

1 10A NCAC 41C .1005 is proposed for amendment as follows:

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3 **10A NCAC 41C .1005 LEAD POISONING HAZARDS IN DRINKING WATER IN NORTH CAROLINA**  
4 **PUBLIC SCHOOLS**

5 (a) For the purposes of this Rule, the following definitions shall apply:

- 6 (1) "Lead poisoning hazard" means as defined at G.S. 130A-131.7(7)g.  
7 (2) "Testing" means the process described in Subparagraphs (b)(1)-(4) of this Rule.  
8 (3) "Remediation" means as defined at G.S. 130A-131.7(15).

9 (b) The following actions shall be taken to ensure that drinking water in public schools are free of identified lead  
10 poisoning hazards:

- 11 (1) Responsible individuals at public schools shall complete a one-time test of all water outlets used for  
12 drinking or food preparation. The responsible individual shall provide documentation of testing  
13 results for review by the Department during routine sanitation inspections under Rule 15A NCAC  
14 18A .2402(a).  
15 (2) Initial water samples shall be collected by the responsible individual and tested in accordance with  
16 Subparagraph (b)(3) of this Rule by ~~May 1, 2024~~ June 30, 2027.  
17 (3) The responsible individual shall collect samples and submit them for testing in accordance with  
18 guidance specified by the United States Environmental Protection Agency in its publication, 3Ts  
19 for Reducing Lead in Drinking Water in Schools and Child Care Facilities, which is hereby  
20 incorporated by reference, including any subsequent editions or amendments, and available free of  
21 charge at: [https://www.epa.gov/ground-water-and-drinking-water/3ts-reducing-lead-drinking-](https://www.epa.gov/ground-water-and-drinking-water/3ts-reducing-lead-drinking-water)  
22 [water](https://www.epa.gov/ground-water-and-drinking-water/3ts-reducing-lead-drinking-water). Notwithstanding the foregoing guidance, samples may be collected with a stagnation period  
23 of up to 72 hours. Samples shall be analyzed by a laboratory certified by the North Carolina State  
24 Laboratory of Public Health to analyze for lead in drinking water.  
25 (4) When a water sample is analyzed for lead content by a laboratory under this Rule, the laboratory  
26 shall notify the Department of the test results by electronic submission of the elements set out in  
27 G.S. 130A-131.8.  
28 (5) When a public school receives test results from a laboratory indicating that a water sample collected  
29 by the responsible individual contains a lead concentration at or above the lead poisoning hazard  
30 level, the responsible individual shall:  
31 (A) restrict access to any water outlet(s) used for drinking or food preparation that have lead  
32 concentrations at or above the lead poisoning hazard level;  
33 (B) ensure that all students and staff have access to water free of cost that does not contain lead  
34 concentrations at or above the lead poisoning hazard level for drinking and food  
35 preparation; and  
36 (C) continue to follow Parts (b)(5)(A) - (B) of this Rule until the Department determines in  
37 accordance with Subparagraph (b)(10) of this Rule that the water outlet(s) are not

1 producing water lead levels at or above the lead poisoning hazard level and notifies the  
2 responsible individual and the Department of Public Instruction in writing of this  
3 determination.

- 4 (6) If a water sample collected by the responsible individual reveals a water lead level at or above the  
5 lead poisoning hazard level then the requirement of Rule .1002(b)(1) of this Section shall be  
6 considered met.
- 7 (7) Within five business days of receiving the test results of a water analysis that shows a water lead  
8 level at or above the lead poisoning hazard level, the responsible individual shall provide written  
9 notification of the test results to the parents or legal guardians of the children attending the public  
10 school and the staff of the public school in accordance with the United States Environmental  
11 Protection Agency guidance specified in Subparagraph (b)(3) of this Rule.
- 12 (8) Within five business days of receiving the test results of a water analysis that shows a water lead  
13 level at or above the lead poisoning hazard level, the public school shall make the test results  
14 available to the public, free of charge. The responsible individual may post test results to the public  
15 school's website to satisfy the requirement to make the test results available to the public.
- 16 (9) Remediation of water outlet(s) producing water lead levels at or above the lead poisoning hazard  
17 level shall ensure that water produced is below the lead poisoning hazard level and may include  
18 replacement of service lines, pipes, and fixtures and the installation of filters at affected faucets.  
19 Within 30 business days from the date on which remediation is conducted under this Rule, the  
20 responsible individual shall submit the following information to the Program:
- 21 (A) the name and contact information of the responsible individual;  
22 (B) the name and address, including county, of the public school;  
23 (C) the steps taken to remediate the lead poisoning hazard; and  
24 (D) the date on which the remediation was completed.
- 25 (10) Remediation shall not be considered complete until the Department conducts sampling at the water  
26 outlet identified to have a water lead level at or above the lead poisoning hazard level to confirm  
27 that the remediated water outlet is no longer producing water lead levels at or above the lead  
28 poisoning hazard level.

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30 *History Note: Authority S.L. 2021-180, s. 9G.8;*  
31 *Temporary Adoption Eff. April 29, 2022;*  
32 *Eff. April 1, ~~2023~~; ~~2023~~.*  
33 *Amended Eff. October 1, 2026.*  
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