

August 7, 2019

RE: Water Filtration and Testing Protocol – Public Comment Request

To: Alexander Cross, Special Assistant, Office of the Deputy Mayor of Education

**DCPS parents & DC lead-in-water advocates' comments & questions regarding the
"DC Water Filtration and Testing Protocol for DCPS and DPR Facilities 6/25/19"**

1. Protocol content

- "The contents of this protocol may be modified and reproduced for independent agencies." (page 1) – **What types of "independent agencies" and under what conditions?**
- "The content of this protocol was developed by an interagency team of DGS, DCPS, DPR, Office of the Deputy Mayor for Education (DME), Department of Energy and Environment (DOEE), and the Office of the Deputy City Administrator." (page 1) – **Residents and community stakeholders should be added to this list.**
- "DC Law 22-0021, the **Childhood Lead Exposure Prevention Amendment Act of 2017** requires that DGS:" (page 1) – **This should include "with the assistance of DCPS school leaders." A DCPS school leader needs to be defined to include a parent and/or teacher who works at the school and is informed on the potential health risks of lead exposure in drinking water.**

2. Lead action level

- "Although the Childhood Lead Exposure Prevention Amendment Act of 2017 sets the actionable level of lead at less than 5 ppb in drinking water sources..." (page 1; similar wording is used on page 4). – **The actionable lead level should be a specific single concentration, not a range of concentrations. Isn't the actionable level right now 5 ppb?**
- "...the District's goal is to achieve less than 1 ppb in drinking water sources in DCPS and DPR facilities." (page 1) – **In practical terms, what does this goal mean exactly? Does it inform any specific practices/protocols?**

3. Identification of drinking water sources

- "To determine which water sources are drinking water sources, DCPS and DPR will identify a staff member at each school or recreation center that can provide guidance..." (page 2) – **Parent and teacher representatives must be included in this process. "Guidance" should be spelled out more explicitly, for example: "who can identify sources that are used as drinking water sources, including through consultation with one or more current students." Who ultimately decides which water sources are potential drinking water sources and should be filtered and tested? This language is still too vague and doesn't necessarily protect the youngest children from consuming water from unfiltered, untested sources. These children are not literate and it isn't reasonable to expect them to heed do not drink decal warning signs. Originally, we requested that "In addition to "...all water fountains and water coolers and all sinks in break rooms, early childhood education (ECE) classrooms, and health suites in DCPS building and DPR recreation centers," all sinks accessible to children ages 0-6 must be filtered and then tested."**

4. Filters

- "...to the National Sanitation Foundation ("NSF")/American National Standards Institute ("ANSI") Standard 53 for Health Effects or NSF/ANSI Standard 61 for Health Effects." (page 2) – This should be NSF/ANSI Standards 42 and 53.
- "DGS has inventoried and installed filters on drinking water sources..." (page 2) – This statement implies that filters have been installed at the point-of-use, which is the proper place for filter installation when the goal is lead removal. In light of the fact that filters have not been installed at the point-of-use, it is of utmost importance that this statement be corrected to specify the current location of filters at DCPS, which are installed internal to the drinking water fixture. Most drinking water fixtures are still manufactured with low levels of lead content in them and any portion of the fixture that is in contact with water after the filter is a potential risk (see this [link](#) to study on new fixtures and conclusions regarding point-of-use filters).

5. Hydration stations

- "Hydration stations should be considered to replace traditional fountains where feasible and subject to funding availability. The hydration stations should have filter life indicator lights and should be of a brand that meets the ANSI standards outlined in DC Law 22-0021 as well as one that tests consistently below 1 ppb." (page 2) – Has a cost-benefit analysis been done to compare plan A (filters at all drinking/cooking taps and post-filter installation testing) and plan B (turning off all taps and using far fewer hydration stations instead)? What does "where feasible" mean? What "funding availability" does DCPS/DGS expect to have? Please see the Standards correction above.

6. Testing

- "Testing Frequency" (page 2) – "and timing" should be included here. The timing of testing in relation to filter replacement is not clear. This is important in exposure assessment because one should be testing at the highest risk periods to ensure that the filter is effectively filtering the drinking water. Testing should occur within a certain time period after the filter is replaced to ensure that it is installed properly AND towards the end of the filters' year-long use to ensure that it is not saturated? Until we base filter replacement on flow rate (as hydration stations do) rather than annually we have no way of know if the filter is still effective at certain high use sources throughout the duration of its annual use.
- "In addition to testing each drinking water source annually, DGS will conduct additional testing at DCPS and DPR facility sites on which there is active construction, extensive renovation, and/or demolition." (page 2) – How will this testing take into account the inherent variability in lead release? What transparency mechanisms will be put in place? Suggesting "additional testing" is too vague. Monthly testing "at DCPS and DPR facility sites on which there is active construction, extensive renovation, and/or demolition" would give us a better indication of the filters' effectiveness during such high risk activities.
- "DC Law 22-0021 requires that a water filtration testing schedule be made available before the start of school. DGS will post the testing filtration schedules to the DGS website for DCPS schools prior to the start of school." (page 2-3) – This should say instead, "DC Law 22-0021 requires that a water and filtration testing schedule be made available before the start of school. DGS will post the testing and filtration schedules to the DGS website for DCPS schools prior to the start of school." Parents and community members would like to know when the filters will be replaced and how old they are. At Maury Elementary School the records were not updated or accurate. Accurate

records will help provide more transparency and information to the public on when filters are due for replacement and how old they are.

- We would like to see the sampling protocol made public at all times.
- Anytime filter replacement or testing occurs the public records on DGS' website should be updated within five business days. This will help improve transparency and trust.
- "Collection of water samples must be performed by a MDE (Maryland Department of the Environment) certified water sampler¹. Prior to a sampling event a DGS staff member or contractor must visit the facility to ensure all devices are operational." (page 3) – We ask that parents are allowed to be present and notified of the sampling event two weeks in advance.
- "Prior to testing, water should not flow through the device for at least six (6) hours but not more than 18 hours unless typical use of the device is infrequent." (page 3) – Testing should aim to capture worst-case lead levels (not "representative" samples) and should, therefore, be conducted on the first day after standard weekends, long weekends, and holidays.
- "After all water samples are collected at a location, a quality control check is performed by a DGS staff member or contractor supervisor to ensure the correct representative samples of the water sources have been tested, samples are correctly identified, and the chain of custody paperwork is accurate." (page 4) – What does "the correct representative samples" mean?

7. Remediation

- "If the result of the post-repair testing event remains above the actionable level, the water source remains turned off and tagged and the contractor will perform the second remediation step: ii. The device is replaced with a new unit and retested. Replacement comprises replacing all components of the device from the filter to the point of discharge." (page 6) – Does this mean that replacement comprises changing all the plumbing between the filter and the point-of-use? If filters were installed at the POU or if hydration stations were used instead, this step would not be required. Right now, it is very hard—if not impossible—to find new metal fixtures that are guaranteed to contain no lead.
- "iii. DGS will consult with industry professionals and DC Water experts regarding additional remediation steps specific to that water source." – How would the cost of such consultations and additional remediation compare to installing hydration stations? DCPS parents and lead-in-water advocates request that they are included in the decision-making process about who the industry professional consultants will be and, of course, that the search and hiring processes are made fully transparent. DC government and DCPS/DGS have a long history (and even very recent history) of hiring industry professionals who provide cover for sub-optimal solutions to lead in school water.

8. Communication to DCPS Parents, Staff, and Stakeholders

- If a water test shows a result of lead concentration above the actionable level, DCPS, within 2 business days of receiving notification from DGS, will publish the information on the DCPS website and send the information to parents or guardians of children attending the public school through email or other written communication including a link to the DGS test results website. If any devices have lead concentration above actionable levels, the type of device and location of device will be highlighted in the available information and a remediation schedule will be provided as well as the tag out date of the device." (page 7) – Even though the actionable level is 5ppb, if a water test

shows a result of **any detectable levels of lead**, DCPS, within 2 business days of receiving notification from DGS, will publish the information on the DCPS website and send the information to parents or guardians of children attending the public school through email or other written communications including a link to the DGS test results website. If any devices have **detectable levels of lead**, the type of device and location of device will be highlighted in the available information and a remediation schedule for any devices above the actionable level will be provided as well as the tag out date of the device. Since it is DCPS and DGS' goal to meet the 1ppb AAP standard all detectable levels of lead in drinking water sources should be explicitly stated and communicated to parents, staff, and stakeholders. They should have all of the information clearly presented and a choice to protect the children and themselves against any lead exposure. In January of 2018 the ECE cafeteria at Maury Elementary school tested above actionable levels twice after remediation (see [link](#)). After testing the third time results came back at 2ppb and the source was turned back on without notifying parents that although this is below DC's actionable level, there was still detectable levels of lead. Parents and other stakeholders deserve to be fully informed in a timely manner.

9. Oversight

- “In DCPS and DPR facilities, a DGS staff member or contractor will photograph all drinking water sources, label all drinking water sources with a unique bar-coded identifier” (page 2) – **The bar-coded identifier must be accessible to parents and teachers and must provide the history/activity at each tap. It might be best to use QR codes instead.**

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