
SENATE COMMITTEE ON ENVIRONMENTAL QUALITY

Senator Allen, Chair

2021 - 2022 Regular

Bill No: AB 2638
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Version: 4/21/2022
Urgency: No
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Hearing Date: 6/22/2022
Fiscal: Yes

SUBJECT: School facilities: drinking water: water bottle filling stations

DIGEST: Requires that a new school construction or school modernization project submitted to the Division of State Architect by a school district or governing body of a charter school includes one or more water bottle filling stations, as specified.

ANALYSIS:

Existing law:

- 1) Establishes the California Safe Drinking Water Act (SDWA) and requires the State Water Resources Control Board (State Water Board) to maintain a drinking water program. (Health & Safety Code (HSC) § 116270, *et seq.*)
- 2) Requires, pursuant to the federal Safe Drinking Water Act (SDWA) and California SDWA, drinking water to meet specified standards for contamination (maximum contaminant levels, or MCLs) as set by the United States Environmental Protection Agency (US EPA) or the State Water Board. (HSC § 116270 *et seq.*)
- 3) Prohibits the use of any pipe, pipe or plumbing fitting or fixture, solder, or flux that is not "lead free" in the installation or repair of any public water system or any plumbing in a facility providing water for human consumption. (HSC § 116875(a))
- 4) Requires a school district to provide access to free, fresh drinking water during meal times in the food service areas of the schools under its jurisdiction, including, but not necessarily limited to, areas where reimbursable meals under the National School Lunch Program or the federal School Breakfast Program are served or consumed. Authorizes a school district to comply with this requirement by, among other means, providing cups and containers of water or soliciting or receiving donated bottled water. (Education Code (EDC) §

38086)

- 5) Requires the California Department of Education (CDE) to consult with the California Department of Public Health (CDPH), the Department of Water Resources (DWR), and the State Water Board to identify available sources of funding, including, but not limited to, funding from Proposition 1, approved by the voters at the November 4, 2014, statewide General Election; funds for safe drinking water programs administered by the CDE, CDPH, DWR, and the State Water Board; other state funding; and, federal funding available to fund school water quality and infrastructure. (EDC § 38086.1)
- 6) Establishes as the policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. (Water Code § 106.3)

This bill:

- 1) Makes legislative findings and declarations that highlight the role of drinking water to support children's health; positively impact children's cognitive performance; prevent excess weight gain; reduce sugary drink consumption; and, that state that inadequate hydration has been found to be more prevalent among boys, non-Hispanic Black, and younger children.
- 2) Requires a school district or governing body of a charter school to include a water bottle refilling station(s) in a new construction project or modernization project submitted to the Division of State Architect three months after voter approval of a statewide school facilities general obligation bond that provides funds for K-12 school facilities.
- 3) Specifies that a school undergoing modernization must have a minimum of one water bottle filling station at the school.
- 4) Specifies that a newly constructed school must have a minimum of one water bottle filling station per 350 people at the school.
- 5) Requires that water bottle filling stations be placed in or near high traffic and common areas, such as hallways; gymnasiums; school food service areas; outdoor recreation areas; and, faculty lounges.
- 6) Requires water bottle filling stations to meet specified criteria regarding drinking water standards (i.e., must meet primary and secondary drinking water standards), sanitary conditions, and regular maintenance.

- 7) Encourages school districts and governing bodies of charter schools to install touchless water bottle filling stations for sanitary reasons, and install water bottle filling stations that dispense cooled water if the filling stations are located near an electrical source.
- 8) Specifies that water bottles may be excluded from places where it is deemed dangerous to have drinking water, such as libraries, computer labs, and science labs.
- 9) Requires a school district or governing body of a charter school to allow pupils, teachers, and staff to bring and carry water bottles, and to encourage water consumption through promotional and educational activities and signage that focus on the benefits of drinking water and highlight water bottle filling stations throughout schools.

Background

- 1) *California's drinking water program.* According to the State Water Board's report, "Safe Drinking Water Plan for California," the state's public policy continues to focus on the right of every human being, as enacted by AB 685 (Chapter 524, Statutes of 2012), to have safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitation. Challenges remain to achieving this goal, including the need for an adequate supply of water for drinking, the removal of a number of contaminants, the costs of constructing and maintaining treatment and distribution systems, and the number and nature of small public water systems that serve especially those in economically disadvantaged communities.
- 2) *Health effects of inadequate hydration.* Adequate hydration is crucial for the proper function of several physiological processes, including circulatory function, metabolism, temperature regulation, and waste removal. Mild dehydration is associated with headache, irritability, poorer physical performance, and reduced cognitive functioning in children and adults. Increased hydration has also been found to track with better performance on cognitive tests in children. Inadequate hydration is a prevalent, yet understudied, health problem among U.S. children and adolescents, and affects boys more than girls, and non-Hispanic Black children more than non-Hispanic White children.

Moreover, a lack of access to safe and appealing drinking water often leads to increased consumption of sugar-sweetened beverages. Intake of high amounts of added sugars can contribute to increased risks of weight gain, obesity, and

diabetes. In 2017-2019, obesity affected a staggering 14.4 million children and adolescents aged 2-19 in the U.S. Notably, obesity rates are higher among Hispanic (25.6%) and non-Hispanic Black (24.2%) children, than non-Hispanic White (16.1%) and non-Hispanic Asian (8.7%) children, clearly highlighting racial and ethnic disparities.

- 3) *Increasing access to drinking water in schools.* While drinking fountains in schools are often the primary access point for drinking water for pupils, there are several factors that support the installation of water bottle filling stations for improved access and increased consumption of water at schools. According to a presentation by the University of California Nutrition Policy Institute and Stanford University, these factors include:
- a) Low water pressure at existing drinking fountains, reducing the overall volume of water consumed;
 - b) Difficulty of refilling water bottles, leading to an increased purchase of water in plastic bottles;
 - c) Convenience of access to sugar-sweetened beverages through vending machines, which can contribute to negative health outcomes;
 - d) Unsanitary uses of water fountains by others;
 - e) Worries that water from fountains is unsafe for consumption; and,
 - f) Insufficient time between periods to access an adequate amount of drinking water, leading to an under-hydration.

To address these concerns, SB 828 (Chapter 29, Statutes of 2016) and SB 862 (Chapter 449, Statutes of 2018) made budget allocations to establish a grant program within the State Water Board, administered in consultation with CDE, to award grants to local educational agencies to improve access to and quality of drinking water in public schools serving K-12, preschools, and child daycare facilities on public school property. Schools serving disadvantaged students and projects that would have a high effectiveness in increasing access to safe drinking water at schools were prioritized for the grants.

- 4) *This bill:* AB 2638 would increase access to safe drinking water dispensed in a form that is likely to support improved hydration in school-aged children. Water bottle filling stations have several benefits over traditional water fountains and this bill would ensure that funds allocated to school modernization projects and newly constructed schools also contribute to improved access to drinking water.

Comments

- 1) *Purpose of Bill.* According to the author, "Children are not consuming the amount of water they need to be healthy. [...]When they have access to water bottle filling stations, they can increase their water intake by as much as triple. [...] On a given day, children who do not drink any water consume twice the calories from sugary drinks when compared to children who drink water. [...] Consumption of sugary drinks is linked to chronic diseases such as type 2 diabetes and heart disease and is a risk factor for dental caries. [...] Drinking water can also positively impact children's cognitive performance, particularly their short-term memory. Increased access to free, safe, and appealing drinking water leads to increased consumption, which has numerous proven health benefits and leads to improved health outcomes. [...] AB 2638 will ensure that every California public K-12 student, teacher, and staff member has access to free, safe, and appealing drinking water by requiring the installation of water bottle filling stations in schools that are easily accessible."

DOUBLE REFERRAL:

This measure was heard in Senate Education Committee on June 15, 2022, and passed out of committee with a vote of 6-0.

Related/Prior Legislation

AB 1953 (Maienschein) would have required, by January 1, 2025, the owner or operator of a transit hub, local park, public building, publicly owned building, shopping mall, or golf course to install and maintain at least one, or maintain at least one existing, accessible water bottle refill station at the site. This bill was held on the suspense file in the Assembly Appropriations Committee.

AB 2060 (Holden, 2020) would have required end use plumbing fixtures to meet a performance standard to meet conditions of "lead-free". This bill was held on the suspense file in the Senate Appropriations Committee.

AB 567 (Quirk-Silva, 2017) would have required a school district to ensure that every drinking water fountain at each school is equipped with both a water fountain and a spigot, or a combination water fountain and spigot, for filling water bottles. This bill was held in the Assembly Education Committee.

SOURCE: American Heart Association

SUPPORT:

American Cancer Society Cancer Action Network INC.
American Diabetes Association
Asian Pacific Partners for Empowerment, Advocacy and Leadership (APPEAL)
California Dental Association
California State Parent Teacher Association
Californians Against Waste
Climate Reality Project, San Fernando Valley
Cultiva LA Salud
Dolores Huerta Foundation
Garden Valley Elementary (TRUSD)
Heal the Bay
Monterey Bay Aquarium Foundation
Northern California Recycling Association
Plastic Oceans International
Plastic Pollution Coalition, a Project of Earth Island Institute
Public Health Advocates
Save Our Shores
Seventh Generation Advisors
The 5 Gyres Institute
The Center for Oceanic Awareness, Research, and Education
United States Healthful Food Council Inc., Dba Eat Real
Upstream
Wishtoyo Chumash Foundation
Zero Waste USA

OPPOSITION:

None received

ARGUMENTS IN SUPPORT: According to the American Heart Association, "Increasing access to safe and clean drinking water in schools is a key strategy to build healthy habits that children will use for life to maintain a healthy body weight and to support overall health. [...] It makes children healthier by helping their muscles, joints and tissues develop properly; improving their digestion; and keeping their growing bodies hydrated. Healthy children learn better, perform better academically, and behave better. When children don't have enough water to drink, their health and their performance at school may suffer. Children who are dehydrated often have a harder time concentrating and remembering school lessons they just learned. Research shows that many children do not drink enough water. A national survey published in 2015 showed that more than half of school-aged children did not drink enough water. This survey also reflected disparities by race and gender. Inadequate hydration was more prevalent among boys, non-Hispanic black, and younger children, compared to girls, non-Hispanic white and older

children. Furthermore, low-income and minority children report more negative perceptions about tap water and have poorer beverage intake habits. When children do not have access to water, they tend to have more sugary drinks [...]. When water is available from a drinking water fountain, children drink about 2.4 ounces of water (about the size of a condiment cup). When they have access to water bottle filling stations, they can increase their water intake by as much as triple."

ARGUMENTS IN OPPOSITION: None received

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