

Lead Testing at Schools and Childcare Facilities

Assembly Bill 1096 – Draft Policy Handbook Outline

I. Introduction

[Assembly Bill 1096 \(2025\)](#) added section 116277 to the Health and Safety Code (Section 116277) to strengthen public transparency by requiring that lead sampling information collected under the [Lead and Copper Rule Improvements \(LCRI\)](#) for schools and childcare facilities be made publicly available on the State Water Resources Control Board's (State Water Board's) website.

II. Purpose and Objective

To provide a process for community water systems implementing the requirements of Section 116277, including:

- Sampling waiver process,
- A standardized process for submitting school and childcare information related to outreach and sampling, and
- Adding additional reasons for schools and childcare facilities to decline lead testing.

III. Human Right to Water

Section 106.3 of the California Water Code states that it is established state policy that every person has the right to safe, clean, affordable, and accessible water. It also requires the State Water Board to consider this policy when revising, amending or adopting regulations, grant criteria, or policies such as this handbook.

IV. Racial Equity

On November 16, 2021, the State Water Board adopted Resolution 2021-0050, which condemns racism and reaffirms its commitment to racial and environmental justice. This policy will be considered regarding lead reduction in drinking water, especially for vulnerable students, forming a key part of that commitment.

V. Definitions

The applicable definitions to this handbook will be included.

This draft document is for discussion purposes only and reflects Division of Drinking Water staff's current approach to implementing Assembly Bill 1096 through a policy handbook. It does not represent a final policy or regulation.

VI. Historical Legislation & Monitoring in Schools

An overview of the historical legislation and monitoring in California schools, including:

- Domestic Water Supply Permit Amendments (2017)
- Assembly Bill 746 (2017)

VII. Historical Legislation & Monitoring in Childcare Facilities

An overview of historical legislation and monitoring in childcare facilities, including:

- Assembly Bill 2370 (2018)

VIII. Waivers

The State Water Board is currently seeking stakeholder input on the waiver process and the alignment between the sampling requirements of Assembly Bill 2370 and the LCRI. Guidance will be provided when a community water system may qualify for a waiver from lead sampling requirements for schools and childcare facilities per the LCRI regulations. LCRI regulations require one-time sampling of schools and childcare facilities in the first five-year period, November 1, 2027 – October 31, 2032, and upon request starting November 1, 2032.

- School sampling done under Assembly Bill 746 (2017) or a Division of Drinking Water 2017 domestic water supply permit amendment are not eligible for a waiver because samples were collected prior to January 1, 2021.
- Child day care center sampling done under Assembly Bill 2370 (2018) requires sampling to be continuously completed every five years, but excludes certain types of childcare facilities including family day care homes, etc.

IX. Community Water System Requirements

- Community water systems must gather school/childcare information and offer declining facilities a way to select the reason for declining lead testing from a list provided in Section 116277, subdivision (a)(1)(B).
- Systems must submit the previous year's outreach and lead testing information to the State Water Board by January 30 each year.
- By December 31, 2028, systems must include a written statement that information pertaining to lead testing in schools and childcare facilities is available on the State Water Board's website and a direct link to the State Water Board's website in their annual consumer confidence report.

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X. State Water Board Requirements

- Create a standardized process for the submission of required information.
- By June 30, 2028, the State Water Board must publish all submitted information on a searchable website.
- The website must explain health risks of lead in drinking water, including impacts from low exposure.
- The State Water Board may add more reasons to the list provided in Section 116277, subdivision (a)(1)(B) for schools or childcare facilities to decline lead testing.