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US EPA, Region 3 (3MD70)
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**Re: WIIN Grant issued to Delaware Department of Education
Grant Number (FAIN) 96372901
Date of Award: 02/20/2020
Project: Testing for Lead in Drinking Water at Schools and Child Care Programs**

Dear Sirs and Madams:

The Delaware State Education Association (DSEA) represents public school employees statewide and is committed to ensuring that the children we serve and employees we represent have access to safe learning and working environments. In February 2020, the US Environmental Protection Agency (USEPA) issued WIIN Grant No. 96372901 (the “Grant”) to the Delaware Department of Education (DDOE) under which testing for lead in drinking water in Delaware schools and child care programs was to occur. Over the last several months, serious, valid concerns have been raised as to whether DDOE has complied, in full fidelity, with the terms of the Grant. On behalf of DSEA

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and the thousands of public school employees we represent and children we serve, I write to request USEPA immediately investigate the extent to which DDOE has met the strict terms of the Grant, and to the extent such terms have not been met, require DDOE's immediate remediation and compliance.


While not an exhaustive list, DSEA believes the following areas are of vital concern that require immediate review and investigation by USEPA:

- DDOE's compliance with USEPA's *3Ts (Training, Testing and Taking Action) for Reducing Lead in Drinking Water in Schools*, including:
 - Development of a communication plan, establishment of a communications team, and maintenance of a contact list;
 - Development of a sampling plan, sampling locations and identifying individuals adequately trained to collect lead samples and confirmation that such plan was adhered to at all locations;
 - Establishment of a plan (pre-sampling) to assist schools in determining appropriate responses to sample results in order to protect the school community (i.e., required filters, flushing of taps, use of bottled water, necessary plumbing upgrades, shutting off drinking outlets and posting "no use" signs); and
 - Notification to impacted populations as to how and where blood-lead level testing could be obtained.
- DDOE's compliance, pursuant to Grant Programmatic Conditions, Section C (*Performance Reporting and Final Performance Report*), with a focus on the following requirements:
 - Section C.1.B requiring quarterly progress reports for the duration of the Grant agreement;
 - Section C.2. (*Notification of Results*), as specifically required by the WIIN Act statute, publication of testing results no more than 90 days from the completion of the initial lead testing conducted at each facility; and
 - Section C.3 requiring an annual progress report be submitted to USEPA with all required information.
- DDOE's compliance, pursuant to Grant Programmatic Conditions, Section F (*Quality Assurance*), requiring the development and implementation of a Quality Management Plan and Quality Assurance Plan sufficient to meet the Grant objectives.
- DDOE's compliance with the National Administrative Terms and Conditions (effective October 1, 2019 or later) per the Grant;

DSEA is aware of the Complaints previously filed by the Red Clay Consolidated School District Board of Education and Lead-Free Delaware. We support each organization's efforts to bring this matter to the attention of USEPA.

Since the publishing of news reports concerning elevated lead levels in water sources at numerous Delaware schools, our members have reached out to DSEA with grave concerns over the current state of drinking water at their work sites and a perceived lack of transparency by DDOE over testing and timely disclosure of test results. Since these reports, DSEA has met with DDOE and other state agencies to discuss this matter, as well as attended the Town Hall hosted by DDOE. While DSEA appreciates these discussions, the answers provided to date have in no way abated the very real concerns of the public school employees we represent and children we serve. USEPA must investigate to determine all areas of non-compliance by DDOE, and then mandate immediate, corrective action.

Thank you.



Stephanie P. Ingram
President, Delaware State Education Association

cc: Michael S. Regan, Administrator, USEPA
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