead%2Ftips%2Fwater.htm](https://www.cdc.gov/nceh/lead/prevention/sources/water.htm?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%20%2Fnceh%2Flead%2Ftips%2Fwater.htm)

<sup>3</sup> [https://www.epa.gov/sites/default/files/2018-12/documents/consumer\\_tool\\_for\\_identifying\\_drinking\\_water\\_filters\\_certified\\_to\\_reduce\\_lead.pdf](https://www.epa.gov/sites/default/files/2018-12/documents/consumer_tool_for_identifying_drinking_water_filters_certified_to_reduce_lead.pdf)



These recommendations align with the federal government agency guidelines to remove lead from drinking water. They also underscore the need for independent product testing and certification as a critical step to ensuring that products meet the performance, health and quality assurance required by these regulations. Third-party product certification can help the state provide consumer confidence that plumbing products and systems will function as they claim, and help eliminate concerns that consumers may purchase and install either non-complying products, or counterfeit products available on the market. It is important to note that there are numerous organizations accredited by the American National Standards Institute (ANSI) to provide this service.

We strongly support SB 3098 and appreciate the opportunity to collaborate on this vital water quality legislation. We will be happy to work with you and others to answer questions regarding water treatment.

Sincerely,

Robyn Fischer, Director of Government Relations, IAPMO

Harold Chase, Director of Legislative & Regulatory Affairs, NSF International

Jeremy Pollack, Director of Government Affairs, WQA

### **About IAPMO**

IAPMO was founded in 1926 by government officials in the US to protect public health and safety by developing the most progressive and technically advanced plumbing, mechanical and water efficiency codes in the world. A large part of IAPMO's work focuses on product testing for the industry. Our research and testing labs are capable of testing products to more than 400 standards and we provide testing to new plumbing products that enter the market every year. These include such devices as shower heads, faucets, and water filters. Our rigorous process includes following the criteria of the American National Standards Institute (ANSI) and the International Organization for Standardization (ISO).

### **About NSF**

NSF is an independent, not-for-profit organization founded in 1944 in Ann Arbor, MI that develops consensus national standards, provides product inspection, testing and certification, auditing, education, and related services in public health and safety. The core purpose of NSF is to "protect and improve human and environmental health." NSF has a long history of working with the EPA, FDA, USDA, CDC, and health related governmental entities at the state and local levels, as well as international bodies. NSF is a Collaborating Centre of the World Health Organization for Food Safety, Water Quality, and Indoor Environment. NSF/ANSI 53 and NSF/ANSI 58, American National Standards developed by NSF, allow for the certification of some point of use and point of entry drinking water treatment units to reduce the levels of specified contaminants in drinking water including lead.

### **About WQA**

WQA is a not-for-profit trade association representing the residential, commercial, and industrial water treatment manufacturers industry with over 2,700 members worldwide. Since its creation in 1974, WQA has worked tirelessly to improve water quality through sustainable technologies and services. Our members are manufacturers, dealers, and distributors who specialize in point-of-use (POU) and point-of-entry (POE) water filtration systems, which treat water at the tap or entry point of a home or building. WQA also operates an American National Standards Institute (ANSI) accredited testing and certification laboratory that certifies water filtration products to nationally accepted industry standards for contaminant removal.