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Senate Bill 88 (Substitute S-1 as reported)
Senate Bill 89 (as reported without amendment)
Sponsor: Senator Sylvia Santana (S.B. 88)
Senator John Cherry (S.B. 89)
Committee: Energy and Environment

CONTENT

Senate Bill 89 would enact the "Clean Drinking Water Access Act", which would do the following:

- Require each school, within 15 months of the Act's effective date, to develop a drinking water safety plan and to make that plan available to EGLE, school staff, parents, and the general public upon request.
- Require a drinking water safety plan to specify the location of water outlets and to establish a schedule for annual water sampling and testing and regular replacement of water filter cartridges.
- Require a school to review and update its plan once every five years and to make changes as directed by EGLE or as needed to comply with the proposed Act.
- Prescribe procedures for a school to follow if water sampling indicated the presence of lead at a concentration of one to five parts per billion, or higher.
- Require each school, by the end of the 2024-2025 school year, to install all filtered bottle-filling stations and faucets in the school's plan, shut off any water outlet that provided unfiltered drinking water, and post specified signage.
- Require the Legislature to appropriate annually to EGLE an amount sufficient to administer and comply with the Act and specify that schools would not have to comply with the Act until the Legislature did so.
- Require EGLE to assist schools in maintaining compliance with the Act and to provide a template for drinking water safety plans.
- Require EGLE to provide annual training for school staff and school official regarding water sampling protocol, reporting sampling results, and other relevant activities, and to provide guidance related to selecting equipment, shutting off water outlets, and sampling and testing water.
- Prohibit a school from installing a drinking fountain that was not a filtered bottle-filling stations beginning 15 months after the Act's effective date.
- Create the "School and Child Care Center Clean Drinking Water Fund" and provide for the disposition of money from the Fund.

Senate Bill 88 (S-1) would amend the child care licensing Act to do the following:

- Require a child care center to develop a drinking water management plan within 15 months of the bill's effective date and to make that plan available to EGLE, center staff, and parents upon request.
- Require a drinking water management plan to specify the location of water outlets and to establish a schedule for annual water sampling and testing and regular replacement of water filter cartridges.
- Require a child care center to review and update its plan every five years and to make changes as directed by EGLE or as needed to comply with the bill.

- Require a local health department or LARA would have to conduct a water inspection at each child care center at least once every two years.
- Prescribe procedures for a child care center to follow if water sampling indicated the presence of lead at a concentration of one to five parts per billion, or higher, that are substantially similar to those proposed in Senate Bill 184.
- Require a child care center to retain specified records related to water sampling and testing for at least two years and make those documents available to LARA.
- Require each child care center, within two years of the bill's effective date, to convert all faucets for drinking water to filtered faucets, place certain signage, and ensure that any water given to children at a child care center was from a filtered source that met the bill's requirements.
- Specify that if a child care center were located in a school building that complied with the Clean Drinking Water Access Act, the child care center would be considered compliant with the bill's provisions.

MCL 722.111 et al. (S.B. 88)

BRIEF RATIONALE

According to the American Academy of Pediatrics, even low levels of lead in blood can negatively affect children's intellectual development and academic achievement.¹ Some people believe that filters on water outlets are the most effective way to prevent lead exposure. Given the amount of time children spend at schools and child care centers, it has been suggested that these places be required to install filtration devices in water outlets.

PREVIOUS LEGISLATION

(Please note: The information in this summary provides a cursory overview of previous legislation and its progress. It does not provide a comprehensive account of all previous legislative efforts on the relevant subject matter.)

Senate Bills 88 and Senate Bill 89 are similar to substitute versions of Senate Bills 185 and Senate Bill 184, respectively, from the 2021-2022 Legislative Session. The bills were reported out of the Senate Committee on Environmental Quality and were passed by the Senate but received no further action.

Legislative Analyst: Tyler P. VanHuyse

FISCAL IMPACT

Senate Bill 88 (S-1)

This bill would have an indeterminate but negative fiscal impact on LARA and EGLE. The impact would depend on the cost to administer required training for all child care center staff, the labor required to review the drinking water management plans for each child care center, and the creation and maintenance of required guidance documents. Therefore, the bill likely would result in minor administrative costs for both departments. However, the extent of those costs is unknown.

This bill also would have a negative fiscal impact upon local health department or the Department of Licensing and Regulatory Affairs, which would be responsible for fulfilling the water testing requirements at least once every two years.

Costs for the installation of filtered water fillers and faucets and water testing for schools and child care centers are discussed below.

¹ "Lead Exposure", www.aap.org/en/patient-care/lead-exposure/. Retrieved 3-19-23.

Senate Bill 89

The bill would have an indeterminate fiscal impact on State and local government. Senate Bill 89 would require the Legislature to appropriate sufficient dollars to administer the program. This means that the Legislature would need to appropriate enough funding to install filtered bottle-filling and water faucets in all schools by the end of the 2024-2025 school year and to fund annual water sampling and testing. The cost to install filtered bottle-fillers and water faucets in every school is based on maintaining the one bottler-filler/faucet-to-every-100-student ratio and the cost for purchase and installation. The total cost is estimated to be around \$58.0 million; however, many schools already have replaced bottle-fillers and faucets in school buildings, so the final costs could be lower. The cost to install filtered water fillers and faucets at every child care center under Senate Bill 88 (S-1) could be between \$20.0 million and \$30.0 million. This means the total costs to install filtered bottler-fillers and faucets in every school building and child care center could be between \$78.0 and \$88.0 million. However, the final costs could be lower if a significant number of schools and child care centers already have replaced bottle-fillers and faucets, if a child care center was located in a school building, or if the State were able to lower the purchasing cost by purchasing this equipment in bulk. The annual cost to conduct and water sampling and testing could be between \$3.0 million and \$5.0 million.

Local schools would see a negative fiscal impact to create and update their drinking water safety plans, install filtered bottler-fillers and water faucets, and conduct annual sampling and testing. These costs would be covered by the School and Child Care Center Clean Drinking Water Fund, otherwise schools would not have to meet Senate Bill 89's requirements.

The bills would have an indeterminate negative impact on EGLE. The bills would require schools and child care centers, respectively, to make their drinking water management plans available to EGLE upon request. They would have to send EGLE a copy of any test results showing the presence of lead in drinking water in a concentration of between one and five parts per billion. If tests showed the presence of lead in drinking water of greater than five parts per billion, the report would have to be provided to EGLE and it would have to be consulted on a remediation plan. The Department also would have to provide training and guidance to schools and child care centers as specified in the bills. All these components would result in minor administrative costs for EGLE.

The bill would have a minor fiscal impact on the Department of Treasury, which would result from the requirement to administer the Fund. The amount needed would be within current appropriations.

Date Completed: 3-21-23

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.