



FACT SHEET

EPA's Final Lead and Copper Rule Improvements Technical Fact Sheet: Lead in Schools and Child Care Facilities October 2024

This fact sheet is intended to assist community water systems (CWSs) and States in understanding the requirements for public education and sampling requirements for schools and licensed child care facilities under the final Lead and Copper Rule Improvements (LCRI).

EPA's Authority to Regulate Public Water Systems under the Safe Drinking Water Act

EPA is authorized under the Safe Drinking Water Act (SDWA) section 1412 to establish National Primary Drinking Water Regulations (NPDWRs) that are legally enforceable standards for public water systems (PWSs). EPA does not have the authority under SDWA section 1412 to require schools and child care facilities that are not regulated as PWSs to comply with these standards. Public education and sampling requirements for schools and child care facilities only apply to CWSs. The purpose of these requirements is for systems to provide schools and child care facilities with education on the risks of lead in their buildings so that they can consider taking voluntary actions in response. Schools and child care facilities that are regulated as PWSs are not required to comply with the public education and sampling requirements for schools and child care facilities described in this fact sheet.

What is EPA's "3Ts" guidance, and why is it important?

[EPA's 3Ts for Reducing Lead in Drinking Water in Schools and Child Care Facilities – A Training, Testing and Taking Action Approach \(3Ts\)](#) is guidance developed to assist schools, child care facilities, and States with addressing lead exposure. The 3Ts provides schools and child care facilities with voluntary information and recommendations about establishing their own sampling programs and mitigating lead risks. The 3Ts informed sampling requirements for schools and child care facilities under the LCRI, and CWSs must provide the 3Ts guidance to schools and child care facilities as part of the public education requirements.

Which systems must follow these requirements?

All CWSs must conduct public education and lead monitoring at the schools and licensed child care facilities they serve, unless those schools or child care facilities meet the conditions listed in Table 1. These requirements do not apply to non-transient non-community water systems (NTNCWSs), including those that are schools and child care facilities, because they are already required to take other actions under the LCRI to address lead.

Table 1: Applicability of Public Education and Lead Monitoring Requirements at Schools and Child Care Facilities

System Type	Applicability	Schools and child care facilities served by the water system:
CWS	✓	Were constructed and did not have full plumbing replacement before January 1, 2014*
CWS	✓	Are served by a lead, GRR, or an unknown service line
CWS	✗	Were constructed or had full plumbing replacement on or after January 1, 2014,* <u>and</u> are not served by a lead, GRR, or an unknown service line
NTNCWS	✗	N/A

*or the date the State adopted standards that meet the definition of lead free in accordance with SDWA section 1417, as amended by the Reduction of Lead in Drinking Water Act, whichever is earlier.

What are the public education and outreach requirements related to sampling in schools and child care facilities?

Under the LCRI, CWSs must conduct the following public education and outreach activities:

List of schools and child care facilities: All CWSs must develop and maintain a list of schools and child care facilities they serve that meet the criteria listed in the first two rows of Table 1 above. The initial list must be submitted to the State by the LCRI compliance date (November 1, 2027). Within five years of November 1, 2027 and at least once every five-year period after, all CWSs must either certify in writing to the State there have been no changes to the list of schools and child care facilities or submit a revised list to the State.

Annual public education: CWSs must contact all schools and child care facilities identified by the system to provide information about the health risks from lead in drinking water and steps consumers can take to reduce their exposure.

Notification about sampling program: CWSs must notify elementary schools, child care facilities, and secondary schools that they are eligible to be sampled for lead by the water system (Table 2).

Table 2: Requirements for Systems to Notify Schools and Child Care Facilities about Sampling Program

Facility Type	Timing	Notification Description
Elementary schools Child care facilities	During the first five years after November 1, 2027	<ul style="list-style-type: none">• Inform facilities that they are eligible to be sampled for lead by the water system• Include a proposed schedule for sampling at the facility; and information about sampling for lead in schools and child care facilities
Elementary schools Child care facilities	Starting in the sixth year after November 1, 2027	<ul style="list-style-type: none">• Inform facilities that they are eligible to be sampled for lead by the water system on request• Provide information on how to request sampling for lead at the facility and information about sampling for lead in schools and child care facilities
Secondary schools	At least once per year starting November 1, 2027	

Preparing for sampling events: Thirty days prior to any sampling event, CWSs must provide schools and child care facilities with instructions to identify outlets for lead sampling and prepare for a sampling event.

Do water systems need to include information in the Consumer Confidence Report (CCR) about sampling at schools and child care facilities?

Yes. CWSs are required to include a statement about the opportunity for schools and child care facilities to be sampled in their CCR.

What are the requirements if a system does not serve any schools or child care facilities?

A CWS must certify it does not serve any schools or child care facilities to the State by November 1, 2027, and must continue to provide such certifications **annually by January 30** (starting in 2029).

What are the requirements for newly identified schools and child care facilities?

Schools and child care facilities served by the CWS that meet the criteria in the first two rows of Table 1 must be included in the list of schools and child care facilities maintained by the system when they are identified. When a

water system adds an elementary school or child care facility to the list, the system must conduct outreach at those elementary schools and child care facilities prior to conducting sampling as described in the first row of Table 2.

What are the requirements for lead sampling in schools and child care facilities?

Table 3 summarizes sampling requirements for lead in schools and child care facilities.

Table 3: Lead Sampling Requirements in Schools and Child Care Facilities

	Schools	Child Care Facilities
Frequency	<u>Elementary Schools</u> : 20 percent minimum each year for first 5 years starting on November 1, 2027, ¹ then as requested by the facility (“on request”) <u>Secondary Schools</u> : On request only	20 percent minimum each year for the first 5 years starting on November 1, 2027, ¹ then on request
Number of Samples	5 samples ²	2 samples ²
Location	<ul style="list-style-type: none"> • 2 samples at drinking water fountains, • 1 sample at kitchen faucet used for food or drink preparation, • 1 classroom faucet or other outlet used for drinking, and • 1 nurse’s office faucet, as available 	<ul style="list-style-type: none"> • 1 at drinking water fountain and • 1 at kitchen faucet used for food or drink preparation, or 1 classroom faucet or other outlet used for drinking
Protocol	250-mL first-draw samples from a cold water tap after an 8- to 18-hours stagnation period	250-mL first-draw samples from a cold water tap after an 8- to 18-hours stagnation period

¹Elementary schools and child care facilities may also sample according to an alternative schedule approved by the State, until all elementary schools and child care facilities identified have been sampled once, have declined to participate, or are non-responsive.

²If any school or child care facility has fewer than the required number of outlets, the CWS must collect samples at all outlets used to provide water for human consumption.

A CWS is not required to sample more than 20 percent of the elementary schools, secondary schools, and child care facilities identified in any given year. A CWS is not required to sample an individual elementary school, secondary school, or child care facility more than once in any five-year period.

What if an elementary school or child care facility is non-responsive or declines the CWS’s offer to sample for lead?

Within the first five years following November 1, 2027, all elementary schools and child care facilities identified must have been sampled once, declined to participate, or been determined to be non-responsive. A CWS may count a refusal or non-response towards the minimum 20 percent of elementary schools and child care facilities it must sample each year during the first five years after November 1, 2027. An elementary school or child care facility may be considered “non-responsive” after the CWS makes at least two separate outreach attempts to contact the facility to schedule sampling and does not receive a response on either attempt. CWSs must provide documentation to the State **annually by January 30th** if an elementary school or child care facility declines to participate or is non-responsive.

Who must water systems provide the lead sampling results to?

CWSs must provide sampling results, regardless of lead sample concentration, **as soon as practicable but no later than 30 days after receipt of the results** to: the sampled school or child care facility, along with information about potential remediation options (consistent with the 3Ts); the local and State health department; and the State.

Are there other reporting requirements?

Yes. In addition to reporting the list of eligible schools and child care facilities served by the CWS and sampling results, CWSs must submit a report to the State summarizing the previous year's activities. CWSs must submit this report **beginning January 30, 2029 and annually thereafter**. The report must include certifications for the following:

- The water system made a good faith effort to identify schools and child care facilities in their service area.
- The water system delivered the required information about health risks from lead in drinking water and steps consumers can take to reduce their lead exposure to the school and child care facilities that they serve.
- The water system completed the notification and sampling requirements for elementary schools, secondary schools, and child care facilities.
- Sampling results were provided to schools, child care facilities, and local and State health departments.

The report must also include:

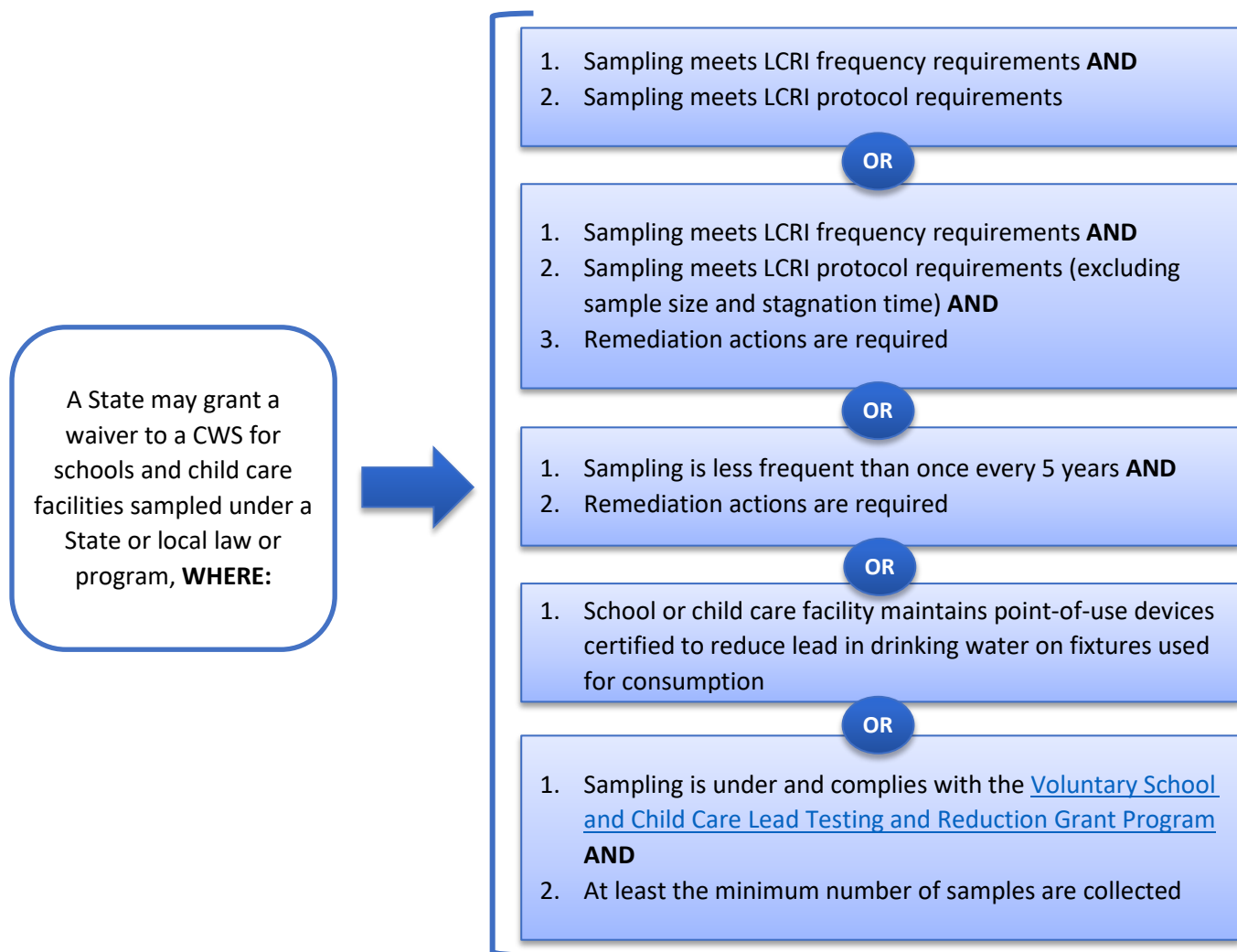
- The number and names of the schools and child care facilities sampled in the previous year.
- For the first five years after November 1, 2027 starting with the report beginning January 30, 2029, the water system must include:
 - The number and names of the elementary schools and child care facilities that declined sampling or did not respond to outreach attempts for sampling.
 - Information about the outreach attempts that were declined or not responded to by the elementary school or child care facility.

Can water systems apply for a sampling waiver if their State has a program for lead sampling at schools and child care facilities?

If schools and child care facilities served by the CWS are sampled for lead in drinking water under a State or local law or program, the State may exempt the CWS from the sampling requirements at those facilities by issuing a written waiver. The law or program must be at least as stringent as the LCRI sampling requirements. A CWS is eligible for a sampling waiver at all or a subset of schools and child care facilities they serve if the school or child care facility is sampled under a State or local law or program if the law or program complies with the eligibility criteria listed in Figure 1. For example, if only public elementary schools are required to sample for lead under a State law, the waiver can only be granted to cover those schools. The CWS must conduct the sampling requirements in the remainder of the schools and child care facilities they serve (e.g., private elementary schools, licensed child care facilities, and secondary schools).

Sampling waivers only apply to the lead sampling requirements for schools and child care facilities. As such, CWSs must conduct and cannot waive the annual public education requirements in all schools and child care facilities, regardless of any facilities that are waived for sampling.

Figure 1: Waiver Eligibility Criteria



When do waivers apply?

States can issue waivers at any time given that laws or programs may be established after November 1, 2027. The State may also issue a waiver to a CWS for sampling during the first five years following November 1, 2027 for schools and child care facilities sampled under a qualifying program (see Figure 1) between January 1, 2021 and November 1, 2027.

How long can the waiver remain in effect?

The duration of a waiver issued by the State cannot exceed the sampling period under a qualifying State or local law or program. For example, a State has a lead sampling program for schools and child care facilities that has the same LCRI sampling frequency and protocol requirements and issues waivers to CWSs. The program starts on November 1, 2027 and goes through October 2032. Therefore, the waiver is effective November 1, 2027 through October 2032. Similarly, if a school or child care facility is covered under a State law that requires sampling for lead (e.g., all public K-12 schools must sample for lead at all taps used for consumption every three years), the State may grant a waiver for CWSs for sampling in all the public K-12 schools they serve for as long as the State requirement is active. The waiver automatically expires at the end of any 12-month period during which the alternative sampling program is not conducted at the required number of schools or child care facilities.

If a water system already collects compliance lead and copper tap samples at a school for use in the 90th percentile level calculation, does the system need to comply with the public education and sampling requirements for schools and child care facilities for this school?

Yes. If a school or child care facility is included in the sampling pool for lead and copper compliance tap sampling, the CWS must also comply with the public education and sampling requirements for schools and child care facilities at that facility. Systems must comply with both the compliance tap sampling and school and child care facility lead sampling requirements under LCRI, as applicable. The requirements for schools and child care facilities are intended to increase awareness of lead in drinking water in these facilities. CWSs cannot use the samples collected under the school and child care facility sampling requirements in the 90th percentile calculation because they must be collected under a different protocol.

What are the next steps for schools and child care facilities?

While EPA does not have the authority under SDWA 1412 to establish requirements schools and child care facilities that are not public water systems, schools and child care facilities are encouraged to take actions to address lead in their buildings. CWSs must provide the schools and child care facilities they serve with information about the health risks of leads, steps they can take to reduce their exposure, and EPA's 3Ts guidance. The 3Ts guidance provides information and best practices for schools and child care facilities, including recurring sampling at all outlets used for cooking and drinking, and remediation actions to reduce lead in drinking water to the lowest levels possible, noting there is no safe level of lead in drinking water. Additionally, there are resources available to support sampling and remediation actions in schools and child care facilities. The Bipartisan Infrastructure Law, enacted in November 2021, amended the Voluntary School and Child Care Lead Testing and Reduction Grant Program to allow grant funding for lead remediation eligibilities in addition to prior eligibilities which were restricted only to testing. These grants are available for testing for lead in schools and child care facilities but also to support actions to reduce lead exposure in their drinking water. Since 2021, this program has released over \$105 million to States to test for and reduce lead exposure in schools and child care facilities.

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