



March 24, 2023

Dear Governors,

We are writing today to share our joint commitment across the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Health and Human Services (HHS) to partner with state and local governments to deploy available resources, including infrastructure and federal program funds, and take steps to identify and remediate the effects of lead on children in early care and education (ECE) settings.¹

In March 2021, President Biden signed the American Rescue Plan (ARP) Act into law to provide critical resources to support communities and industries that were hardest hit by the COVID-19 public health emergency, get American workers back to work, and invest in critical infrastructure – including water and child care infrastructure. On November 15, 2021, President Biden signed the Bipartisan Infrastructure Law (BIL), which includes a historic \$50 billion to strengthen the nation’s drinking water and wastewater systems – the single largest investment in water that the federal government has ever made. Together, these investments have the potential to be transformative, and to act as a catalyst to achieve lead-free water for all, including for children who are most susceptible to the effects of lead.

The White House’s *Lead Pipe and Paint Action Plan* encourages federal, state, and local governments to leverage every tool at their disposal to deliver clean drinking water, replace lead pipes, and remediate lead paint—particularly in ECE settings including child care centers, family child care homes, preschools, and Head Start programs. Under this Plan, EPA and HHS are committed to using every tool available to protect all Americans from the sources of lead—particularly from lead in paint and drinking water.

In addition, EPA and HHS are encouraging a “whole of government approach,” leveraging the collective expertise of the federal government, and facilitating interagency coordination to address lead exposure. HHS and EPA co-lead the *President’s Task Force on Environmental Health Risks and Safety Risks to Children*, which consists of 17 federal agencies and White House Offices. These collective efforts underscore the federal government’s commitment to better understand and prevent disease and disabilities in children caused by exposure to lead. We encourage you and your states to likewise commit to reducing lead exposure in children through available federal and state resources and actions, detailed below.

¹Throughout this letter, early care and education (ECE) refers to programs providing care and early learning opportunities for children birth to five in a range of settings including family child care homes, child care centers, schools, and Head Start programs.

Impact of Lead on Children’s Health and Development

Lead is a toxic metal, and there is no safe blood lead level for children. Children are most susceptible to the effects of lead because their bodies are still undergoing development, and infants and young children are at greatest risk for significant and potentially life-long health problems as a result of exposure to lead. Furthermore, young children are more likely to be exposed to lead through paint or dust and are more susceptible to ingesting lead since they often put their hands or objects into their mouths. Lead in drinking water can be a significant contributor to overall exposure to lead, particularly for infants whose diets consist of food and liquids made with water, such as baby food, juice, or formula. Children in low-income neighborhoods are exposed to lead at higher rates and are most at risk for the negative effects of exposure.²

The adverse health effects of lead exposure can be both physical and behavioral. Even low levels of lead in children can lead to anemia, behavior and learning problems, and other concerns. Therefore, it is critical that states focus their coordinated efforts in places where our nation’s children spend a great deal of their time—early childhood settings.

Federal Funding Sources Available to Test and Remediate Lead in Early Care and Education Settings

Several funding sources are available in your state to test for and remediate lead in ECE settings to ensure that children are healthy and safe from lead exposure. As state leaders, you have a great deal of discretion on how to direct these funds, including:

- **The ARP Act** includes \$350 billion in *Coronavirus State and Local Fiscal Recovery Funds (SLFRF)* that can be used to invest in lead remediation projects, including in ECE facilities. The ARP also includes nearly \$15 billion in *Child Care and Development Fund Supplemental Funds (CCDF ARP Supplemental)* that can be used to support improvements to existing child care centers and family child care programs to address lead pipes and paint.
- **The BIL** authorized increasing funding capacity to approximately \$200 million over five years for the EPA *Voluntary School and Child Care Lead Testing and Reduction Grant Program* for lead remediation and compliance monitoring in addition to lead testing. The BIL further authorized increased funding of \$500 million over 5 years for the EPA *Reducing Lead in Drinking Water Grant Program* to fund water infrastructure improvements such as lead service line replacements and facility remediation at ECE settings.

Funding details and sources for you to explore [are available here](#) and attached.

Additional Opportunities for States to Enhance Protections for Young Children in Early Care and Education Settings

HHS and the EPA applaud the efforts that states and local communities are already taking to prioritize addressing lead in water and paint in the places where young children spend their time.

² <https://www.cdc.gov/nceh/lead/prevention/populations.htm>

Together, we can make significant progress towards achieving President Biden's vision of a 100 percent lead free future. As you consider how to fund testing and remediation in ECE settings, we encourage you to consider additional administrative steps to support the health and safety of children in ECE settings. Some of these actions include:

- Establish or strengthen child care licensing and monitoring requirements to test for and address lead in early childhood settings along with funding to support the associated costs.
- Provide technical assistance and supports to ECE and child care facilities to meet lead testing and remediation requirements, including use of the *EPA 3Ts (Training, Testing, and Taking Action) resources for lead in drinking water in schools and child care facilities.*
- Establish or strengthen blood lead screening requirements for all children in your state and connect ECE programs to available resources to ensure children exposed to lead receive the supports and services they need.

Thank you for your partnership and attention to this important matter.

Sincerely,



Xavier Becerra,
U.S. Secretary of Health and Human Services



Michael S. Regan
Administrator of the U.S. Environmental
Protection Agency

Enclosure:

Federal Funding and Resources Available to Test and Remediate Lead in ECE Settings

Enclosure

Federal Funding and Resources Available to Test and Remediate Lead in Early Care and Education Settings

General Resources:

- [2023 Lead Pipe Replacement Funding Inventory](#)
- [U.S. Environmental Protection Agency \(EPA\) Potential Funding Sources for Reducing Lead in Drinking Water in Schools and Child Care Facilities](#)
- [U.S. EPA 3Ts for Training, Testing and Taking Action to Reduce Lead in Drinking Water in Schools and Child Care Facilities](#)

American Rescue Plan (ARP) Act Funding\

Coronavirus State and Local Fiscal Recovery Funds (SLFRF)

- Provides \$350 billion to state, local, and tribal governments.
- Administered by the U.S. Department of the Treasury.
- Funds can be used to invest in water infrastructure, including lead remediation projects eligible under the EPA grant programs authorized by the Water Infrastructure Improvements for the Nation (WIIN) Act, which has a specific focus on child care facilities. Eligible projects include:
 - lead testing,
 - installation of corrosion control treatment,
 - lead service line replacement,
 - water quality testing,
 - compliance monitoring, and
 - remediation activities, such as replacement of internal plumbing, faucets, and fixtures, installation of water filler stations, certified Point-of-Use devices and other lead apparatus related to drinking water in schools and child care facilities.
- SLFRF program funds must be used for costs incurred on or after March 3, 2021, and funds must be obligated by December 31, 2024, and expended by December 31, 2026.
- Website: [Coronavirus State and Local Fiscal Recovery Funds](#)

Child Care and Development Fund (CCDF) – ARP Supplemental Funds

- Provides \$14.99 billion in supplemental discretionary resources to states, territories, and tribes.¹
- Administered by the Administration for Children and Families (ACF), part of the U.S. Department of Health and Human Services (HHS).
- CCDF lead agencies have flexibility to determine how much of these funds to spend on direct child care services and how much to spend on quality improvement activities.
 - States can use these supplemental funds to support improvements to address lead in water and paint as minor renovations, as long as they are not new facilities or major renovations.
- Funds must be obligated by September 30, 2023 and expended by September 30, 2024.

¹ <https://www.acf.hhs.gov/sites/default/files/documents/occ/CCDF-ACF-IM-2021-03.pdf>

Enclosure

- Website: [CCDF ARP Supplemental Funds](#)

Bipartisan Infrastructure Law (BIL) Funding

WIIN Act Grant Programs

- Administered by EPA.
- Website: [U.S. EPA WIIN Grant programs](#)
- These programs will also administer the lead remediation activities as authorized by BIL.
 - **2107 - Voluntary School and Child Care Lead Testing and Reduction Grant Program** (*Non-competitive*)
 - BIL authorized increasing funding capacity to approximately \$200 million for a 5-year period (FY 2021-2026).
 - Funds lead remediation and compliance monitoring in addition to lead testing in schools and Early Care and Education (ECE) settings with a priority in disadvantaged communities.
 - All 50 states, the District of Columbia, Puerto Rico, U.S. Virgin Islands, and American Samoa have been awarded funding from the EPA grants to provide lead testing and remediation in drinking water at schools and/or child care facilities. The list of state agencies administering the voluntary grant program is [available here](#).
 - Website: [Voluntary School and Child Care Lead Testing and Reduction Grant Program](#)
 - **2105 - Reducing Lead in Drinking Water** (*Competitive*)
 - BIL authorized increasing funding capacity to approximately \$500 million for a 5-year period (FY 2021-2026).
 - Funds water infrastructure improvements, including corrosion control, lead service line replacements, and facility lead remediation in drinking water at schools and ECE settings in disadvantaged communities.
 - BIL emphasized priority to disadvantaged communities, and projects no longer need to be publicly owned.
 - Website: [U.S. EPA Reducing Lead in Drinking Water Grant program](#)

Other Funding Streams

States should also consider exploring other available funding streams that may be leveraged to address lead in ECE settings. These funding streams include:

- Annual CCDF funding through the set aside for quality activities²
- The [Community Development Block Grant](#) program operated by the U.S. Department of Housing and Urban Development
- The [Community Facilities Direct Loan and Grant Program](#), managed by the U.S. Department of Agriculture

² State and territory use of these funds are subject to the same restrictions as the CCDF ARP Supplemental funds, in that they can be used to support improvements to address lead pipes and paint as minor renovations, as long as they are not new facilities or major renovations. Tribes may use funds for construction and major renovation with prior ACF approval.

Additional Opportunities for States to Enhance Protections for Young Children in Early Care and Education Settings

Child Care Licensing

- *Strengthen child care licensing requirements* – State child care licensing requirements can be strengthened to require or encourage lead testing and remediation. Several states require licensed child care facilities to test their drinking water for lead and include a range of required follow-up activities if lead levels exceed the state-specified action level.³

Ensure and expand blood lead screening for children and support children exposed to lead

- *Ensure that all children enrolled in Medicaid received blood lead screening* – Medicaid’s Early and Periodic Screening, Diagnostic and Treatment (EPSDT) benefit requires that all Medicaid-enrolled children receive blood lead screening at ages 12 months and 24 months.⁴ In addition, any child between 24 and 72 months with no record of a previous blood lead screening test must receive one. States may also implement a targeted lead screening approach, if appropriate.⁵
- *Expand blood lead screening* – Many states have implemented universal blood lead testing requirements for children, requiring testing in order to participate in child care or preschool programs, and/or prior to kindergarten entry.⁶ The Centers for Disease Control and Prevention has updated its blood lead reference value from 5 µg/dL to 3.5 µg/dL in response to the Lead Exposure Prevention and Advisory Committee recommendation made on May 14, 2021.⁷
- *Support children who are exposed to lead* - Part C of the Federal Individuals with Disabilities Education Act provides Early Intervention services to young children with developmental delays and disabilities or, in some cases, to children at risk for delays. While eligibility criteria vary by state, some states provide automatic or categorical eligibility to children with documented elevated blood lead levels.

³ <https://www.edf.org/health/child-care-lead-water-requirements#:~:text=Communication%20to%20parents%20or%20guardians,posting%20of%20results%20publicly%20online>.

⁴ www.medicaid.gov/medicaid/benefits/early-and-periodic-screening-diagnostic-and-treatment/lead-screening/index.html

⁵ <https://www.medicaid.gov/federal-policy-guidance/downloads/cib-06-22-12.pdf>

⁶ <https://www.networkforphl.org/wp-content/uploads/2019/12/50-State-Survey-Lead-Screening-for-Children-Not-Enrolled-in-Medicaid.pdf>

⁷ <https://www.cdc.gov/nceh/lead/default.htm>