

New York State Department of Health Lead Testing in School Drinking Water Program Guidance Manual

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**Department
of Health**

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Purpose of this Guidance Manual

[Title 10 NYCRR Subpart 67-4](#) requires all public school districts, charter schools, and Boards of Cooperative Educational Services (BOCES) (schools) in New York State to test potable water for lead contamination and to develop and implement a lead remediation plan where appropriate. This guidance manual provides information that schools can use for developing and implementing their plans to fulfill compliance requirements. This guidance manual also provides examples of best management practices to minimize the potential for exposure to lead in school drinking water. Additional resources, including suggested templates, can be found on the New York State Department of Health's website at [Lead Testing of School Drinking Water](#).

Background

Lead is a common metal found in the environment which is toxic and harmful to human health. The greatest risk of harm from lead exposure is to infants, young children, and pregnant women. Children and adults can be exposed to lead from lead paint, lead in products and toys, lead in drinking water from plumbing materials, and other sources.

Plumbing materials, including pipes, new brass faucets, fittings, and valves, including those advertised as *lead-free*, may contribute lead to drinking water.¹ The “on-again, off-again” nature of water use at most schools can raise lead levels in school drinking water. Water that remains in pipes overnight, over a weekend, or over vacation periods stays in contact with lead pipes and/or lead solder and may accumulate higher levels of lead. It is important to identify and address elevated levels of lead in drinking water in schools as part of reducing a child's overall exposure to lead in the environment.

On September 6, 2016, Chapter 296 of the Laws of 2016 was signed into law adding section 1110 to Public Health Law ([PHL § 1110](#)). The new law required all public school districts, charter schools, and Boards of Cooperative Educational Services (BOCES) (referred to as “schools” herein) in New York State (NYS) to test drinking water for lead and to take remedial action if lead exceeded the actionable threshold. Only those public schools, charter schools, and BOCES buildings with internal plumbing meeting the definition of lead-free as defined by the federal Reduction of Lead in Drinking Water Act were exempt from testing (changes to this provision

¹ Lead pipes and lead solder used on non-lead pipes were common in construction until their use was banned in 1986. Since then, the federal government required that only “lead-free” materials be used in new plumbing and plumbing fixtures. The Federal Law, however, still allowed pipes and certain fixtures with up to eight percent lead to be labeled as “lead-free.” In 2011, the Reduction of Lead in Drinking Water Act, an amendment to the federal Safe Drinking Water Act, re-defined “lead-free” to mean no more than a weighted average of 0.25 percent lead for wetted surfaces of plumbing products and retained a 0.20% lead limit for solder and flux (effective January 4, 2014). The Act also created exemptions from the lead-free requirements for plumbing products used exclusively for non-potable services as well as for other specified products.

discussed below; see 2022 Revisions to Public Health Law (PHL)).

The State Department of Health issued regulations, Subpart 67-4 of Title 10 of the Codes, Rules, and Regulations of the State of New York, to conform with PHL §1110.

All outlets used, or that could potentially be used, for drinking or cooking must be tested for lead per Subpart 67-4.

All buildings owned or leased by a public school district, charter school, or BOCES that house public/charter/BOCES students

must be assessed for compliance with Subpart 67-4. Testing responsibilities should be clearly outlined in the lease agreement. While private schools, Native American schools, and daycare facilities are not required to conduct lead testing under this regulation, the Department of Health encourages these schools and all daycare facilities to voluntarily test outlets used for drinking or cooking and take appropriate action where necessary to reduce lead exposure.

2022 Revisions to Public Health Law (PHL)

Revisions to PHL §1110 were finalized on March 4, 2022, with an effective date of December 22, 2022. The key revisions to the law include:

1. Lead action level in drinking water has been reduced from 15 parts per billion (ppb) to 5 ppb.
2. School buildings previously deemed “lead-free” are **no longer exempt** from testing requirements. All buildings, to which PHL §1110 applies, that house or provide instructional services to students are required to test for lead in drinking water.
3. Should it be necessary to provide potable water to school occupants following an outlet being taken out of service due to an action level exceedance, the potable water must be provided free of charge to the occupants.
4. Copies of lead results including lab reports and any lead remediation plans must be made available to the public and posted on the school's website.
5. Compliance testing will occur on a triennial schedule (every 3 years).

The first compliance testing period under the revised PHL was 2023-2025. Schools conducted first-draw tap testing at all applicable outlets between January 1, 2023, and December 31, 2025. Schools shall continue to collect compliance samples at least every 3 years thereafter or at an earlier time as determined by the Commissioner.

Sampling must be started on or before the date a school began initial sampling 3 years prior.

For the 2026-2028 compliance period, schools must conduct sampling no more than 3 years from the date they first sampled during the 2023-2025 compliance period. For example, if a school sampled in January 2023, it must sample in January 2026. See the section on [reporting](#) for more information.

Schools must complete sampling **before October 31, 2028** to allow sufficient time for receiving and reporting laboratory results for this compliance period. Schools should consider laboratory processing times and the Department's reporting survey closure date of **December 31, 2028** when planning sampling events. Once the survey is closed, you will not be able to report any results from this compliance period.

**Sampling deadline:
October 31, 2028.**

Sampling

Planning Your Sampling Program

Review Records

Before a school develops a sampling plan, review records from past sampling and remedial activities. If current staff are not familiar with past program activities, or records are incomplete or absent, consider contacting individuals who may have been involved in the sampling and/or remediation. This information may help inform future efforts.

Identifying Key Stakeholders

Key stakeholders are critical to ensuring that your lead testing in school drinking water program (hereafter referred to as the program) is successful. Key stakeholders may include:

- **Superintendent/Principal:** These individuals provide oversight of the program.
- **Custodial and facilities staff:** These individuals will have in-depth knowledge about plumbing and building history and may assist with implementing the program.
- **School board:** These individuals are responsible for developing budgets and recommending district-wide initiatives.
- **School nurse:** This individual may assist with or support reporting test results in the State Department of Health electronic reporting application, the Survey Management and Response Tool (SMART), as this platform is used for other submissions such as immunizations surveys.
- **Cafeteria staff:** These individuals are aware of water use for food preparation. They can identify the faucets that are regularly used in food or drink preparation, as well as any unused faucets.
- **Athletics staff:** These individuals will know the sources of water used to fill water jugs or those used when teams are practicing, playing games, or running concessions.
- **Students:** The students must be informed and educated on drinking water and know who to go to if they notice an issue (e.g., lack of access to water or removal of signage).
- **Teachers:** Teachers can assist with the program as they are aware of the faucets used for drinking and can assist with enforcing institutional controls as part of remediation including ensuring students are not drinking from faucets with “Do Not Drink” signs.
- **Parents:** Parents must be made aware of sampling, test results, and remedial actions.
- **Parent Teacher Associations (PTAs):** These individuals can facilitate communication between the school and the parents/guardians.

- **Local plumbing and construction contractors, or environmental consultants:** Schools can choose to contract out sampling through their approved bidding process. All regulations and guidance in this document are still applicable.

Assigning Roles

Identify specific program roles and responsibilities and assign them to individuals as appropriate. When assigning roles, ask the following questions:

- Who will be the main contact for the program?
- Who will create the sampling plan?
- Who will collect the samples?
- Who will coordinate with the laboratory and manage the test results?
- Who will perform remediation?
- Who will communicate the results to the public?
- Who will report the data and information to the Local Health Department (LHD) and enter it into the State Department of Health's reporting application (SMART)?
- Who will keep records?

A *Template for Assigning Roles*, which is useful for documenting roles and responsibilities, can be found on the Lead Testing of School Drinking Water [website](#).

Developing a Sampling Plan

To develop a sampling plan, schools must identify all outlets. Outlets that are or may be used for drinking or cooking ("applicable outlets") will be targeted for sampling. The school must then understand how water flows through the building to develop a stepwise outlet-by-outlet and floor-by-floor sampling plan. The comprehensive list below provides various infrastructure features and considerations that schools should explore when developing the sampling plan.

A *Sampling Plan Editable Template* can be found on the Lead Testing of School Drinking Water [website](#).

- Review records from past sampling and remedial activities as described in the [Review Records section](#).
- Conduct a walkthrough of the building and create an inventory of every outlet within each building. It may be helpful to take pictures when conducting the walkthrough.
- Create a map or diagram of the school building and note the location of all outlets. This could assist with understanding future analysis of lead sample results. Assign each outlet that will be sampled with a unique sample identifier and record the information on the map or diagram.
- Understand how water enters and flows through the building. Note on the map the areas of the building that receive water first, and which areas receive water last.

- Create your Sampling Plan by adding all outlets (sinks, fountains, bubblers, filling stations, etc.) that are used, or may potentially be used, for drinking or cooking. You may also consider adding all other outlets (“non-applicable”) to your Sampling Plan to have a complete list of outlets documented.
- Ensure that any outlets determined to be non-applicable are also found on your [Remedial Action Plan](#).
- Determine if the building has a lead service line. A service line is the piping that connects the water main to the building inlet.
- Document whether faucets have mixing valves, aerators, filters, or other notable features.
- Note the locations of any tanks and any available information about the tank (e.g., manufacturer, date of installation, maintenance schedule, inspection history, etc.). Some older tanks may contain coatings that are high in lead. Tanks may accumulate sediment that could be flushed back into the plumbing system under certain circumstances. Schools should consider contacting the tank supplier or manufacturer to obtain information about coatings. They may also consider hiring a plumber or tank service contractor to inspect the tanks for sediment accumulation and integrity of internal coatings, especially gravity storage tanks that are located outside of the building.
- Look for other potential sources of lead and note their locations including copper pipes; high-lead solder and flux²; brass fittings, faucets, valves; and plastic pipes (especially those manufactured abroad).

Did you know? Copper pipes are red-brown in color and corroded portions may show green deposits. Copper pipe joints were typically joined together with lead solders until the lead-free requirements of the 1986 Safe Drinking Water Act Amendments.

Did you know? Brass fittings, faucets, and valves are golden yellow in color, similar to copper in appearance, or are plated with chrome. Most faucets contain brass, an alloy that contains varying percentages of copper, zinc, and lead.

² The 1986 Safe Drinking Water Act Amendments banned plumbing components that contained high levels of lead. It is likely that high-lead solder and fluxes continued to be used even later. The local plumbing code authority or building inspector may be able to provide guidance regarding when high-lead solder was last used on a regular basis in the area. Note that the Reduction of Lead in Drinking Water Act did not revise the lead-free definition for solder and flux.

Identifying Sampling Locations

Samples must be collected at all outlets used or potentially used for drinking or cooking (“applicable outlets”). Outlets may be located anywhere in or around the school building, including external outlets (hose bibs) if the outlet may be used for drinking or cooking. Superintendents, or their designees, have the responsibility to identify which outlets meet the regulation requirements for testing (“applicable outlets”).

Non-applicable outlets must have consumption prevention methods (e.g., signage, supervision, and education) in place prior to the sampling of applicable outlets.

If a Superintendent or their designee determines that a school has outlets that fall outside the scope of the regulation, the school must account for these outlets in their Remedial Action Plan. These “non-applicable” outlets are not to be used or potentially used for drinking or cooking. You must include details about how these outlets will not be accessed and utilized for drinking or cooking purposes on the Remedial Action Plan.

Additional Guidance on Selected Sampling Locations:

- **Combination bottle fill station and drinking fountain/combination sink and drinking fountains:** A sample must be collected from both fixtures if they are used or have the potential to be used for drinking or cooking. The fixture that is most frequently used should be sampled first.
- **Ice machines:** The ice made in an ice machine must be sampled for lead. Follow these instructions to collect a sample from an ice machine:

Collecting Samples from Ice Making Machines -

- Fill a suitable container (250 mL [or larger with a line denoting 250 mL], wide-mouthed bottle, or other container) provided by the laboratory at least three-quarters full of ice.
 - Do not touch the ice with your hands.
 - Use a non-metal scoop or disposable plastic gloves (provided by the laboratory) to place the ice in the container.
- **Dishwashing outlets:** If an outlet is designated for dishwashing only and involves no opportunity for drinking or cooking, including food preparation, the outlet does not require sampling. Any outlet excluded from sampling should be documented in the Remedial Action Plan and have controls such as signs and education. You may also consider additional engineering controls such as locks or physical barriers. If the outlet may be used for drinking or cooking, the outlet must be sampled.
 - **Steam Ovens:** If a steam oven is utilized to prepare food it must be sampled. Follow these instructions to collect a sample from a steam oven:
 - **Method 1:** Disconnect the appliance from the supply line and take a direct sample.
 - **Method 2:** Place a clean glass bowl inside the steam oven and run as normal.

Allow water collected in the bowl to cool, then carefully transfer to an approved 250 mL sampling container.

- **Food washing outlets:** Food washing faucets must be sampled as they are used for food preparation and potentially for drinking. **Only the cold water** should be turned on for sampling. If tempered outlets must be used for cooking or food preparation, with no other cold water option available, then that tempered outlet must be sampled.
- **Lavatory Sinks:** Toilet rooms and bathrooms are building environments that can present unique challenges to outlet applicability. These challenges are reflected in various code provisions that prohibit the installation of drinking facilities, drinking fountains, water coolers, and water dispensers within toilet rooms and bathrooms. Department of Health would not object to designating these outlets non-applicable where controls (e.g., education and signage) exist to prevent the consumption of water. The school must include these outlets in the Remedial Action Plan outlining how potential use will be mitigated.
- **Locker Room Showers:** Applicability determinations for outlets in locker rooms can be unique. If showers are utilized for consumption (e.g., filling water jugs), they must be sampled. If they are not utilized for consumption, the school **Superintendent** may deem these outlets non-applicable for sampling. For non-applicable outlets, consumption prevention methods (e.g., signage, education, and supervision) must be implemented. These outlets must also be documented in the school's Remedial Action Plan, including details on how potential use will be mitigated.
- **Classroom sinks:** If the outlet is used for drinking and/or cooking, it must be sampled. However, if the school has controls in place to prevent the consumption of water, Superintendents or their designees have the discretion to deem these outlets as non-applicable and exclude them from sampling. These non-applicable outlets must be included in the Remedial Action Plan with details on how potential use will be mitigated.
- **Tempered water outlets:** The EPA and State Department of Health recommend that hot or tempered water not be used for drinking or cooking as hot or warm water increases the leaching of lead into the water. As such, tempered water outlets do not require sampling unless they are utilized for consumption. The National Plumbing Code defines tempered water as water having a temperature range between 85 degrees Fahrenheit and 110 degrees Fahrenheit, and hot water as water at a temperature greater than or equal to 110 degrees Fahrenheit. Cold water is defined as water at the temperature at which it is delivered to the service connection. For the purpose of this program, tempered outlets are any outlets that deliver water that is heated for the purpose of providing water that is warmer than what is supplied at the service connection, but not hot water. This is typically achieved through the use of mixing valves to blend water from both hot and cold-water supply lines, in accordance with applicable plumbing standards. However, tempered outlet configurations that allow for easy temperature adjustment at the point of use and provide water solely from the cold-water line are an exception and should be sampled. Tempered water outlets that are not subject to sampling should be clearly posted with signs ("Do Not Drink" or equivalent), education should be provided to the students and staff to ensure awareness that they should refrain from using the outlets for consumption, and the outlets must be documented in the Remedial Action Plan.
- **Science/Art room outlets:** If the outlet may be used for drinking or cooking, the outlet must be sampled. However, some schools have controls in place including restrictions on

food or drink consumption in science classrooms and laboratories and teacher supervision. In such cases, the Superintendent or their designee has the discretion to exclude these outlets from sampling and include them in the Remedial Action Plan. Note: The State Department of Health strongly discourages using science/art sinks for drinking or cooking.

- **Custodial closet outlets:** If the outlet is only used for custodial purposes and not for drinking, then the outlet does not need to be sampled. Any outlet excluded from sampling must be documented in the Remedial Action Plan and have additional controls such as locks, signs, and education in place.
- **Point of Entry:** The location where water enters the building from the distribution system of a public water system does not require sampling under Subpart 67-4.
- **Bus garage:** Outlets in bus garage buildings do not require sampling unless the building is occupied by students, e.g., BOCES classes (see previous bullets). These outlets must also be documented in the school's Remedial Action Plan, including details on how potential use will be mitigated.
- **Concession stands:** Outlets in concession stands on school properties must be sampled if utilized for drinking and/or cooking purposes (e.g., filling coffee pots, etc.). If outlets are determined to be non-applicable, consumption prevention methods (e.g., signage, education, and supervision) must be implemented. These outlets must also be documented in the school's Remedial Action Plan, including details on how potential use will be mitigated.
- **Outdoor hose bibs/spigots:** Outdoor outlets, such as hose bibs/spigots, must be sampled if utilized for drinking and/or cooking purposes (e.g., filling water jugs/bottles for sports teams). If outlets are determined to be non-applicable, consumption prevention methods (e.g., signage, education, and supervision) must be implemented. These outlets must also be documented in the school's Remedial Action Plan, including details on how potential use will be mitigated.
- Please contact the State Department of Health if you have questions on additional sampling locations.

Selecting a Laboratory

All water samples must be analyzed by an environmental laboratory certified by the State Department of Health's Environmental Laboratory Approval Program (ELAP) to conduct lead testing in drinking water.

A list of ELAP-approved laboratories can be found at:

<https://apps.health.ny.gov/pubdoh/applinks/wc/elappublicweb/>

1. From the link above, follow these directions:
 - Check the box: "I am not a robot"
 - State: select "New York" from the drop-down

- County: select the county of interest
 - Type: select “Commercial”
2. In the “Advanced Search” box:
- Category: select “Potable Water”
 - Analyte: select “Lead, Total”
3. Click on “View Results”

Search NY Accredited Environmental Laboratories

Main Search

LAB NAME

STATE **COUNTRY**

COUNTY **TYPE**

Must select a County in NY.

Advanced Search

CATEGORY

ANALYTE

METHOD

When choosing a laboratory, consider the following:

- **Do you want the laboratory to conduct the sampling in addition to the analysis?** If yes, let the laboratory know that samples will likely need to be collected between 5:30 a.m. and 7:30 a.m., as this is typically the two-hour window prior to the start of the school day. Sampling services outside of business hours may influence the cost.
- **What is the cost of the laboratory’s services, and what is included in that cost?** Costs will vary between laboratories and depend upon the extent of the services needed. Some laboratories may offer bulk analysis rates for handling a large number of samples.
- **What is the laboratory’s turnaround time for providing sample results?** Turnaround time may vary depending on the lab and other factors. Schools should communicate with labs prior to conducting sampling to understand timelines, especially near the end of the compliance period.

Once a laboratory is selected, schools are advised to establish a written agreement or contract with the laboratory for the services to be provided.

Sampling Protocol

Sample Containers

The required sample volume for analysis of lead in school drinking water is 250 milliliters (mL). The State Department of Health recommends the use of wide-mouth 250 mL plastic containers for this program.

Samples collected using 1-liter sample containers (as used for the Lead and Copper Rule testing) do NOT meet the requirements of Subpart 67-4. Schools should contact their ELAP-approved laboratory to obtain the appropriate 250 mL plastic bottles for sampling and the laboratory chain of custody forms.

Nitric Acid Preservative

Some laboratories may add nitric acid, a preservative, to sample containers prior to container shipment. Avoid direct contact with nitric acid as it can burn skin and damage clothing. As a safety precaution, schools may request their laboratory send sample containers without nitric acid and request that the laboratory add the nitric acid upon receipt of the samples. In such cases, schools must ship the samples as soon as possible so the laboratory can add nitric acid in time. Prior to container shipment, schools should contact their laboratory to discuss such options and costs.

Sample Requirements

All samples collected for lead testing as part of Subpart 67-4 must be “first-draw” samples. A “first-draw” sample is a water sample collected from an outlet early in the morning before any water is used from that outlet. The water shall be motionless in the pipes for a minimum of 8 hours, but not more than 18 hours, prior to first-draw sample collection.

Sample Collector Requirement

Any individual who understands the Subpart 67-4 requirements and is familiar with first-draw sampling protocols may collect samples. This includes, but is not limited to, a school staff member, a laboratory representative, or a consultant. The individual collecting the samples must be able to maintain quality assurance and control over the sampling and ensure the chain of custody of the water samples is properly documented during the sampling process.

Sampling Instructions

Recommended Sampling Instructions:

1. Ensure all items needed to collect the samples are available. This includes the appropriate number and size (250 mL) of sample bottles, labels, waterproof pens for labeling the sample bottles, and the laboratory chain of custody form.
2. Do not open any sample container until you are ready to collect the sample. Do not touch the interior surfaces of the bottle or cap. Keep food and drink away from the sampling area.

3. First-draw samples should be collected early in the morning before any water has been used in the building (this includes water for janitorial sinks, toilets, outside hoses, and irrigation systems (unless the irrigation system is served by its own service line). Water must be motionless between 8 and 18 hours prior to sampling. To ensure water is not used before testing, schools may secure outlets or hang “Do Not Use” signs.
 - a. Avoid collecting samples in the mornings after vacations, weekends, or holidays unless specifically directed to do so.
 - b. If a school has instituted a formal routine flushing program as part of their Remedial Action Plan to address lead levels in water, the school should contact the State Department of Health for guidance on when to perform the sampling.
4. On the morning of the sampling, perform a quick walkthrough of the facility to ensure no outlets were left running overnight.
5. Make sure no water has been drawn from the outlet before you collect the sample.
6. Follow the sampling plan. Begin sampling at the outlet closest to the Point of Entry (where the water enters the building) and continue to progress toward the outlet farthest from the Point of Entry. If there are multiple floors, it is typically recommended to sample from the bottom floor and continue up.
7. If a drinking water fountain is being sampled, angle the container’s mouth in a way that will capture the entire flow of water from the bubbler.
8. If the outlet is a motion-sensor or metered faucet, collect the sample as you would under normal use conditions.
9. Do not remove aerators or screens prior to sampling. Potential sources of lead may be missed if aerators are removed since debris trapped in the aerator screen could be contributing to the lead in drinking water.
10. Place the container under the outlet that is being sampled and turn on the cold water tap at the same rate that would be used under normal use for filling a glass of water, taking precautions to not allow any water to run down the drain.
11. Securely cap the container and follow the instructions provided by the certified laboratory.
12. Label the sample bottle with the same information (unique sample identifier, date, time, location, etc.) as on the chain of custody form.
13. Record any observations that may impact the samples’ results (e.g., leaking outlets, discolored water, or low water pressure) on the chain of custody form.
14. Prepare the container for shipping according to the certified laboratory’s instructions.
15. Ship the sample according to the certified laboratory’s instructions and within the timeframe recommended by the laboratory.

New Construction Sampling

In cases of new construction or renovation, plumbing lines should be flushed, then allow water to be motionless in the pipes for a minimum of 8 to 18 hours, then conduct sampling as above. Outlets should remain out of service until sampling results are received and confirmed to be at or below 5 ppb. This sampling of new construction or newly renovated spaces is considered to be in compliance with **initial sampling requirements for Subpart 67-4**.

Interpreting Laboratory Results

Lead Action Level

The action level for lead in school drinking water is **5 micrograms per liter (µ/L) or 5 parts per billion (ppb)**, which is also equivalent to 0.005 milligrams per liter (µ/L) or parts per million (ppm).

For the purposes of comparing laboratory test results to the lead action level under Subpart 67-4, the following applies:

- Lead results equal to or less than 5 µ/L (≤ 5 ppb) do *not* exceed the lead action level and, therefore, do not require further sampling or remediation.
- Lead results greater than 5 µ/L (> 5 ppb) *exceed* the lead action level and, therefore, require the outlet to be taken out of service and a Remedial Action Plan to be implemented.

Example Result	Interpretation
2 ppb	Do <i>not</i> exceed the action level
5 ppb	
5.1 ppb	Exceed the action level
25 ppb	

Remediation

Response to an Action Level Exceedance

Immediate Response

If the lead test result for an outlet exceeds the action level (5 µ/L, or ppb), the school must do the following:

1. **Immediately** prohibit the use of the outlet (remove from service) until:
 - a. A Remedial Action Plan is implemented to mitigate the lead level at the outlet, and
 - b. Post-remediation test results indicate that the lead levels are at or below the action level.
2. Provide building occupants with an adequate supply of water **free of charge** for drinking and cooking until post-remediation lead test results are at or below the action level.
3. Report the exceedances to the Local Health Department (LHD) as soon as practicable, but no more than **one (1) business day after** the school received the laboratory report.
4. Notify all staff and all persons in parental relation to students of the exceedances, in writing, as soon as practicable but no more than **ten (10) business days** after the school received the laboratory report. Digital notification, such as an email with a PDF letter attached to it, can be considered written notification as long as parents have opted in to receiving email communications from the school.

Refer to the [Reporting Requirements of All Test Results](#) section for additional reporting details and more information concerning reporting deadlines.

Corrective Actions that Reduce Lead Levels

The school may choose to obtain professional services or utilize internal staff to support and perform remediation activities. Schools should consider the following remedial options that directly reduce lead levels in the water for addressing outlets that exceed the action level:

- **Outlet and/or Pipe Replacement** with lead-free plumbing materials. If the existing outlet and/or plumbing is suspected to be the source of the contamination, replace it with a new product that meets the Safe Drinking Water Act Section 1417 (a)(4) definition of lead-free (effective January 4, 2014).³

³ Safe Drinking Water Act Section 1417 (a) (4) defines lead-free as not containing more than 0.2 percent lead when used with respect to solder and flux and not more than a weighted average of 0.25 percent lead when used with respect to the wetted surfaces of pipes, pipe fittings, plumbing fittings, and fixtures.

- For an increased level of confidence, consider purchasing products that have received National Sanitation Foundation Standard (NSF)/American National Standards Institute (ANSI) 61 (for leaching of contaminants) and ANSI 372 (for the weighted average of lead on wetted surfaces) certification from an ANSI-accredited third-party certification body. As such, consider including a copy of the NSF/ANSI 61, 372 certificates as a requirement on the purchase orders. The distributor or manufacturer can provide a list of certified products.
 - See EPA's 2024 guidance, [How to Identify Lead-Free Certification Marks for Drinking Water System & Plumbing Products](#), for additional information.
- **Point of Use (POU) Filters:** POU filters are filters installed at individual outlets. They are commercially available and can be effective in removing lead. Schools may choose to use certified lead-reducing filters as a long-term or permanent control measure with **proper maintenance**. To select a lead-reducing POU filter, check with the manufacturer or a third-party website (such as www.nsf.org or www.wqa.org) to verify the product was tested and certified against NSF/ANSI Standard 53 (for lead removal). For additional protection for particulate lead, look for a POU filter that is also certified against NSF/ANSI Standard 42 (for class I particulate reduction, 0.5 µm to <1µm). **Filters require routine maintenance** (e.g., cartridge filter units need to be replaced periodically) to remain effective. Be sure to follow the filter manufacturer's instructions for maintenance and replacement. If POU filters are being considered, be sure to factor in the cost of the filters and long-term maintenance and replacement costs.

Corrective Actions that Restrict Access

The following remedial actions restrict access to outlets above the action level by physically preventing consumption. If a school is contemplating permanent outlet removal, signage, and/or engineering controls, the school must evaluate whether alternate options to attain drinking water are readily accessible. If alternate options are not readily available, a school should consider other remedial options to ensure access to drinking water.

- **Permanent outlet removal:** If the outlet is seldom used, it may be disconnected or removed from the water supply line. Prior to removing the outlet, verify that the outlet is not required for compliance with the local building code or NYS Education Department requirements for access to potable water within the building. To ensure that an outlet is permanently taken out of service, the State Department of Health recommends removing the outlet (fixture) and capping the supply line with plumbing materials that are lead-free.
- **Engineering controls:** Engineering controls may be implemented to prevent the consumption of water from specific outlets. Engineering controls include locked doors to janitor's closets, special keys to operate an outside hose bib, and other controls. Engineering controls must be combined with the continued education of reminding staff and students not to consume water from these outlets and with signs as needed.

Schools must ensure that students have adequate access to drinking water.

New York State codes, regulations, and standards prescribe minimum requirements for drinking fountains and outlets based on the date of building construction, number of occupants, number of floors, and other attributes that must be complied with.

- **Signage/Supervision/Education:** The remedial methods described in this section must be used in conjunction with one another. The use of any one of these methods alone is not sufficient. Signage must always be accompanied by education and/or supervised use, and the education must be properly documented (e.g., education sessions occurred during year-opening orientation, etc.).
 - **“Do Not Drink” Signage:** In general, posting “Do Not Drink” or equivalent signs at outlets is considered a temporary measure. However, some outlets (e.g., science laboratories and lavatory sink outlets) may have signs posted long-term **if the school has also instituted other controls, including supervision and education, to ensure the outlets are not used for consumption.** Example signage can be found on the Lead Testing of School Drinking Water [website](#):
 - i. Schools may develop their own signs, and consideration should be given to the age of the children, as pictures may be more appropriate for younger children.
 - ii. Signs must be clearly visible and **in close proximity** to the affected outlets. Placing a sign at a room entrance (e.g., a lavatory entrance) is not acceptable. Placing a sign in between two outlets (e.g., dishwashing sinks, bathroom sinks) is acceptable as long as it is clearly displayed and visible from the intended outlets.
 - **Supervision of Outlet Use as a Control Measure:** In areas where supervision is present and there are policies to prevent the use of water for consumption purposes (e.g., no drinking or eating in science laboratory classrooms), supervision may be used as a remedial action. Supervision must be used in combination with other controls (e.g., signage and education).
 - **Education:** Educate the school community (students, parents, teachers, and staff) to reinforce understanding and compliance with engineering controls, supervision controls, and signage. Education must be clearly documented, including the date, type, and audience. A *Template for Education Documentation* can be found on the Lead Testing of School Drinking Water [website](#).

Post-remediation Testing

Only those outlets that exceeded the action level need to be resampled following remediation, including outlet or pipe replacement, filter installation, or other remedial measures. Outlets remediated with signage and education or by permanent removal do not require post-remediation sampling. Post-remediation samples must be collected and the test results must be at or below 5 ppb before an outlet may be returned to service. Schools should adhere to the following when preparing for or performing post-remediation sampling:

- All remediated outlets should be flushed following remediation and in advance of sampling. Remediation can introduce lead particulates into the drinking water that should be removed through flushing. The duration of the flushing varies depending on the type and extent of remediation performed. Large-scale pipe replacement should be flushed longer than a single outlet replacement. Schools should follow manufacturer/industry recommendations or consult with a professional (e.g., plumber or engineer) for additional guidance as needed.
- Following flushing, water shall remain motionless in the pipes for a minimum of 8 hours, but not more than 18 hours, prior to sample collection. Post-remediation samples for the

purposes of Subpart 67-4 must be “first-draw” samples. It is important to note that “first-draw” sampling is designed to provide information on the contribution of lead from an outlet. Schools may choose to perform additional sampling (e.g., 30-second flush samples) to determine the contribution of lead from plumbing that provides water to an outlet to guide remediation decisions. In addition, several **rounds** of post-remediation sampling may be necessary prior to obtaining results that meet the action level requirement. Additional flushing may be performed between sampling rounds. A school that has made repeated efforts to remediate an outlet(s) but cannot achieve the lead action level is encouraged to contact the State Department of Health.

Continued exceedances during the course of remediation efforts while outlets are out of service do not require reporting to the Local Health Department (LHD) or staff, parents, guardians. Until results come back at or below 5 ppb, the outlet must remain out of service. Once remediation is complete and post-remediation sampling results come back at or below 5 ppb, results should be reported to the State Department of Health through SMART and posted to your school website. For more information see [Reporting Requirements of All Test Results](#).

Remedial Action Plan

A Remedial Action Plan is a detailed summary of the actions implemented to mitigate sources of lead that had exceeded the action level and to minimize exposure to lead in drinking water. The Remedial Action Plan should be updated anytime conditions change – including when new test results become available, additional remediation is planned or completed, engineering controls are modified, or when other related actions occur.

The Remedial Action Plan should include the following:

1. A summary of all outlets that exceeded the lead action level and the remedial actions that were/are implemented.
2. A summary of any outlet that is not used for drinking or cooking (e.g., locked custodial closet outlet) determined to be outside the scope of the regulation (deemed to be non-applicable). This summary should include a description of the controls in place to ensure the outlet is not used for drinking or cooking.

Don't forget! All outlets not sampled (non-applicable) **and** all outlets that exceeded the action level of 5 ppb must be found on your Remedial Action Plan.

The Remedial Action Plan must be posted on the district website. The Remedial Action Plan must be retained in a central repository at the school and made available for review upon request. A *Template for Documenting and Tracking Remedial Actions* can be found on the Lead Testing of School Drinking Water [website](#).

Maintenance and Monitoring Schedules and Documentation

For outlets which exceeded the lead action level but are not permanently removed from service or replaced with an outlet that achieved the lead action level, the Remedial Action Plan should describe the maintenance efforts to be performed to ensure the remedial actions are effective for each outlet. This may be captured in the Maintenance and Monitoring Schedules and Documentation (“Maintenance and Monitoring”) section of the Remedial Action Plan. Outlets may be grouped if the controls instituted are the same. For example:

- If signs and supervision are instituted as a control, the Maintenance and Monitoring section should describe the controls, their location, the frequency of inspection, and the individual(s) responsible for inspection.
- If filters are installed, the Maintenance and Monitoring section should describe the minimum requirements prescribed by the manufacturer, including the frequency of filter changes, the inspection schedule, and the individual(s) responsible.
- If a flushing program is instituted, the Maintenance and Monitoring section should describe the flushing plan including the flushing frequency (day/time), duration, and the individual(s) responsible.

All remedial measures employed should be described in the Remedial Action Plan. A *Template for Maintenance Recordkeeping* can be found at the Lead Testing of School Drinking Water [website](#).

Reimbursement

Remediation Reimbursement

Schools are eligible to receive reimbursement for remediation on an individual school building basis for outlets that exceeded the action level of 5 ppb with funding available from the Clean Water Infrastructure Act in collaboration with the Department of Environmental Conservation. Funds for reimbursement became available after amendments were made to PHL §1110 in 2022.

Eligible Expenses

The State Department of Health, as part of the Lead in School Drinking Water Program, is responsible for determining eligibility of projects for reimbursement. Projects eligible for reimbursement may include, but are not limited to:

- Post-remediation sampling
 - Note: Initial sampling costs remain a reimbursable expense through the New York State Education Department (NYSED)'s State Aid Management System (SAMS) Form FB Schedule W: Water Testing.
- “Do Not Drink” or equivalent signage for outlets taken out of service
- Permanent removal of outlets
- Installation of engineering controls (locks, special keys, etc.)
- Installation of Point of Use water filtration systems
- Replacement Point of Use filters
- Installation of replacement taps
- Installation of replacement drinking water fountains/bubblers
- Installation of replacement aerators
- Outlets remediated using other methods
 - Replacement of cold-water supply piping
 - Replacement of valves, fittings, and other fixtures with “lead-free” materials
 - Mass water filtration systems

Reimbursement Process

Schools can begin the remediation reimbursement request process once remediation in a building is fully complete and post-remediation samples come back below the action level of 5 ppb. Remediation reimbursement requests are made within the same SMART survey form where the building's sampling results are reported. Once the SMART survey is submitted, schools must email all invoices/receipts to lead.in.school.drinking.water@health.ny.gov to be eligible for reimbursement. Reimbursement requests will be reviewed by the State Department of Health. Schools will be contacted if errors exist or further clarification is required. The State Department of Health will then aggregate schools' approved reimbursement requests by district and send all requests to the State Education Department. The State Education Department will disperse lead remediation reimbursement to districts on a yearly basis. Requests made by December 31st will be reviewed and approved expenses will be paid out by the end of the school fiscal year. Individual school buildings may only request reimbursement once in a compliance period. Additional resources about reimbursement can be found [here](#).

Reporting

Reporting Requirements for All Test Results

Schools must report the following information per Subpart 67-4:

- **Within 1 business day of receipt of laboratory reports:** Report any exceedances (lead result greater than 5 ppb) to the Local Health Department (LHD).
- **Within 10 business days of receipt of laboratory reports:**
 - Report any exceedances (lead results greater than 5 ppb) to all staff, parents, and guardians in writing. Physical written notification should be distributed to all staff and persons in parental relation to the child. Posting the information on the school website or through social media does not constitute written notification. A letter attached as a PDF to an email can be considered written notification as long as the parents have opted in to receiving email notifications from the district.
 - Report *current* test results (including post-remediation results) and other required information in the State Department of Health's electronic reporting application, SMART.
- **Within 6 weeks of receipt of laboratory reports:** Post numeric test results of all lead testing on the school's website, including lab reports and information about remedial actions taken. Schools should provide a narrative describing the test results to help parents and guardians understand the results. The posting should be readily visible on the school's website and must remain posted for the duration of the compliance period. For example, test results for the 2023-2025 compliance period should remain on the school's website until the 2026 - 2028 compliance period results are available, at which time the 2023-2025 results may be removed. A *Template for Posting Lead Results on School Website* can be found [here](#).

A *Template Parent Letter* for communicating the test results to parents/guardians can be found [here](#).

Outlets with continued exceedances following a post-remediation sampling event **do not** require reporting as they are already classified as an exceedance and must remain out of service and therefore do not pose a risk for consumption.

Recordkeeping Guidance

The school must retain all records of sampling actions, lead test results, remedial actions, education, remedial maintenance and monitoring, and historical determinations that a building is lead-free (if applicable) for ten years following the creation of such documentation, in accordance with Subpart 67-4. Copies of such documentation shall be available to provide immediately to the State Department of Health, State Education Department, and applicable Local Health Department (LHD), upon request.

It is recommended that all such records be kept on-site in a centrally accessible repository, for

each school. The following are examples of those records:

- Names and contact information for all the program partners
- Map or diagram of the building identifying all outlets
- Sampling Plan
- Copies of laboratory reports
- Copies of communication records with Local Health Departments (LHDs)
- Copies of all communication records with staff, parents, and guardians
- Copies of education provided to staff, students, parents, and guardians
- Remedial Action Plan
- Maintenance and monitoring schedules
- SMART survey submission confirmation
- Remediation reimbursement invoices/receipts

Templates

The State Department of Health has developed templates to assist with the implementation of lead testing in school drinking water related to Subpart 67-4. The following templates can be found below or by visiting the Lead Testing in School Drinking Water [website](#):

- [Template for Assigning Roles](#)
- [Template for Posting Lead Results on School Website](#)
- [Parent Letter Template](#)
- [Lead in School Drinking Water Program Checklist](#)
- [Sampling Plan Template](#)
- [Template for Documenting and Tracking Remedial Actions](#)
- [Templates for Maintenance Recordkeeping](#)
- [Template for Student/Staff Education](#)

Electronic Reporting Requirements

Schools must report the required information using the State Department of Health's statewide electronic reporting application, SMART, accessed through the NYS Health Commerce System (HCS) within 10 business days of receiving results. The Health Commerce System is a secure online communications system. *Health Commerce System Account Management and Access Information*, as well as *How to Access the 2026-2028 SMART Reporting Form on Health Commerce System Information* can be found [here](#).

Select information provided on the SMART reporting form is made available to the public on Health Data NY ([Open Data Health | State of New York](#)). The data displayed on Health Data NY is updated regularly.

Best Practices and Additional Guidance

Establishing Routine Practices

Schools can promote compliance and take steps to further reduce the potential for exposures to lead and other environmental hazards such as bacteria in drinking water by implementing various routine practices. Schools are encouraged to adopt one or more of the following practices as part of the school's overall water management program. Please note, **these practices should not be conducted *immediately* prior to collecting water samples as part of Subpart 67-4.** If a school has questions about when to perform water sampling in relation to performing one or more of the practices below, they may contact the State Department of Health or their Local Health Department (LHD) for guidance.

Clean Drinking Water Fountains

- Clean drinking water fountains regularly, including the aerator (faucet screen) and water fountain strainer.
- Create a cleaning schedule for drinking water fountains and establish a record to document when the fountains are cleaned.
- Consider posting the cleaning record by the drinking water fountains to allow the cleaning dates/times to be recorded.

Aerator Cleaning

- Clean outlet aerators regularly. If debris buildup is observed, more frequent cleaning is recommended.

Did you know? The aerator also known as the faucet screen can act as a filter, catching small particles of dirt and other debris, which may contain lead that can leach into the drinking water.

Filter Maintenance

- Filter cartridges must be replaced according to manufacturer's directions.
- Always use the correct filter cartridge for your filter unit.

Did you know? Improper filter maintenance can cause contaminant buildup and increased exposure to lead and other contaminants.

Temperature Control

- Use only cold water for food and beverage preparation.
- Consider replacing tempered outlets with non-tempered outlets.

Did you know? Hot water dissolves lead more quickly than cold water and may contain higher lead levels.

Routine Flushing Practices

- Regularly flush all water outlets used for drinking or food preparation, particularly after

weekends and long vacations when water may have been stagnant for a long period of time.

- To flush, open valves and faucets and let the water run to remove standing water in the interior pipes and/or the outlets. Flushing time varies depending on plumbing configuration, such as the length and diameter of pipes and the type of outlet.
- Be careful not to flush too many outlets at once. This could dislodge sediments that might create further lead problems, or it could reduce pressure. If the flow from outlets is reduced noticeably during flushing, too many outlets have likely been turned on at once.
- For additional information about EPA's Best Flush Practices, refer to [3Ts for Reducing Lead in Drinking Water | US EPA](#).

Education

Educate the students and staff about ways they can reduce their exposure to lead in drinking water both at school and at home, including:

- ***Use only cold water for drinking and food preparation.*** If hot water is needed, it should be taken from the cold water faucet and heated on a stove or in a microwave. Consider creating notices that can be posted near outlets used for drinking water or in food preparation areas to advise students and staff to use cold water for consumption.
- ***Let it run before use.*** Running water at a tap, prior to using it for drinking or food preparation, will typically help reduce lead in the water. This works by removing the water that has been in the longest contact with the plumbing materials. Let the water run for 30-60 seconds or until the water feels cold before using it for drinking or cooking.

Other Routine Maintenance

- Use only NSF/ANSI 61 certified lead-free materials when performing plumbing work.
- If the school has any treatment system installed, e.g., a softener or filter, follow the manufacturer's instructions for routine maintenance.

Lead and Copper Rule for Public Water Systems

NYS drinking water regulations, Subpart 5-1, establishes an action level of 15 µ/L (or 15 ppb) for lead in drinking water for public water supplies. This action level does not apply to outlet-specific lead results but rather is applied to a 90th percentile calculation using results from multiple samples taken from within a public water system's distribution system.

Schools that serve as a public water system (schools with private wells serving 25 or more students and staff) are required to comply with the requirements of Subpart 5-1 as well as with Subpart 67-4. Subpart 5-1 and Subpart 67-4 are two distinct regulatory programs with different sampling requirements and action levels. Results for compliance with Subpart 5-1 should be reported to the State Department of Health per the local health department's reporting requirements, while results for Subpart 67-4 must be reported through the State Department of Health's electronic reporting application, SMART, on the Health Commerce System.

More Resources

State Department of Health Lead Testing of School Drinking Water website: [Lead Testing of School Drinking Water \(NY.gov\)](#)

Reduction of Lead in Drinking Water Act: [Use of Lead-Free Pipes, Fittings, Fixtures, Solder, and Flux for Drinking Water | US EPA](#)

How to Identify Lead-Free Certification Marks for Drinking Water System & Plumbing Products. Latham, M., M. Schock, AND E. Nauman. US EPA Office of Research and Development, Washington, DC, EPA/600/F-13/153c, 2015. This publication provides information to identify lead-free certified products. [How to Identify Lead Free Certification Marks for Drinking Water System & Plumbing Products | Science Inventory | US EPA](#)

3Ts Flushing Best Practices. US EPA Office of Water, EPA 815-F-18-027, 2018: [Module 6: Remediation and Establishing Routine Practices - Flushing Best Practices Factsheet \(epa.gov\)](#)

The Lead Contamination and Control Act (LCCA) [Text - H.R.4939 - 100th Congress \(1987-1988\): Lead Contamination Control Act of 1988 | Congress.gov | Library of Congress](#)

Public Law 100-572 was passed in 1988 and applies to all schools. The intent of the LCCA is to identify and reduce lead in drinking water at schools and relies on voluntary compliance by individual schools and school districts. It focuses on certain models of watercoolers, while also addressing lead risk reduction generally. Although compliance with the LCCA is voluntary, schools are encouraged to [review its recommendations](#) and consider implementation where appropriate.

For a list of water coolers banned in 1988, water coolers with lead components, and lead-lined tanks, go to EPA's 3Ts for Reducing Lead in Drinking Water Toolkit, Module 4, at: [Module 4: Developing a Sampling Plan - Leaded Water Coolers Banned in 1988 \(epa.gov\)](#)

Consumer Tool for Identifying Point of Use (POU) Drinking Water Filters Certified to Reduce Lead: [A Consumer Tool for Identifying Point of Use \(POU\) Drinking Water Filters Certified to Reduce Lead \(epa.gov\)](#)