



State of Wisconsin
2023 - 2024 LEGISLATURE

LRB-5368/1
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2023 ASSEMBLY BILL 1172

March 22, 2024 - Introduced by Representatives MURSAU, NOVAK, BALDEH, BEHNKE, MELOTIK and O'CONNOR, cosponsored by Senators COWLES and WANGGAARD. Referred to Committee on Education.

AN ACT *to create* 20.255 (2) (ef) and 118.073 of the statutes; **relating to:**

providing safe drinking water in public and private schools.

Analysis by the Legislative Reference Bureau

By no later than approximately 15 months after the date this bill becomes law, the governing body of each public and private school in this state must develop a drinking water management plan for the private or public school. Under the bill, each drinking water management plan must 1) specify the locations of filtered bottle-filling stations and filtered faucets maintained to deliver water for human consumption, of water outlets maintained for purposes other than for human consumption, and of water outlets that are shut off or permanently inoperable; 2) provide at least one filtered bottle-filling station for every 100 occupants of the school; 3) provide for the installation of a filtered faucet only when the installation of a filtered bottle-filling station is not feasible and a water outlet for human consumption is necessary; and 4) provide a schedule for water sampling and testing at each filtered bottle-filling station and filtered faucet in the school for lead, perfluorooctanoic acid (PFOA), and perfluorooctane sulfonate (PFOS) and a schedule for replacing filter cartridges used in filtered bottle-filling stations and filtered faucets.

Under the bill, if water testing under a drinking water management plan indicates lead at a concentration between one part per billion and five parts per billion, the governing body of a public or private school must take certain actions,

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including checking water filters, ensuring that the filtered bottle-filling station or faucet is properly installed, and retesting the filtered water. If water testing under a drinking water management plan indicates lead at a concentration that is more than five parts per billion or the presence of PFOA or PFOS at a level that exceeds a state or federal standard, the governing body of a public or private school must immediately shut off the water outlet, post a sign stating that the water outlet is shut off due to the high concentration of lead, PFOA, or PFOS, whichever applies, replace the water filters, and retest the water. If the subsequent water testing continues to indicate lead, PFOA, or PFOS that exceeds the relevant threshold, the governing body of the public or private school must 1) within 30 days, send a copy of the test results and information provided by the Department of Natural Resources about childhood exposure to lead or PFOA and PFOS, whichever is applicable, to parents and guardians of pupils who attend the school and to the Department of Public Instruction and 2) develop a remediation plan in consultation with DPI. Under the bill, all water testing must be conducted at a laboratory certified for lead and copper testing using the method approved by the federal environmental protection agency.

By August 1, 2025, the bill requires the governing body of each public and private school to install filtered bottle-filling stations and filtered faucets in accordance with the school's drinking water management plan, and to shut off all water outlets that provide water for human consumption that are not filtered bottle-filling stations or filtered faucets. Beginning approximately 15 months after the bill becomes law, the bill prohibits the installation of a drinking fountain that is not a filtered bottle-filling station in a public or private school.

The bill requires DPI to assist governing bodies of public and private schools to comply with the requirements created in the bill. Specifically, the bill requires DPI to develop a drinking water management plan template, to make annual training available related to water sampling and testing protocols and other activities relevant to complying with the requirements created in the bill, and to provide various information related to filtered bottle-filling stations, filtered faucets, and filter cartridges. Finally, the bill authorizes DPI to award grants to governing bodies of public and private schools to assist with the costs of complying with the requirements in the bill. The bill does not provide funding for these grants but does require DPI to submit a request for supplemental funding to the Joint Committee on Finance.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

2023-24 2024-25

20.255 Public instruction, department of

(2) AIDS FOR LOCAL EDUCATIONAL PROGRAMMING

(ef) Safe drinking water; grants GPR A -0- -0-

SECTION 2. 20.255 (2) (ef) of the statutes is created to read:

20.255 (2) (ef) *Safe drinking water; grants.* The amounts in the schedule for grants awarded to school boards, governing boards, and governing bodies under s. 118.073 (6).

SECTION 3. 118.073 of the statutes is created to read:

118.073 Safe drinking water. (1) In this section:

(a) “Bubbler fixture” means a fixture on a drinking fountain through which water is forced up in a small arc from a nozzle that allows an individual to drink from the arc directly.

(b) “Drinking fountain” means a plumbing fixture that is connected to the potable water distribution system and drainage system that allows a user to obtain a drink directly from a stream of flowing water without the use of any accessory.

(c) “Filtered bottle-filling station” means an apparatus that meets all of the following requirements:

1. The apparatus is connected to customer site piping.
2. The apparatus filters water and is certified to meet NSF/ANSI standard 53

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for lead reduction and perfluorooctanoic acid and perfluorooctane sulfonate reduction and NSF/ANSI standard 42 for particulate removal.

3. The flow rate through the apparatus is paired to the specified flow rate of the filter cartridge.

4. The apparatus has a light or other device to indicate filter cartridge replacement status.

5. The apparatus is designed to fill drinking bottles or other containers for personal water consumption.

6. The apparatus includes a drinking fountain.

(d) “Filtered faucet” means a faucet that at the point of use includes a filter that is certified to meet NSF/ANSI standard 53 for lead reduction and perfluorooctanoic acid and perfluorooctane sulfonate reduction and NSF/ANSI standard 42 for particulate removal.

(e) “School” means a public school, including a charter school, or private school.

(2) (a) By no later than the first day of the 16th month after the effective date of this paragraph [LRB inserts date], the school board, governing board, or governing body that governs a school shall develop for the school a drinking water management plan, and make the plan available to the department, school staff, parents and guardians of pupils attending the school, and the general public, upon request. The school board, governing board, or governing body that governs the school shall ensure that a plan developed under this paragraph does all of the following:

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1. Specifies the location where a filtered bottle-filling station or filtered faucet will be maintained to deliver water for human consumption, whether as drinking water or as a component of a food or beverage.

2. Specifies the location where a water outlet will be maintained for purposes other than human consumption.

3. Specifies the location where a water outlet will be shut off or rendered permanently inoperable.

4. Provides for the maintenance of at least one filtered bottle-filling station for every 100 occupants of the school, not including visitors or individuals attending special events.

5. Provides for the installation of filtered faucets only when the installation of a filtered bottle-filling station is not feasible but a water outlet for human consumption is necessary, including in kitchens, nurses' stations, and teachers' lounges.

6. Provides a schedule for when each of the following will occur:

a. Water sampling and testing of the filtered water at each filtered bottle-filling station and filtered faucet in the school to ensure that the filters are properly installed and provide water with a lead concentration of not more than 5 parts per billion and that does not contain perfluorooctanoic acid or perfluorooctane sulfonate at a level that exceeds a state or federal standard.

b. The regular replacement of the filter cartridge for each filtered bottle-filling station and filtered faucet in compliance with the manufacturer instructions or recommendations of the department.

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(b) The school board, governing board, or governing body that governs a school shall review and update a plan developed under par. (a) at least once every 5 years and make changes as directed by the department or as needed to comply with this section.

(c) The school board, governing board, or governing body that governs a school shall comply with the schedules provide in the plan developed under par. (a) for the school.

(d) If the water sampling and testing required to be included in a school's plan under par. (a) 6. a. indicates the presence of lead at a concentration of one part per billion or more but not more than 5 parts per billion, the school board, governing board, or governing body that governs the school shall do all of the following:

1. Immediately check the status of the filter at the filtered bottle-filling station or filtered faucet and replace the filter cartridge if the status light or other device indicates that replacement is or will soon be required.

2. Ensure the filtered bottle-filling station or filtered faucet is properly installed.

3. Resample and retest the filtered water.

4. If water sampling and testing under subd. 3. indicates the presence of lead at a concentration of one part per billion or more but not more than 5 parts per billion, do all of the following:

- a. Submit a copy of the test results and a document that lists the make and model of the filtered bottle-filling station or filtered faucet and filter cartridge to the department.

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b. Consult with the department and filtered bottle-filling station or filtered faucet manufacturer.

(e) If water sampling and testing required to be incorporated into a school's plan under par. (a) 6. a. indicates the presence of lead at a concentration of more than 5 parts per billion or the presence of perfluorooctanoic acid or perfluorooctane sulfonate at a level that exceeds a state or federal standard, the school board, governing board, or governing body that governs the school shall do all of the following:

1. Immediately shut off or otherwise render inoperable the water outlet.

2. Post a conspicuous sign near the water outlet stating that the water outlet is inoperable because of high lead concentration or a high level of perfluorooctanoic acid or perfluorooctane sulfonate, whichever is applicable, and maintain the sign until the water outlet is returned to service under subd. 5.

3. Replace the filter cartridge in the filtered bottle-filling station or filtered faucet.

4. Resample and retest the water.

5. If water sampling and testing under subd. 4. indicates the presence of lead at a concentration of one part per billion or more but not more than 5 parts per billion, return the water outlet to service and comply with the requirements under par. (d) 2. to 4.

6. If water sampling and testing under subd. 4. indicates the presence of lead at a concentration of more than 5 parts per billion or the presence of

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perfluorooctanoic acid or perfluorooctane sulfonate at a level that exceeds a state or federal standard, do all of the following:

a. Within 30 days after receiving the test results, send a copy of the test results to the department and to the parent or guardian of each pupil attending the school. The copy of the test results shall contain a notice that includes information provided by the department of natural resources on the health effects of lead exposure and ways to reduce childhood lead exposure or on the health effects of exposure to perfluorooctanoic acid and perfluorooctane sulfonate and ways to reduce exposure to childhood perfluorooctanoic acid and perfluorooctane sulfonate exposure.

b. Develop a remediation plan in consultation with the department and incorporate the remediation plan into the plan under par. (a).

(f) 1. For purposes of water sampling and testing required under this subsection, water shall be drawn from all of the bubbler fixtures of the filtered bottle-filling stations and filtered faucets and collected in 250 milliliter bottles after at least an 8-hour stagnation period and before any water use occurs at the school.

2. The department shall collect all of the 250 milliliter bottles from a school and deliver the bottles to the department of natural resources for water testing.

3. Water testing described under this subsection shall be conducted at a laboratory certified for lead and copper testing using the method approved by the federal environmental protection agency.

(3) (a) By August 1, 2025, each school board, governing board of a charter school, and governing body of a private school shall do all of the following:

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1. Install all filtered bottle-filling stations and filtered faucets as indicated in a plan under sub. (2) (a) and not already in existence.

2. Shut off or render permanently inoperable any water outlet providing water for human consumption that is not a filtered bottle-filling station or filtered faucet.

3. Post a conspicuous sign near each water outlet indicating whether or not the outlet is intended to provide water for human consumption.

(b) By August 1, 2025, and annually thereafter, each school board, governing board of a charter school, and governing body of a private school shall submit to the department documentation, on a form and in a manner prescribed by the department, that certifies that the school board, governing board, or governing body has complied with the requirements of this section.

(4) Beginning on the first day of the 16th month after the effective date of this subsection [LRB inserts date], no person may install a drinking fountain in a school, unless the drinking fountain is a filtered bottle-filling station.

(5) The department shall provide assistance to school boards, governing boards of charter schools, and governing bodies of private schools to maintain compliance with this section. By no later than the first day of the 7th month after the effective date of this subsection [LRB inserts date], the department shall do all of the following:

(a) Develop and make available a template for a plan under sub. (2) (a).

(b) Make available annual training for school staff and school officials

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regarding the sampling and testing protocol, reporting process for test results, and other activities relevant to compliance with this section.

(c) Provide information on all of the following:

1. Factors to consider when selecting filtered bottle-filling stations, filtered faucets, and filter cartridges.

2. How to shut off or render permanently inoperable a water outlet in a school.

3. How to flush a building's cold water plumbing before installing new filtered bottle-filling stations and filtered faucets.

4. Common installation and operation errors related to a filtered bottle-filling station or filtered faucet and recommendations on how to avoid them.

(6) From the appropriation under s. 20.255 (2) (ef), the department may award grants to school boards, governing boards of charter schools, and governing bodies of private schools to assist with the costs of complying with this section, including for the costs of any of the following:

(a) The onetime acquisition and installation of filtered bottle-filling stations and filtered faucets to comply with a plan under sub. (2) (a).

(b) To maintain filtered bottle-filling stations and filtered faucets and replacement of filter cartridges, as required under a plan under sub. (2) (a).

(c) Water sampling and testing required under this section.

SECTION 4. Nonstatutory provisions.

(1) The department of public instruction shall submit a request under s. 13.10

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to the joint committee on finance to supplement the appropriation under s. 20.255
(2) (ef) for grants under s. 118.073.

(END)