

## Voluntary School and Child Care Lead Testing and Reduction Grant Program (SDWA 1464(d))

The Water Infrastructure Improvements for the Nation (WIIN) Act established the *Lead Testing in School and Child Care Program Drinking Water* grant in 2016 to award funding to states, territories, and tribes to assist local and tribal educational agencies in voluntary testing for lead in drinking water at schools and child care facilities. The Bipartisan Infrastructure Law (BIL) enacted in November 2021 amended the grant program to *Voluntary School and Child Care Lead Testing and Reduction Grant Program* and allowed grant funding for lead remediation in addition to testing. This addresses the frequently asked questions pertaining to the grant program.

### 1. What is the objective of the grant program?

The principal objective of the assistance to be awarded under this program is to provide grants to states and territories to help assist schools and child care programs to test for lead in drinking water, utilizing EPA's [3Ts for Reducing Lead in Drinking Water in Schools and Child Care Facilities](#) guidance or applicable state regulations or guidance regarding reducing lead in drinking water in schools and child care programs that are not less stringent. The goals of the grant program are to

1. Reduce children's exposure to lead in drinking water
2. Help states target funding toward schools unable to pay for testing
3. Utilize the 3Ts model to establish best practices for a lead prevention program in drinking water
4. Foster sustainable partnerships at the state and local level to allow for more efficient use of existing resources and exchange of information among experts in various education and health sectors
5. Enhance community, parent, and teacher cooperation and trust

### 2. What does *Voluntary School and Child Care Lead Testing and Reduction Grant Program*, authorize?

Section 1464(d) of the Safe Drinking Water Act (SDWA), as amended by section 2107 of the 2016 Water Infrastructure Improvements for the Nation Act (WIIN) and by section 2006 of the 2018 America's Water Infrastructure Act (AWIA), and by Section 50110 of the 2021 Infrastructure Investment and Job Act (IIJA), authorizes EPA to award grants to states to assist local education agencies to test and remediate lead in drinking water at schools or local education agencies and child care programs. The SDWA section 1464(d)(1) defines child care programs and local education agencies as:

- (A) *Child Care Program*- The term ‘child care program’ has the meaning given the term ‘early childhood education program’ in section 103(8) of the Higher Education Act of 1965 (20 U.S.C. 1003(8)).
- (B) *Local Education Agency*- The term ‘local education agency’ means:
- (i) a local education agency (as defined in section 8101 of Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));
  - (ii) a tribal education agency (as defined in section 3 of the National Environmental Education Act (20 U.S.C. 5502)); and
  - (iii) a person that owns or operates a child care program facility.

Section 50110 of the 2021 IIJA, P.L.117-58, November 15, 2021 amended SDWA 1464(d) to expand eligible activities and eligible applicants. The IIJA amendments to SDWA 1464(d), authorize funds in the Voluntary Schools and Child Care Lead Testing Grant Program to be used for voluntary lead testing, or compliance monitoring, and for lead remediation as described below:

*[T]he administrator shall. . .make grants available to—(i) “States to assist local educational agencies, public water systems that serve schools and child care programs under the jurisdiction of those local educational agencies, and qualified nonprofit organizations in voluntary testing or compliance monitoring for and remediation of lead contamination in drinking water at schools and child care programs under the jurisdiction of those local educational agencies;”*

The grant program is designed to reduce exposure of children to lead in drinking water at schools and child care facilities. This program is referred to as the *Lead Testing in School and Child Care Program Drinking Water Grant Program*. While EPA has authority under WIIN to establish grant programs, funding is subject to the availability of appropriated funds.

### **3. Who is eligible to apply for the grant?**

Eligibility to apply for and receive funds under the grant program is limited to the 50 states, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

Additionally, 6.44 percent of appropriated funding will be distributed to assist tribal education agencies (including in Alaska Native Villages) to test and remediate lead in drinking water at schools and child care programs. For more information on tribal eligibility, please contact [WIINDrinkingWaterGrants@epa.gov](mailto:WIINDrinkingWaterGrants@epa.gov).

### **4. What is considered an eligible project under this grant?**

Grant funds shall be expended in accordance with

- The EPA’s *3Ts for Reducing Lead in Drinking Water in Schools and Child Care Facilities* guidance or

- Applicable state regulations or guidance regarding reducing lead in drinking water in schools and child care programs that are not less stringent.

Under this grant local education agencies must also:

- Make available a copy of the results of any testing for lead in drinking water carried out using grant funds as soon as practicable but no later than 30 days of receiving the results, if applicable, in the administration offices and, to the extent practicable, on the internet website of the local educational agency for inspection by the public and
- Notify parent, teacher, and employee organizations of the availability of the results.

## **5. Can all school facilities use grant funding for testing and remediation, including private or charter schools?**

The award to states will provide assistance in voluntary testing and remediation for lead in drinking water at schools and child care programs as defined in SDWA section 1464(d)(1):

*(A) Child Care Program- The term 'child care program' has the meaning given the term 'early childhood education program' in section 103(8) of the Higher Education Act of 1965 (20 U.S.C. 1003(8)).*

*(B) Local Education Agency- The term 'local education agency' means:*

1. *a local education agency (as defined in section 8101 of Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));*
2. *a tribal education agency (as defined in section 3 of the National Environmental Education Act (20 U.S.C. 5502)); and*
3. *a person that owns or operates a child care program facility.*

The term "local education agency" (LEA) as defined in section 8101 of Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) means a public board of education or other public authority legally constituted within a state to administer a service for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a state, or recognized in a state as an administrative agency for its public elementary schools or secondary schools. For example this would include public school districts, Educational Service Agencies, such as Boards of Cooperative Educational Services (BOCES), Intermediate Educational Units, and those charter schools that operate as LEAs under state law. Private schools are not included within the definition of LEA.

States can also use grant funding to test lead in drinking water at public and private child care facilities.

The program is designed to reduce exposure of children, who are most vulnerable, to lead in drinking water at schools and child care facilities. EPA recognizes that states may not be able to test and remediate all schools and child care facilities through this grant; as such, EPA recommends prioritizing those facilities where children maybe most vulnerable to lead exposure. Grant funding to child care programs and local education agencies should be prioritized to target the following:

1. Schools and child care programs in underserved and/or low-income communities [e.g., schools with at least 50% of the children receiving free and reduced lunch and Head Start facilities];
2. Elementary and child care facilities that primarily care for children 6 and under; and
3. Older facilities that are more likely to contain lead plumbing; schools built before 1986 are more likely to have lead pipes, fixtures and solder.

#### 6. What does the grant requirement mean when it says, “the grantee must utilize EPA’s 3Ts for Reducing Lead in Drinking Water in Schools guidance or applicable state regulations or guidance regarding reducing lead in drinking water in schools and child care programs that are not less stringent”?

The grantee must utilize EPA’s 3Ts for Reducing Lead in Drinking Water in Schools guidance when implementing the program to test for lead in drinking water in schools and child care facilities or an applicable existing state program or regulation that are no less-stringent than in the following basic elements:

1. **Communication** - should be integrated throughout the development and implementation of the lead testing and remediation in drinking water in school and child care program. Communication should establish key partnerships to support the program as well as keeping the public informed.
2. **Training** - school officials and child care program providers to raise awareness of the potential occurrences, causes and health effects of lead in drinking water. Utilize established partnerships to develop program plans and to assign responsibilities that provide the framework for an effective program.
3. **Testing** - drinking water in schools and child care facilities to identify potential problems utilizing existing states guidance for testing and remediation or when not established utilizing 3Ts guidance.
4. **Taking Action** – by developing and implementing a plan to reduce lead in drinking water and communicate to parents, staff, and the larger school community.

To learn more about these elements, please visit <https://www.epa.gov/safewater/3Ts>

The intent of this grant is to support lead testing and reduction efforts. EPA recognizes that there are many variabilities when establishing a 3Ts program that could be utilized to achieve the goal of reducing lead in drinking water exposure. Therefore, the grant allocation will not be dependent of the state designated action level or frequency of testing and remediation, and instead be given to states interested in participating and to schools and child care facilities that will be implementing the 4 key elements.

## 7. Can tribal private schools receive money to test and remediate for lead in drinking water through this grant?

The term "tribal education agency" is defined in the National Environmental Education Act as *a school or community college which is controlled by an Indian tribe, band, or nation, including any Alaska Native village, which is recognized as eligible for special programs and services provided by the US to Indians because of their status as Indians and which is not administered by the Bureau of India Affairs (BIA)*. Therefore, any school, public or private, that serves federally recognized Native populations, and is not BIA, is eligible.

## 8. Can states who require lead testing in school and or child care drinking water receive grant funding?

Yes. The purpose of the grant is to provide funding to states and territories to help assist schools and child care programs to test for lead in drinking water. The WIIN Act directs EPA to "make grants available to States to assist local educational agencies in voluntary testing for lead contamination in drinking water at schools and child care programs." For the purposes of this grant program, the term "voluntary" refers to the fact that EPA is not requiring that states test for lead in drinking water. If a state has an existing voluntary or mandatory program, this funding must be used to compliment the state's current actions to test for lead in drinking water in schools and child care facilities. The grant funding cannot replace existing funding from other sources and cannot be used to pay for monitoring required under the Lead and Copper Rule. If a state doesn't have an existing program, the grant funds can be used to create assistance for schools and child care programs to test for lead in drinking water. In both cases the states should prioritize schools and child care facilities who need assistance (e.g., prioritizing schools who need the most financial assistance).

## 9. Is there a time limit to use the funds allocated for this grant?

Funds should be obligated by the state no later than **two years** from the beginning of the project period. Check with the regional grant program specialist regarding potential extensions to the program.

## 10. Do you have a memorandum template for the Notice of Intent to Participate that the State can use?

EPA does not have memo template. However, state governors or designee can email EPA Administrator at [WIINDrinkingwatergrants@epa.gov](mailto:WIINDrinkingwatergrants@epa.gov) using the following format:

Dear EPA Administrator Michael Regan:

On behalf of the state/territory of \_\_\_\_\_, I submit this email as notice of intent to participate in the Lead Testing in School and Child Care Drinking Water Grant program as part of the Water Infrastructure Improvement for the Nation Act. The (insert the State/territory Department/agency here) will serve as the lead state/territory agency for this program. Please send any following up information pertaining to the grant program to the following:

Name:

Phone number:

Email:

Mailing address:

### **11. Do schools and child care facilities that are considered public water systems (PWS) qualify for this grant funding?**

Yes, the purpose of the program is to provide funding to states and territories to help assist schools and child care programs to test for lead in drinking water. In accordance with the America's Waters Infrastructure Act (AWIA) of 2018 §2006 which amended the Water Infrastructure Improvement Act (WIIN) of 2017 §2107, states or territories will assist in voluntary testing for lead contamination in drinking water at schools and child care programs that are in low-income areas. EPA encourages states to prioritize grant funding to support schools and child care facilities in need of assistance to include:

1. Schools and child care programs in underserved and/or low-income communities [e.g., schools with at least 50% of the children receiving free and reduced lunch and Head Start facilities];
2. Elementary and child care facilities that primarily care for children 6 and under; and
3. Older facilities that are more likely to contain lead plumbing; schools built before 1986 are more likely to have lead pipes, fixtures, and solder. Please note that grant funding cannot be used to pay for monitoring required under the Lead and Copper Rule.

### **12. What is the remediation level for lead in schools and child care facilities?**

There is no recommended remediation level in the 3Ts guidance. EPA encourages schools to prioritize remediation efforts based on the highest lead sample results and **best management practices** such as routine maintenance and to use the steps in the 3Ts toolkit to pinpoint potential lead sources to remediate lead in drinking water. In establishing and conducting programs for lead in drinking water in schools, states have the discretion, to identify a remediation level for their program. Schools and child care facilities are highly encouraged to check with state and local health departments as they may have guidance or requirements.

### **13. If most or all schools in a state recently completed testing for lead in drinking water and the next routine testing is planned to be in a few years, can that state participate in this grant program?**

Yes. The funding supports testing and remediation of lead in drinking water in both schools and child care facilities. States should prioritize schools and child care facilities that have not been tested. *For example*, if all the schools in the state have tested their drinking water for lead then the state could prioritize child care programs. Also, should the state identify schools that may require additional testing due to previous testing results, the funding could be utilized to support such testing.

**14. Can states reimburse themselves with grant funding for activities or projects that conclude before they receive their multipurpose grant funds?**

No. Reimbursements for past activities are not covered under this grant.

However, States may be eligible for pre-award costs, in accordance with [2 CFR 200.458 and 2 CFR §1500.8](#). EPA award recipients may incur allowable project costs 90 calendar days before the Federal awarding agency makes the Federal award. If these costs would be allowed after the grant is awarded, then they could be granted pre-award costs by the applicable EPA region and must be requested in advance.

Pre-award costs incurred before EPA makes the award are at the recipient's risk. EPA is under no obligation to reimburse such costs if for any reason the recipient does not receive a Federal award or if the Federal award is less than anticipated and inadequate to cover such costs.

**15. Is there a set aside for the administration of the grant?**

Yes, 4% of the state's total project costs may be used to cover administrative type costs (e.g. personnel, benefits, travel, and office supplies).

**16. Can states use contractor support to implement this grant program?**

Yes, and this can be funded from the total grant funds awarded (not the 4% administrative fee). These grant funds may be used for the testing and remediation efforts in school and child care facility. This may include sample collection and analysis, first draw and flush sampling, the development of sampling plans, training in preparation of sampling, communication related to sampling efforts, use of a contractor to support sampling efforts, remediation efforts, and sampling after remediation.

States will need to include these funding and remediation plans in their application.

**17. Can a 1-L sample be used for sample collection in the lead testing program?**

A state can evaluate their protocol and use the best suitable volume to use in their program. While the 3Ts guidance recommends a 250 mL sample volume for initial sampling, it provides other volumes for addressing detailed fixture evaluation. Please see [3Ts Module 5: Conducting Sampling and Interpreting Results-Detailed Fixture Evaluation](#).)

Technically, the first 250 mL would capture lead level from the faucet and a few feet of piping from the faucet, assuming the diameters of interior piping ranging from 3/8-inch to 1/2-inch. Collecting a larger sample volume could potentially provide more lead information on plumbing further downstream.

**18. Is Participant Support Cost (PSC) applicable under this grant?**

Yes, PSC is applicable under the lead testing grant 2107.



**19. Is the grant subject to Davis-Bacon requirements?**

No, Davis-Bacon does not apply to the WIIN grants.

**20. Can a state apply for sequential funding if a state decline one year's funds?**

Yes, a new NOIP will be needed from the governor's office regarding the funding.

**21. After a state submitted a decline to funding notification for one year, can the state come back to apply for the same funding later?**

No, after the funding was declined and was approved, the state cannot reverse the process.

**22. Can grant funds be used to remediate lead contamination in school and child care's drinking water?**

Yes, authorized under the Bipartisan Infrastructure Bill, unused and new funding can be used for lead remediation in the grant. The use of funding for lead remediation and maintenance efforts needs to be included in the project's workplan and budget.

**23. Does the Build America, Buy America (BABA) act applicable to the grant fund?**

Under the [IIJA](#), requirements under the BABA Act were enacted for all Federal financial assistance programs. In an effort to achieve consistency across the Federal government and support decision-making to make supply chains more resilient, the BABA Act infrastructure domestic sourcing requirements are now in place. See section 70901 of IIJA. Recipients should be aware that to the extent SDWA 1464(d) projects or activities require the construction of infrastructure, that these domestic sourcing requirements for American made iron, steel, and manufactured goods will apply. OMB has issued its first guidance on BABA at <https://www.whitehouse.gov/wp-content/uploads/2022/04/M-22-11.pdf>.