

2015—Pars. (3)(A), (6). Pub. L. 114-95 made technical amendment to references in original act which appear in text as references to section 7801 of title 20.

2002—Pars. (3)(A), (6). Pub. L. 107-110 substituted “section 7801 of title 20” for “section 8801 of title 20”.

1996—Pub. L. 104-182 made technical amendment to section catchline and first word of text.

1994—Par. (3)(A). Pub. L. 103-382, §391(p)(1), substituted “section 8801 of title 20” for “section 198 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3381)”.

Par. (6). Pub. L. 103-382, §391(p)(2), substituted “section 8801 of title 20” for “section 198 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 2854)”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of Title 20, Education.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-110 effective Jan. 8, 2002, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 107-110, set out as an Effective Date note under section 6301 of Title 20, Education.

§ 300j-22. Recall of drinking water coolers with lead-lined tanks

For purposes of the Consumer Product Safety Act [15 U.S.C. 2051 et seq.], all drinking water coolers identified by the Administrator on the list under section 300j-23 of this title as having a lead-lined tank shall be considered to be imminently hazardous consumer products within the meaning of section 12 of such Act (15 U.S.C. 2061). After notice and opportunity for comment, including a public hearing, the Consumer Product Safety Commission shall issue an order requiring the manufacturers and importers of such coolers to repair, replace, or recall and provide a refund for such coolers within 1 year after October 31, 1988. For purposes of enforcement, such order shall be treated as an order under section 15(d) of that Act (15 U.S.C. 2064(d)).

(July 1, 1944, ch. 373, title XIV, §1462, as added Pub. L. 100-572, §2(a), Oct. 31, 1988, 102 Stat. 2885; amended Pub. L. 104-182, title V, §501(f)(8), Aug. 6, 1996, 110 Stat. 1692.)

Editorial Notes

REFERENCES IN TEXT

The Consumer Product Safety Act, referred to in text, is Pub. L. 92-573, Oct. 27, 1972, 86 Stat. 1207, which is classified generally to chapter 47 (§2051 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 2051 of Title 15 and Tables.

AMENDMENTS

1996—Pub. L. 104-182 made technical amendment to section catchline and first word of text.

§ 300j-23. Drinking water coolers containing lead

(a) Publication of lists

The Administrator shall, after notice and opportunity for public comment, identify each brand and model of drinking water cooler which

is not lead free, including each brand and model of drinking water cooler which has a lead-lined tank. For purposes of identifying the brand and model of drinking water coolers under this subsection, the Administrator shall use the best information available to the Environmental Protection Agency. Within 100 days after October 31, 1988, the Administrator shall publish a list of each brand and model of drinking water cooler identified under this subsection. Such list shall separately identify each brand and model of cooler which has a lead-lined tank. The Administrator shall continue to gather information regarding lead in drinking water coolers and shall revise and republish the list from time to time as may be appropriate as new information or analysis becomes available regarding lead contamination in drinking water coolers.

(b) Prohibition

No person may sell in interstate commerce, or manufacture for sale in interstate commerce, any drinking water cooler listed under subsection (a) or any other drinking water cooler which is not lead free, including a lead-lined drinking water cooler.

(c) Criminal penalty

Any person who knowingly violates the prohibition contained in subsection (b) shall be imprisoned for not more than 5 years, or fined in accordance with title 18, or both.

(d) Civil penalty

The Administrator may bring a civil action in the appropriate United States District Court (as determined under the provisions of title 28) to impose a civil penalty on any person who violates subsection (b). In any such action the court may impose on such person a civil penalty of not more than \$5,000 (\$50,000 in the case of a second or subsequent violation).

(July 1, 1944, ch. 373, title XIV, §1463, as added Pub. L. 100-572, §2(a), Oct. 31, 1988, 102 Stat. 2885; amended Pub. L. 104-182, title V, §501(f)(9), Aug. 6, 1996, 110 Stat. 1692.)

Editorial Notes

AMENDMENTS

1996—Pub. L. 104-182 made technical amendment to section catchline and subsec. (a) designation.

§ 300j-24. Lead contamination in school drinking water

(a) Distribution of drinking water cooler list

Within 100 days after October 31, 1988, the Administrator shall distribute to the States a list of each brand and model of drinking water cooler identified and listed by the Administrator under section 300j-23(a) of this title.

(b) Guidance document and testing protocol

The Administrator shall publish a guidance document and a testing protocol to assist public water systems and schools in determining the source and degree of lead contamination in school drinking water supplies and in remedying such contamination. The guidance document shall include guidelines for sample preservation. The guidance document shall also include guid-

ance to assist States, schools, public water systems, and the general public in ascertaining the levels of lead contamination in drinking water coolers and in taking appropriate action to reduce or eliminate such contamination. The guidance document shall contain a testing protocol for the identification of drinking water coolers which contribute to lead contamination in drinking water. Such document and protocol may be revised, republished and redistributed as the Administrator deems necessary. The Administrator shall distribute the guidance document and testing protocol to the States within 100 days after October 31, 1988.

(c) Dissemination to schools, etc.

Each State shall provide for the dissemination to local educational agencies, private nonprofit elementary or secondary schools and to day care centers of the guidance document and testing protocol published under subsection (b), together with the list of drinking water coolers published under section 300j-23(a) of this title.

(d) Voluntary school and child care program lead testing and reduction grant program

(1) Definitions

In this subsection:

(A) Child care program

The term “child care program” has the meaning given the term “early childhood education program” in section 1003(8) of title 20.

(B) Local educational agency

The term “local educational agency” means—

- (i) a local educational agency (as defined in section 7801 of title 20);
- (ii) a tribal education agency (as defined in section 5502 of title 20); and
- (iii) a person that owns or operates a child care program facility.

(2) Establishment

(A) In general

Not later than 180 days after December 16, 2016, the Administrator shall establish a voluntary school and child care program lead testing, compliance monitoring, and lead reduction grant program to 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; and
- (ii) tribal consortia to assist tribal education agencies (as defined in section 5502 of title 20), public water systems that serve schools and child care programs under the jurisdiction of those tribal education 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 tribal education agencies.

(B) Direct grants to local educational agencies

The Administrator may make a grant for the voluntary testing or compliance monitoring for or remediation of lead contamination described in subparagraph (A) directly available to—

- (i) any local educational agency described in clause (i) or (iii) of paragraph (1)(B) located in a State that does not participate in the voluntary grant program established under subparagraph (A);
- (ii) any local educational agency described in clause (ii) of paragraph (1)(B);
- (iii) any public water system that is located in a State that does not participate in the voluntary grant program established under subparagraph (A) that—
 - (I) assists schools or child care programs in lead testing;
 - (II) assists schools or child care programs with compliance monitoring;
 - (III) assists schools with carrying out projects to remediate lead contamination in drinking water; or
 - (IV) provides technical assistance to schools or child care programs in carrying out lead testing; or
- (iv) a qualified nonprofit organization, as determined by the Administrator.

(C) Technical assistance

In carrying out the grant program under subparagraph (A), beginning not later than 1 year after October 23, 2018, the Administrator shall provide technical assistance to recipients of grants under this subsection—

- (i) to assist in identifying the source of lead contamination in drinking water at schools and child care programs under the jurisdiction of the grant recipient;
- (ii) to assist in identifying and applying for other Federal and State grant programs that may assist the grant recipient in eliminating lead contamination described in clause (i);
- (iii) to provide information on other financing options in eliminating lead contamination described in clause (i); and
- (iv) to connect grant recipients with nonprofit and other organizations that may be able to assist with the elimination of lead contamination described in clause (i).

(3) Application

To be eligible to receive a grant under this subsection, a State, local educational agency, public water system, tribal consortium, or qualified nonprofit organization shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

(4) Priority

In making grants under this subsection, the Administrator shall give priority to States,

local educational agencies, public water systems, tribal consortia, and qualified nonprofit organizations that will assist in voluntary testing for or the remediation of lead contamination in drinking water at schools and child care programs that are in low-income areas.

(5) Limitation on use of funds

Not more than 4 percent of grant funds accepted by a State, local educational agency, public water system, tribal consortium, or qualified nonprofit organization for a fiscal year under this subsection shall be used to pay the administrative costs of carrying out this subsection.

(6) Guidance; public availability

As a condition of receiving a grant under this subsection, the recipient State, local educational agency, public water system, tribal consortium, or qualified nonprofit organization shall ensure that each local educational agency, public water system, tribal consortium, or qualified nonprofit organization to which grant funds are distributed shall—

(A) expend grant funds in accordance with—

(i) the guidance of the Environmental Protection Agency entitled “3Ts for Reducing Lead in Drinking Water in Schools: Revised Technical Guidance” and dated October 2006 (or any successor guidance); or

(ii) applicable State or tribal regulations or guidance regarding voluntary testing or compliance monitoring for and remediation of lead contamination in drinking water in schools and child care programs that are not less stringent than the guidance referred to in clause (i); and

(B)(i) make available, if applicable, in the administrative offices and, to the extent practicable, on the Internet website of the applicable local educational agency for inspection by the public (including teachers, other school personnel, and parents) a copy of the results of any voluntary testing for lead contamination in school and child care program drinking water carried out using grant funds under this subsection; and

(ii) notify parent, teacher, and employee organizations of the availability of the results described in clause (i).

(7) Maintenance of effort

If resources are available to a State, local educational agency, public water system, tribal consortium, or qualified nonprofit organization from any other Federal agency, a State, or a private foundation for testing or compliance monitoring for or remediation of lead contamination in drinking water, the State, local educational agency, public water system, tribal consortium, or qualified nonprofit organization shall demonstrate that the funds provided under this subsection will not displace those resources.

(8) Authorization of appropriations

There are authorized to be appropriated to carry out this subsection—

(A) \$30,000,000 for fiscal year 2022;

(B) \$35,000,000 for fiscal year 2023;

(C) \$40,000,000 for fiscal year 2024;

(D) \$45,000,000 for fiscal year 2025; and

(E) \$50,000,000 for fiscal year 2026.

(July 1, 1944, ch. 373, title XIV, § 1464, as added Pub. L. 100-572, § 2(a), Oct. 31, 1988, 102 Stat. 2886; amended Pub. L. 104-182, title V, § 501(f)(10), Aug. 6, 1996, 110 Stat. 1692; Pub. L. 114-322, title II, § 2107(a), Dec. 16, 2016, 130 Stat. 1727; Pub. L. 115-270, title II, § 2006(a), Oct. 23, 2018, 132 Stat. 3843; Pub. L. 117-58, div. E, title I, § 50110, Nov. 15, 2021, 135 Stat. 1150.)

Editorial Notes

AMENDMENTS

2021—Subsec. (b). Pub. L. 117-58, § 50110(1), inserted “public water systems and” after “protocol to assist” and “public water systems,” after “schools.”

Subsec. (d). Pub. L. 117-58, § 50110(2)(A), inserted “and reduction” after “lead testing” in heading.

Subsec. (d)(2)(A). Pub. L. 117-58, § 50110(2)(B)(i), substituted “the Administrator shall establish a voluntary school and child care program lead testing, compliance monitoring, and lead reduction grant program to make grants available to—” and cls. (i) and (ii) for “the Administrator shall establish a voluntary school and child care program lead testing grant program 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 under the jurisdiction of the local educational agencies.”

Subsec. (d)(2)(B). Pub. L. 117-58, § 50110(2)(B)(ii)(I), inserted “or compliance monitoring for or remediation of lead contamination” after “voluntary testing” in introductory provisions.

Subsec. (d)(2)(B)(iii), (iv). Pub. L. 117-58, § 50110(2)(B)(ii)(II)-(IV), added cls. (iii) and (iv).

Subsec. (d)(3). Pub. L. 117-58, § 50110(2)(C), substituted “State, local educational agency, public water system, tribal consortium, or qualified nonprofit organization” for “State or local educational agency”.

Subsec. (d)(4). Pub. L. 117-58, § 50110(2)(D), substituted “States, local educational agencies, public water systems, tribal consortia, and qualified nonprofit organizations” for “States and local educational agencies” and inserted “or the remediation of” after “testing for”.

Subsec. (d)(5). Pub. L. 117-58, § 50110(2)(C), substituted “State, local educational agency, public water system, tribal consortium, or qualified nonprofit organization” for “State or local educational agency”.

Subsec. (d)(6). Pub. L. 117-58, § 50110(2)(E)(i)(II), inserted “, public water system, tribal consortium, or qualified nonprofit organization” after “each local educational agency” in introductory provisions.

Pub. L. 117-58, § 50110(2)(E)(i)(I), which directed substitution of “State, local educational agency, public water system, tribal consortium, or qualified nonprofit organization” for “State or local educational agency” in introductory provisions, could not be executed because of the intervening amendment by Pub. L. 117-58, § 50110(2)(C). See Amendment note below.

Pub. L. 117-58, § 50110(2)(C), substituted “State, local educational agency, public water system, tribal consortium, or qualified nonprofit organization” for “State or local educational agency” in introductory provisions.

Subsec. (d)(6)(A)(ii). Pub. L. 117-58, § 50110(2)(E)(ii), inserted “or tribal” after “applicable State” and substituted “voluntary testing or compliance monitoring for and remediation of lead contamination” for “reducing lead”.

Subsec. (d)(6)(B)(i). Pub. L. 117-58, § 50110(2)(E)(iii), inserted “applicable” before “local educational agency”.

Subsec. (d)(7). Pub. L. 117-58, § 50110(2)(C), (F), substituted “State, local educational agency, public water

system, tribal consortium, or qualified nonprofit organization” for “State or local educational agency” in two places and “testing or compliance monitoring for or remediation of” for “testing for”.

Subsec. (d)(8). Pub. L. 117-58, §50110(2)(G), added par. (8) and struck out former par. (8). Prior to amendment, text read as follows: “There are authorized to be appropriated to carry out this subsection \$20,000,000 for each of fiscal years 2017 through 2019, and \$25,000,000 for each of fiscal years 2020 and 2021.”

2018—Subsec. (d)(2)(C). Pub. L. 115-270, §2006(a)(1), added subpar. (C).

Subsec. (d)(4) to (7). Pub. L. 115-270, §2006(a)(2), (3), added par. (4) and redesignated former pars. (4) to (6) as (5) to (7), respectively. Former par. (7) redesignated (8).

Subsec. (d)(8). Pub. L. 115-270, §2006(a)(2), (4), redesignated par. (7) as (8) and substituted “are authorized” for “is authorized” and “2019, and \$25,000,000 for each of fiscal years 2020 and 2021” for “2021”.

2016—Subsec. (d). Pub. L. 114-322 added subsec. (d) and struck out former subsec. (d) which related to a remedial action program to assist local educational agencies in testing for, and remediating, lead contamination in drinking water at schools.

1996—Pub. L. 104-182 made technical amendment to section catchline and subsec. (a) designation.

§ 300j-25. Drinking water fountain replacement for schools

(a) Establishment

Not later than 1 year after October 23, 2018, the Administrator shall establish a grant program to provide assistance to local educational agencies for the replacement of drinking water fountains manufactured prior to 1988.

(b) Use of funds

Funds awarded under the grant program—

(1) shall be used to pay the costs of replacement of drinking water fountains in schools; and

(2) may be used to pay the costs of monitoring and reporting of lead levels in the drinking water of schools of a local educational agency receiving such funds, as determined appropriate by the Administrator.

(c) Priority

In awarding funds under the grant program, the Administrator shall give priority to local educational agencies based on economic need.

(d) Authorization of appropriations

There are authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2019 through 2021.

(July 1, 1944, ch. 373, title XIV, §1465, as added Pub. L. 115-270, title II, §2006(b)(1), Oct. 23, 2018, 132 Stat. 3844.)

Editorial Notes

PRIOR PROVISIONS

A prior section 300j-25, act July 1, 1944, ch. 373, title XIV, §1465, as added Pub. L. 100-572, §2(a), Oct. 31, 1988, 102 Stat. 2887; amended Pub. L. 104-182, title V, §501(d), (f)(11), Aug. 6, 1996, 110 Stat. 1691, 1692, related to Federal assistance for State programs regarding lead contamination in school drinking water, prior to repeal by Pub. L. 114-322, title II, §2107(b), Dec. 16, 2016, 130 Stat. 1728.

§ 300j-26. Certification of testing laboratories

The Administrator of the Environmental Protection Agency shall assure that programs for

the certification of testing laboratories which test drinking water supplies for lead contamination certify only those laboratories which provide reliable accurate testing. The Administrator (or the State in the case of a State to which certification authority is delegated under this subsection) shall publish and make available to the public upon request the list of laboratories certified under this subsection.¹

(Pub. L. 100-572, §4, Oct. 31, 1988, 102 Stat. 2889.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Lead Contamination Control Act of 1988, and not as part of the Public Health Service Act which comprises this chapter.

§ 300j-27. Registry for lead exposure and Advisory Committee

(a) Definitions

In this section:

(1) City

The term “City” means a city exposed to lead contamination in the local drinking water system.

(2) Committee

The term “Committee” means the Advisory Committee established under subsection (c).

(3) Secretary

The term “Secretary” means the Secretary of Health and Human Services.

(b) Lead exposure registry

The Secretary shall establish within the Agency for Toxic Substances and Disease Registry or the Centers for Disease Control and Prevention at the discretion of the Secretary, or establish through a grant award or contract, a lead exposure registry to collect data on the lead exposure of residents of a City on a voluntary basis.

(c) Advisory Committee

(1) Membership

(A) In general

The Secretary shall establish, within the Agency for Toxic Substances and Disease Registry an Advisory Committee in coordination with the Director of the Centers for Disease Control and Prevention and other relevant agencies as determined by the Secretary consisting of Federal members and non-Federal members, and which shall include—

- (i) an epidemiologist;
- (ii) a toxicologist;
- (iii) a mental health professional;
- (iv) a pediatrician;
- (v) an early childhood education expert;
- (vi) a special education expert;
- (vii) a dietician; and
- (viii) an environmental health expert.

(B) Requirements

Membership in the Committee shall not exceed 15 members and not less than ½ of the members shall be Federal members.

¹ So in original. Probably should be “section.”