

2017-19 Biennium Budget Decision Package

FINAL

Agency: 303 Department of Health

Decision Package Code/Title: Lead Directive – School Rule

Budget Period: 2017-19

Budget Level: PL- Performance Level

Agency Recommendation Summary Text:

Governor Inslee issued Directive 16-06 in response to the growing concerns about lead being found in drinking water in schools and homes across the state. In response to the directive, the Department of Health requests funding for a statewide school health and safety program to reduce exposure to lead and other environmental hazards where children live, learn, and play.

Fiscal Summary: Decision package total dollar and FTE cost/savings by year, by fund, for 4 years. Additional fiscal details are required below.

Operating Expenditures	FY 2018	FY 2019	FY 2020	FY 2021
Fund 001-1	2,551,000	4,630,000	4,630,000	4,630,000
Total Cost	2,551,000	4,630,000	4,630,000	4,630,000
Staffing	FY 2018	FY 2019	FY 2020	FY 2021
FTEs	1.4	2	2	2
Object of Expenditure	FY 2018	FY 2019	FY 2020	FY 2021
A - Salaries and Wages	92,000	121,000	121,000	121,000
B - Employee Benefits	32,000	42,000	42,000	42,000
C - Contracts	1,990,000	3,786,000	3,786,000	3,786,000
E - Goods and Services	374,000	679,000	679,000	679,000
J - Capital Outlays	62,000	-	-	-
T - Intra-Agency Reimb	1,000	2,000	2,000	2,000

Package Description:

Background

Washington State has long been concerned about lead exposure and ways to reduce lead hazards. In 2009, the Department of Ecology completed the Lead Chemical Action Plan (CAP). This report provided a comprehensive picture of the human and environmental risks associated with lead exposure and made science-based, cost-effective recommendations for reducing that risk.

Also in 2009, the State Board of Health adopted new school rules into the Washington Administrative Code (WAC). The school rules included health and safety standards for the whole

school environment to better protect the overall health and safety of students. The rules ranged from playground safety to mold identification and removal. Some of the requirements were specific to lead in drinking water while others took a more comprehensive approach. However, the legislature ultimately suspended implementation of the updated rules through a budget proviso in 2009. The proviso has been included in each subsequent budget since that time.

Recently, there has been concern about lead being found in drinking water in schools across the state. However, concern about school drinking water as a potential source of lead is not a new issue for Washington. In early 2005, the Office of Superintendent of Public Instruction (OSPI) and the Department of Health (DOH) jointly implemented a grant program to partially reimburse Washington public elementary schools for the cost of initially testing their drinking water. During that period, 455 schools sampled their water and thirty percent of the schools had at least one fixture that exceeded the 20 parts per billion (ppb) action level set by the U.S. Environmental Protection Agency (EPA).

On May 2, 2016, Governor Inslee issued Directive 16-06 (the directive) in response to the growing concerns about lead being found in drinking water in schools and homes across the state. The directive also recognized that water is not the primary source of lead exposure for children. So, in addition to asking for recommendations to reduce exposure through drinking water, the directive mandated the Department of Health provide leadership to reduce exposure to lead and other environmental hazards where children live, learn, and play.

In response to the directive, the State Board of Health and DOH convened a workgroup consisting of state agencies, school representatives and Local Health Jurisdictions (LHJs). The workgroup identified that fiscal constraints for schools and LHJs are significantly limiting their ability to comply with the current school rules WAC 246-366. Mandating compliance with the 2009 suspended rules would create an additional challenge.

The workgroup also found that fiscal inequities between large and small school districts create disparities among districts, including their ability to respond to health and safety requirements and potential hazards. Funding for these activities, if not provided by the state, falls to school districts who and are often made up through property tax levies. The amount of money that districts are able to raise through property tax levies varies based on the total value of all property in the district.

The public health system faces similar funding challenges. Funding and service levels vary greatly across the state, and system-wide chronic underfunding has resulted in critical gaps in the basic infrastructure of the system. Currently, only nine of 35 LHJs have school environmental health and safety programs. The programs vary and the types of services they provide depend on local funding, which is usually covered by inspection fees charged to the schools.

Problem Statement

Given the concern for lead in drinking water, it is imperative that all schools adequately test for lead in their drinking waters. This isn't happening currently, primarily because there is no mandate to do so, and there are funding limitations in both the school and public health systems. These funding challenges, in addition to the outdated school health and safety rules, are also limiting schools ability to reduce and remove environmental health and safety risks.

Proposed Solution

- Require testing drinking water in all schools for lead as part of a statewide school environmental health and safety inspection program based on existing chapter 246-366 WAC.
 - Inspections by local health jurisdictions should be at least every three years on schools that have adequate resources to self-inspect two out of the three years, and annually for those that don't. This is the same approach as the suspended school rules.
 - Require drinking water testing using EPA's "3Ts" technical guidance for schools spread over six years; those elementary schools without recent tests are the highest priority.
- Update the Health and Safety Guide for K–12 Schools in Washington State.
- Direct the State Board of Health and DOH to gather data over the next six years to evaluate and update chapter 246-366A WAC.

Note: Several school districts around the State have tested their water for lead or are doing it in the current school year. The department is working to assess which districts have tested to EPA's lead testing guidance known as the "3 Ts" over this past year. Those districts will be put to the end of this new testing cycle. With that information, we will be able to make a better estimate on number of schools to be tested in the next few years. DOH expects this information to be available early in the 2017 legislative session.

Contact Information:

Financial Operations – Kristin Bettridge (360) 236-3007
 Subject Matter Expert – Rick Porso (360) 236-3302

Relation to Agency Strategic Plan and Results WA

Results Washington:

Goal 4: Healthy and Safe Communities

Agency Strategic Plan

Goal 1: Protect everyone in Washington from communicable diseases and other health threats.

Objective 3: Ensure the safety of our environment as it impacts human health.

Goal 2: Prevent illness and injury and promote ongoing wellness across the lifespan for everyone in Washington.

Objective 6: Protect people from violence, injuries and illness in their homes, neighborhoods and communities.

Base Budget: If the proposal is an expansion or alteration of a current program or service, provide information on the resources now devoted to the program or service. Please include annual expenditures and FTEs by fund and activity (or provide working models or backup materials containing this information).

The Department of Health's School Environmental Health and Safety (SEHS) program provides technical assistance, training, and resources to public health and school staff when requested. Areas addressed include: indoor air quality, reduction of asthma triggers, noise control, lighting, hazardous chemicals, control of communicable and zoonotic diseases, cleaning, disinfection, integrated pest

management, animals in schools, injury prevention, playground safety, laboratory and shop safety, and building design for health. 1.0 FTE is a direct program, the other .2 is related to agency indirect staffing.

Activity A005 – Community Environmental Public Health

	FY 2016	FY 2017
Fund 001-1	125,000	125,000
FTEs	1.2	1.2
Object of Expenditure		
Obj. A	81,000	81,000
Obj. B	29,000	29,000
Obj. E	12,000	12,000
Obj. G	3,000	3,000
Total Costs	125,000	125,000

Decision Package expenditure, FTE and revenue assumptions, calculations and details: Agencies must clearly articulate the workload or policy assumptions used in calculating expenditure and revenue changes proposed.

DOH Oversight and K-12 Guidance Update

Recognizing start-up time, .70 FTE Public Health Advisor 4 is assumed in fiscal year (FY) 2018 increasing to 1.0 FTE in FY 2019 and on-going to coordinate the statewide program implemented at the local level and to provide technical assistance to LHJ's. Agency indirect activities include 0.5 FTE in FY 2018 and 1.0 FTE on-going. DOH will enter into an interagency agreement to reimburse OSPI for staff time in FY 2018 associated with updating the K-12 School Health and Safety Guidance. Total costs for DOH in FY 2018 are \$172,000 and \$184,000 in FY 19 and on-going.

Data and Equipment

One time cost of \$30,000 for purchase of Health Space Module for school health and safety data and related inspection equipment of \$60,000 in FY 2018, for a total of \$90,000

LHJ Inspections

Based on LHJ experience in the 9 LHJ's with programs, assume 1 staff person per 100 schools at an average cost of \$100,000 per staff. There are currently over 3,100 schools including public and private. Factoring in a six month phase in time, contractual costs for FY 2018 are \$1,600,000 and \$3,100,000 annually in FY 2019 and on-going.

Water Sampling and Testing

Calculations for Water Testing	
Fixtures/School (Avg)	50
Cost/Test	\$ 25
Test Cost/School	\$ 1,250
Sampling Ratio (hours/school)	20
Hourly Rate	\$ 65
Staffing Cost/School	\$ 1,300
Total Cost/School	\$ 2,550

There are approximately 3,169 schools including private, alternative, and public schools. This proposal assumes a six year testing cycle. Approximately 528 schools will be tested per year (3,169 school / 6 years). The suspended rules called for a five year cycle, but the department recommends six to coincide with the three year school health and safety inspection cycle.

After accounting for a ramp up period, the proposal will sample and test at least 270 schools in the first year with start-up time at a cost of \$689,000 in FY 2018. Sampling and testing at least 528 schools per year on going will cost \$1,346,000 annually beginning in FY 19 and on-going. A priority will be given to elementary schools.

Decision Package Justification and Impacts

What specific performance outcomes does the agency expect?

Describe and quantify the specific performance outcomes the agency expects as a result of this funding change.

Inspections by LHJs will happen least every three years for schools who can choose to self-inspect 2 of 3 years and annually for all others. As part of the statewide school health and safety program, drinking water testing using EPA's 3Ts guidance for schools could be spread out over six years, with those elementary schools without recent tests scheduled as the highest priority. The State Board of Health and the department will gather data from this program over the next six years to evaluate and update chapter 246-366A WAC.

Performance Measure detail:

No current tracked measures in Results Washington or in OFM's Performance Management System.

Fully describe and quantify expected impacts on state residents and specific populations served:

All children, regardless of the community that they live in, will be able to attend schools that maintain a safe and healthy environment, including providing drinking water without concern of lead exposure.

What are other important connections or impacts related to this proposal? Please complete the following table and provide detailed explanations or information below:

Impact(s) To:		Identify / Explanation
Regional/County impacts?	Yes	Identify:
Other local gov't impacts?	Yes	Identify: Local Health Jurisdictions will implement a statewide school health and safety program.
Tribal gov't impacts?	No	Identify:
Other state agency impacts?	Yes	Identify: In response to lead concerns, OSPI will request capital budget funding to provide grants to schools for remediating lead water fixtures.
Responds to specific task force, report, mandate or exec order?	Yes	Identify: Governor Inslee issued Directive 16-06 (the directive) in response to the growing concerns about lead being found in drinking water in schools and homes across the state.
Does request contain a compensation change?	Select Y/N	Identify:
Does request require a change to a collective bargaining agreement?	No	Identify:
Facility/workplace needs or impacts?	No	Identify:
Capital Budget Impacts?	Yes	Identify: An OSPI request will be submitted for replacing lead water fixtures in schools.
Is change required to existing statutes, rules or contracts?	Yes	Identify: Proviso language would need to be put into place to implement this package.
Is the request related to or a result of litigation?	No	Identify lawsuit (please consult with Attorney General's Office):
Is the request related to Puget Sound recovery?	No	If yes, see budget instructions Section 14.4 for additional instructions
Identify other important connections		

Please provide a detailed discussion of connections/impacts identified above.

This request is in response to the Governor’s Directive 16-06: Assisting community and agency responses to lead in water systems. Investments in water testing and school health and safety standards will reduce the risk of child lead exposure.

What alternatives were explored by the agency and why was this option chosen?

Water Testing

Water Testing rules (WAC 246-366A-130) require school officials to conduct water sampling for plumbing fixtures that are regularly used for drinking or cooking, and to have those samples tested by an accredited drinking water laboratory. One of the challenges for meeting the testing requirement is assuring that the sample is taken appropriately. If staff are not trained to take samples correctly, test results may show false positives for lead. Additionally, sampling time and cost for both time and lab testing is a fiscal constraint for many schools. Safe drinking water should be provided to all school age children so DOH chose the option of having the state cover the staffing and lab testing costs associated with proper lead testing.

Inspections

Under the current rules, all LHJs conduct site review and pre-occupancy inspections. The current rules also require LHJs to conduct periodic inspections of school facilities. Only nine LHJs have school environmental health and safety programs that do some form of regular inspection. These programs recoup their costs by charging fees to schools. Local health inspections help identify potential hazards within the school environment, including lead. Local health jurisdiction staff can also provide important technical assistance in addressing those hazards. Health and safety inspections help schools identify areas or activities that may increase potential exposure to lead and other health and safety hazards. Site review, and pre-occupancy and regular environmental health and safety inspections assure facilities are built, operated, and maintained in a manner that provides a safe and healthy environment for children. In order to prevent exposure to other potential sources of lead, the chosen option is for the state to directly provide funding to LHJ’s through DOH, so every community’s public and private schools are regularly inspected under the current rules.

What are the consequences of not funding this request?

Local health inspections that could identify potential hazards within the school environment, including lead, will only happen on the minimal basis that exists today within 9 LHJ’s. Additionally, testing for lead in school drinking water will only take place in districts and schools that can afford to do so.

How has or can the agency address the issue or need in its current appropriation level?

The Department does not have sufficient appropriation to absorb these additional costs.

Other supporting materials: Please attach or reference any other supporting materials or information that will help analysts and policymakers understand and prioritize your request.

Information technology: Does this Decision Package include funding for any IT-related costs, including hardware, software, services (including cloud-based services), contracts or IT staff?

No 

Yes Continue to IT Addendum below and follow the directions on the bottom of the addendum to meet requirements for OCIO review.)

IT Addendum

Part 1: Itemized IT Costs

Please itemize any IT-related costs, including hardware, software, services (including cloud-based services), contracts (including professional services, quality assurance, and independent verification and validation), or IT staff. Be as specific as you can. (See chapter 12.1 of the operating budget instructions for guidance on what counts as “IT-related costs”)

Information Technology Items in this DP <i>(insert rows as required)</i>	FY 2018	FY 2019	FY 2020	FY 2021
Health Space (COTS)	30,000	0	0	0
Item 2	0	0	0	0
Total Cost	30,000	Enter Sum	Enter Sum	Enter Sum

Part 2: Identifying IT Projects

If the investment proposed in the decision package is the development or acquisition of an IT project/system, or is an enhancement to or modification of an existing IT project/system, it will also be reviewed and ranked by the OCIO as required by RCW 43.88.092. The answers to the three questions below will help OFM and the OCIO determine whether this decision package is, or enhances/modifies, an IT project:

- Does this decision package fund the development or acquisition of a new or enhanced software or hardware system or service? Yes No
- Does this decision package fund the acquisition or enhancements of any agency data centers? (See [OCIO Policy 184](#) for definition.) Yes No
- Does this decision package fund the continuation of a project that is, or will be, under OCIO oversight? (See [OCIO Policy 121](#).) Yes No

If you answered “yes” to any of these questions, you must complete a concept review with the OCIO before submitting your budget request. Refer to chapter 12.2 of the operating budget instructions for more information.