



COMMUNITY EDUCATION COUNCIL DISTRICT 15
BROOKLYN, NEW YORK

March 19, 2019

Resolution On Water Testing In School Buildings
2019-0313

WHEREAS, Section 6E and 6H of the [New York State Law](#)¹ requires school districts and boards of cooperative educational services to conduct testing of school potable water sources and systems to monitor for lead contamination in certain school buildings.

WHEREAS, according to the [EPA's Lead and Copper Rule](#)² if lead concentrations exceed an action level of 15 ppb in more than 10% of customer taps sampled, the system must undertake a number of additional actions to control corrosion;

WHEREAS, in the 2016-17 school year, the DOE proceeded to run lead testing where the water in every NYC public school was tested for lead concentrations, and

WHEREAS, ninety-two percent of fixtures system-wide tested below guidance;

WHEREAS, for any drinking or cooking outlets that were above guidance, the outlets were immediately turned off and the equipment was replaced.

WHEREAS, replaced outlets ranged from water fountains otherwise known as bubblers, kitchen sinks, bathroom sinks, classroom sinks, slop sinks, kitchen steamers, and garden hoses;

WHEREAS, due to ongoing testing by the DOE and successful remediation, 99% (141,246 out of 142,411) of all potential drinking water fixtures in City public schools, test within the state standard.

WHEREAS, the DOE has taken the initiative to continue conservative testing within the guidelines of the State law, and plan to retest all fixtures over the course of three years starting in the Fall of 2018;

WHEREAS, the DOE has been positive, proactive, and forthcoming when working with the members of our school communities, parents, students, and staff;

¹ New York State Law - <https://www.nysenate.gov/legislation/laws/PBH/1110>

² EPA's Lead and Copper Rule - <https://www.epa.gov/dwreginfo/lead-and-copper-rule>

WHEREAS, the DOE has been transparent with findings and their website³ provides a reliable source of available information on building conditions and lead testing;

WHEREAS, the DOE has notified staff, parents, and students of test results and actions they are taking to remediate the situation;

WHEREAS, solutions to lead problems typically should be addressed on both a short-term and a long-term basis;

WHEREAS, for any drinking or cooking outlets that were above guidance, the outlets were immediately turned off and the equipment was replaced;

WHEREAS, shutting off problem outlets can provide a permanent solution, and may be a viable option, and where the affected outlets are kept out of service until follow-up testing shows those outlets no longer have elevations, however,

WHEREAS, a problem outlet exists that is a necessary source of drinking water that is frequently used by teachers, staff and students, or where remediation of a bubbler is not a near-term option,

WHEREAS, a problem outlet exists that is routinely used for purposes other than human ingestion (e.g., hand-washing), clear signage has been posted to notify people that the outlet is not to be used for drinking or cooking until the problem is resolved,

WHEREAS, the NYC Dept of Health suggests asking your cafeteria to install the Water Jet Program which is NOT filtered water, but fresh tap water;

WHEREAS, increased awareness and public education regarding lead in the water is necessary and

WHEREAS, lead poisoning can lead to learning and behavior problems in children, where young children are most at risk. And that pregnant women who are exposed to lead can in turn expose their unborn baby;

WHEREAS, the DOE could provide Point-of-use (POU) units filters at problem taps, and

WHEREAS, flush taps prior to use can be effective, flushing individual problem water outlets or all outlets within the school building may also represent a short-term solution and may not be sustainable,

WHEREAS, flushing just once a day or once a week is not recommended, if follow-up flush samples indicate no or low lead levels, facilities could use signage that notifies staff and students to flush for 30 seconds prior to each use.

WHEREAS, CEC15 appreciates the efforts that have been made thus far by the Department of Education and the Department of Facilities to remediate beyond the minimum requirements in the law; and,

³ <https://www.schools.nyc.gov/about-us/reports/water-safety>

WHEREAS, CEC15 recognizes that the Department of Health is driving the enforcement of remediation, and that DOE decisions made on the permanent remediation options will be based on such factors as cost, likelihood of success, availability of water, and staffing requirements.

THEREFORE, BE IT RESOLVED THAT, CEC15 expects that the Department of Education and the Department of Facilities replace all identified outlets with lead-free drinking water systems, use certified lead-reducing filters, where appropriate use Point of use (POU) units, and decommission fixtures as a long-term or permanent control measure: and,

SO BE IT RESOLVED THAT, CEC15 expects that the DOE will ensure that any plumber who does repair or replacement work on the facility's plumbing system uses only "lead-free" solders and other materials, and that they adhere to the requirements of the 1986 Safe Drinking Water Act Amendments⁴ and the 2011 Reduction of Lead in Drinking Water Act⁵ require only "lead-free" materials be used in new plumbing and plumbing repairs; and,

BE IT RESOLVED THAT, in regards to conservative flushing after remediation to prevent leaching, CEC15 asks that the DOE and Department of Facilities consider POU filters to reduce the lead action, and to help clear out debris or lead particulates that may be released when remediation occurs, rather than monitor the regular flushing of drinking water outlets; and,

BE IT RESOLVED THAT, where a problem outlet exists that is a necessary source of drinking water, and that is frequently used by teachers, staff and students, or where remediation of a bubbler is not a near-term option, CEC15 requests that the DOE provide water coolers or bottled water to that school while the problem is being addressed so that all students, teachers and staff have access to safe drinking water throughout their day; and,

BE IT RESOLVED THAT, CEC15 would like the Department of Education and the Department of Facilities to work with the Office of Nutrition and School Foods to install portable and fillable Water Jets in every cafeteria where feasible; and,

BE IT RESOLVED THAT, CEC15 would like the DOE to post permanent signage in Science Labs and, where appropriate, to identify "Hand Washing Only" fixtures;

BE IT RESOLVED THAT, CEC15 would like the DOE to take the initiative in providing educational information to our school communities about the long term risks to young children, pregnant women and adults surrounding lead in the water; and,

BE IT RESOLVED FURTHER THAT, CEC15 will advocate for the health and safety of our children and hold the New York City Department of Education and their affiliates accountable for the safe and healthy conditions of water in our school buildings and in regards to educating our school communities around lead issues.

⁴ <https://www.epa.gov/laws-regulations/summary-safe-drinking-water-act>

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<https://www.epa.gov/dwstandardsregulations/use-lead-free-pipes-fittings-fixtures-solder-and-flux-drinking-water>

Approved on March 19, 2019

By a vote of council members present at the time of the vote

In favor: 6 - Camille Casaretti, Kathy Park Price, Antonia Ferraro, Charles Star, Mark Bisard, Scott Powell

Opposed: 0

Abstentions: 0

Cc:

Mayor Bill De Blasio

US Department of Health and Human Services Assistant Secretary for Health Admiral Brett Giroir

Department of Education Schools Chancellor Richard A. Carranza

Department of School Facilities Director Joseph Lazarus

Department of Education Executive Superintendent Karen Watts

Department of Education D15 Superintendent Anita Skop

Office of Nutrition and School Foods, D15 Supervisor Meredith Kiely

Local 891 President Robert J. Troeller

United Federation of Teachers President Michael Mulgrew

DC37 President Shaun D. Francois I

Education Council Consortium Co-Chair Shino

Education Council Consortium Co-Chair NeQuan McLean

Congresswoman Nydia Velazquez

State Senator Velmanette Montgomery

State Senator Simcha Felder

State Senator Brian Kavanagh

State Assembly Assistant Speaker Feliz Ortiz

State Assembly JoAnne Simon

State Assembly Robert Carroll

City Councilman Brad Lander

City Councilman Carlos Menchaca

City Councilman Stephen Levin