New York State Comptroller
THOMAS P. DiNAPOLI

East Bloomfield Central School District

Lead Testing and Reporting

S9-25-10 | July 2025

Division of Local Government and School Accountability

Contents

Audit Results

East Bloomfield Central School District

Audit Objective	Audit Period
Did East Bloomfield Central School District (District) officials identify, report and implement needed remediation to reduce lead exposure in potable water outlets?	July 1, 2019 – September 30, 2024

Understanding the Program

Lead is a metal that was commonly used in plumbing and has since been identified as toxic to people, especially young children. Lead poisoning can cause neurological issues such as slowing children's growth, causing learning and behavioral issues or causing hearing and speech problems which can lead to greater difficulty performing well in school and beyond.[1] To aid in combating lead poisoning, New York State (NYS) requires all public school districts and Boards of Cooperative Educational Services (BOCES) to test potable (i.e., consumable) water for lead, report the results and implement necessary remediation. Testing and reporting for lead contamination began in 2016, and subsequent testing cycles have followed:

- Cycle One: September 6, 2016 to October 31, 2016.
- Cycle Two: January 1, 2020 to December 31, 2020 (extended to June 30, 2021 due to the COVID-19 pandemic).
- Cycle Three: January 1, 2023 to December 31, 2025.[2]

Audit Summary

District officials did not properly identify, report or implement needed remediation to reduce lead exposure in all potable water outlets as required by NYS Public Health Law and Department of Health (DOH) regulations.[3] We determined 95 of the 246 (39 percent) water outlets we identified at select areas, that students, staff and the public may have access to and could consume water from, were not sampled or properly exempted by District officials for Cycle Two. Because there is no information on

1 Lead Exposure Symptoms and Complications – https://www.cdc.gov/lead-prevention/symptoms-complications/index.html

2 As of December 22, 2022, schools are now required to test for lead in the water every three years beginning January 1, 2023 for Cycle Three.

3 Public Health Law section 1110; 10 NYCRR subpart 67-4 – Lead Testing in School Drinking Water

the lead levels of the 95 water outlets not sampled for testing or properly exempted by the District, we were unable to determine whether officials identified and remediated all water outlets that would have required it. This occurred because District officials did not include all water outlets in their sampling plan to identify outlets for sampling or exemption.

The District's remedial action plan specified the controls implemented for water outlets the District exempted as well as how they secured against use and listed all water outlets that exceeded the lead action level. However, the plan did not contain enough detail to identify individual exempt outlets and not all implemented controls were considered effective by the DOH guidance. Furthermore, remediation efforts were not adequate for eight of the 31 water outlets (26 percent) that exceeded the lead action level.

While District officials notified the local health department and staff, parents and/or guardians of the 31 water outlets exceeding the lead action level from the initial test results, they did not notify them within the required time periods or notify them at all of any subsequent testing. Also, although officials posted the initial testing results on the District's website within the required time period, officials did not post the subsequent testing results. Lastly, officials could not provide documentation showing that they reported each set of testing results through DOH's Health Electronic Response Data System (HERDS) within the required time period.

This final report includes eight recommendations to that effect. District officials generally agreed with our findings and their response is included in Appendix C.

The Board of Education (Board) has the responsibility to initiate corrective action. A written corrective action plan (CAP) that addresses the findings and recommendations in this report must be prepared and provided to our office within 90 days, pursuant to Section 35 of the New York State General Municipal Law, Section 2116-a (3)(c) of the New York State Education Law and Section 170.12 of the Regulations of the Commissioner of Education. To the extent practicable, implementation of the CAP must begin by the end of the next fiscal year.

For more information on preparing and filing your CAP, please refer to our brochure, *Responding to an OSC Audit Report*, which you received with the draft audit report. The CAP should be posted on the District's website for public review.

Lead Testing and Reporting: Findings and Recommendations

In accordance with NYS Public Health Law section 1110 and 10 NYCRR subpart 67-4 (regulations), all public school districts and BOCES (together "schools"), must test potable water outlets for lead contamination and take remedial action if the contamination exceeds the lead action level.[4] The regulations also established requirements for how and when schools must report their test results to local health departments, school staff, students' parents and/or guardians, DOH and NYS Education Department (NYSED), as well as the public. More details on the water outlet sampling, testing and reporting criteria used in this report, including testing cycles and DOH guidance are included in Appendix A.

Finding 1 – District officials did not ensure all required potable water outlets were sampled and tested for lead contamination for Cycle Two.

The District conducted water sampling beginning June 17, 2021 across four sampling events for Cycle Two testing, collecting samples from 130 water outlets, which were then tested at a laboratory certified through the NYS Environmental Laboratory Approval Program (ELAP). However, the District's sampling plan was incomplete and did not identify all water outlets at the District and the remedial action plan did not have enough detail to identify individual water outlets that officials exempted from sampling. Further, not all the remedial actions implemented to secure the water outlets against use were considered effective according to the DOH guidance.

We identified 246 water outlets at select areas throughout the District to determine whether the District conducted required sampling of all water outlets for Cycle Two.[5] Of the 246 water outlets we identified, 100 water outlets were included in the 130 water outlets sampled by the District for Cycle Two, and another 51 water outlets we observed as properly secured against use. Therefore, we determined that 95 of the 246 water outlets we identified were not exempted by the District and should have been sampled for testing (Figure 1).

FIGURE 1: District Water Outlets We Identified That Were Not Sampled or Secured Against Use

Water Outlets We Identified at Select Areas Throughout the District:	**246**
Less: Included in the District's Cycle Two Sampling:	**(100)**
Less: Observed as Properly Secured Against Use:	**(51)**
Total Water Outlets We Identified That Were Not Sampled or Secured Against Use:	**95**

4 We examined the Cycle Two testing period ending June 30, 2021, which had a lead action level of 15 parts per billion (ppb). Starting in Cycle Three, the lead action level was lowered to five ppb. Schools should be aware that water outlets that were acceptable under the previous regulations could exceed the new lead action level and require remediation. Schools should account for this change in their sampling process and remediation efforts by prioritizing sampling water outlets that exceeded five ppb during the previous testing period.

5 See Appendix B for a complete list of water outlets we identified and their locations. See Appendix D for detailed information on our selection criteria for the water outlets selected.

The Director of Facilities (Director) told us most of the 95 water outlets were not sampled for testing because he believed that the water outlets had adequate controls to secure against use, such as placing “Do Not Drink” signs on bathroom sinks to exempt an outlet, or because he was not aware they should be sampled, and it was an oversight they were not tested or properly exempted. Although signs can be used as a short-term control, the DOH guidance is explicit that to be considered an effective long-term control, signs need to be combined with other controls, such as continual education reinforcing to students and employees that the water outlet is not to be used or establishing and enforcing rules to prevent the water outlet’s use.

Because the 95 water outlets we identified were not properly secured against use and were not sampled for testing, we were unable to determine whether they were below the lead action level of 15 ppb. Further, although the Director of Teaching and Learning told us he remembered instructing building principals that teachers should remind students not to drink from sinks, he was unable to provide any documentation that this was communicated to the building principals or that teachers periodically reminded students.

Additionally, the Director’s remedial action plan did not clearly identify the number of water outlets he exempted at each location (e.g., a room, hallway, exterior wall, etc.). Instead, the remedial action plan only noted that groups of similar outlets he intended to exempt, such as tempered water outlets (e.g., an outlet that mixes hot and cold water and provides a consistent, safe water temperature) would have signage. Therefore, without a detailed list specifying the number of exempt water outlets at each location, it is not clear which water outlets the Director considered exempt.

Finally, we reviewed the test results for all water outlets the District sampled to determine whether District officials took appropriate remedial actions for water outlets that exceeded the lead action level. Of the 130 water outlets that the District sampled and tested, 31 water outlets (24 percent) were above the lead action level.

We determined that 23 of the 31 (74 percent) water outlets were either appropriately removed from service, had follow-up sampling and testing done after remediation showing that the lead levels were now below the lead action level, or had an adequate combination of controls securing the water outlet against use. However, the other eight water outlets (five in the Elementary school located in faculty lounges, District office, coaches’ offices and locker rooms, and three in the Middle/High School in a bathroom, a classroom and a classroom prep room) were operational on January 23, 2025 and did not have adequate controls in place to secure against use. Although these eight water outlets were listed on the Director’s remedial action to be secured from use, only signs were intended as a control against use. As discussed above, the DOH guidance is clear that signs alone are not considered an effective long-term control and need to be combined with other controls to secure water outlets against use.

Had District officials required detailed sampling and remedial action plans, District officials could have quickly reviewed the work performed by the Director, determined whether all water outlets were sampled and whether the controls implemented for exempted water outlets were still in place, and effective.

Recommendations

District officials should:

1. Update the sampling plan to include all District water outlets, including those that are not used for drinking or cooking, and update the remedial action plans for all District water outlets that could be used for drinking and cooking, including details on which water outlets will be considered exempt from sampling, and their controls to secure against use.
2. Sample all water outlets that could be used for drinking and cooking and properly secure any water outlets designated as exempt from sampling.
3. Remediate or implement effective long-term controls for all water outlets that exceed the lead action level.
4. Keep accurate records of all remediation efforts, including actions taken and dates performed.
5. Review all work related to the lead testing program for accuracy and completeness.

Finding 2 – District officials did not report the results of the lead testing properly or in the required time periods.

District officials did not always report all laboratory test results for Cycle Two, including results showing 45 samples from 31 water outlets were above the lead action level, within the required time periods or to all required parties. Specifically:

- The Director notified the local health department two and three days late for the first two sets of testing results showing 30 samples exceeded the lead action level. For results exceeding the lead action level, schools must notify their local health department within one business day. Additionally, the Director never reported the results of one additional sample and 14 follow-up samples from previously tested outlets that exceeded the lead action level.
- District officials were four days late notifying staff, parents and/or guardians of the 27 samples from the first set of testing and did not report three samples from the second set of testing that exceeded the lead action level. For results exceeding the lead action level, schools must notify staff, parents and/or guardians in writing within 10 business days. Additionally, the Director never notified these individuals of the other 18 samples from subsequent Cycle Two testing that exceeded the lead action level.
- The Director maintained documentation showing that he reported testing results in HERDS; however, he did not maintain documentation showing when each set of testing results were reported because he was unaware that it was his responsibility to maintain documentation

showing when he reported testing results. We could not determine whether these results were reported in HERDS within 10 business days after receiving the results, as required.

- The Director, with the assistance of the Information Technology Director, posted the testing results for 100 samples for Cycle Two on the District's website within six weeks of receiving the laboratory reports. However, officials did not post the results of another 30 samples, or any subsequent testing on these outlets after attempting remediation. The Director told us that he did not know he was required to post all results on the District's website.

The Director and other District officials were not familiar with the responsibilities their roles would require for lead testing and reporting because they were not fully aware of the regulations or DOH guidance. Developing clear procedures identifying all officials involved and their roles and responsibilities may lower the risk that the District will miss reporting deadlines during future testing cycles.

Recommendations

District officials should:

6. Develop procedures identifying all individuals involved in lead testing and reporting and their roles and responsibilities, and ensure individuals are familiar with all reporting requirements.
7. Notify all required parties within the required time periods after lead testing results are received.
8. Keep accurate records of all notification efforts performed.

Appendix A: Profile, Criteria and Resources

Profile

The District serves the Towns of Bristol, Canandaigua, East Bloomfield, Richmond, Victor, and West Bloomfield, in Ontario County.

The District is governed by the elected seven-member Board. The Board is responsible for managing and controlling the District's financial and educational affairs. The Superintendent is responsible, along with other administrative staff, for managing the District's day-to-day operations under the Board's direction.

The Director was responsible for coordinating and reporting all Cycle Two lead testing. The District contracts with vendors who are responsible for sample collection, sending the samples to the labs and providing the District with the results from the laboratories.

Criteria – Lead Testing and Reporting

To comply with DOH regulations, school officials should develop a sampling plan that properly addresses potable water outlet sampling, testing and reporting for lead contamination. Pursuant to Chapter 296 of the Laws of 2016, the first cycle of testing and reporting for lead contamination began in 2016, and subsequent testing cycles have followed:

- Cycle One: September 6, 2016 to October 31, 2016.
- Cycle Two: January 1, 2020 to December 31, 2020 (extended to June 30, 2021 due to the COVID-19 pandemic).
- Cycle Three: January 1, 2023 to December 31, 2025.

Sampling and Testing – Officials should identify all water outlets to be sampled, their location, and the order in which to collect samples. Water outlets may be located anywhere on school property including external water outlets. According to DOH guidance, the school's superintendent or their designee have the responsibility to identify which water outlets meet the regulation requirements for sampling. For any water outlets determined to fall outside the scope of the regulation, the school must have a remedial action plan that includes details on how those water outlets will not be accessed and/or used for drinking or cooking purposes and should be updated anytime conditions change. All samples must be sent to a laboratory certified by ELAP. When results from sampling of any fixture exceed the lead action level, the water outlet must be immediately taken out of service until remediation is performed to reduce the lead levels to below the action level.

Reporting – School officials must report their testing and remedial action through DOH's HERDS reporting program, which reports the results of all potable water testing for lead contamination to local county health departments, DOH and NYSED. Importantly, if the school receives test results that

show lead contamination exceeds the lead action level, school officials must report the exceedances directly to the local health department within one business day, and notify all school staff, parents, and guardians in writing within 10 days. School officials should coordinate with local health department officials ahead of the sampling and testing to confirm the health department's preferred method of reporting (e.g., email, an email and phone call, etc.) for test results that show lead contamination exceeds the lead action level. Finally, schools must post the results of all testing, including information about remedial actions taken, on their website.

To assist schools in their compliance with the regulations, the DOH developed the *Lead Testing in School Drinking Water Guidance Manual*.[6] The manual describes in detail how schools should develop and implement their lead testing program, including templates on assigning roles, staff, parent and/or guardian letters, posting results on school websites, as well as documenting and tracking remedial actions.

To ensure a school's lead testing program is successful, the school should identify and document which individuals will be responsible for the following:

- 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 and enter it into the NYS DOH reporting application (HERDS)?
- Who will keep records?

All potable water outlets at a school that could be used for cooking or drinking should be tested for lead. Examples include:

- Combination bottle fill stations and drinking fountains (both the fountain and bottle fill nozzles should be tested),
- Classroom sinks,
- Food washing sinks,
- Kitchen kettle filler outlets,
- Ice machines,

6 https://www.health.ny.gov/environmental/water/drinking/lead/docs/leadtestinginschoolsguidancedocument.pdf

- Hand washing outlets, including those in bathrooms, and
- Athletic field outlets and any other sink known to be or potentially used for consumption.

Water outlets that are not going to be tested need to be listed on the remedial action plan and actions must be taken to properly secure them to prevent them from being used for cooking or drinking. Actions such as turning the water off at the outlet not only prevent access but also prevent the water outlet from being used at all. If a water outlet still needs to be used, the following are examples of controls that should be combined with each other to prevent use:

- Using physical controls such as locks or requiring special tools that prevent physical access to the water outlet,
- Regularly informing students and staff which water outlets are not to be used,
- Placing signs that say "Do not Drink, Non-Potable Water" or similar.[7] Signs must be clearly visible and in close proximity to the affected outlets. Placing a sign at a room entrance (i.e., lavatory entrance) is not acceptable.
- Establishing, and consistently enforcing, rules such as "No Eating or Drinking in the Science Lab."

These controls are only considered effective if they are used together. For example, signs can be removed due to vandalism or accidents, but if students and staff are regularly told that bathrooms are not to be used for drinking it would reduce the risk that someone may use a bathroom sink. The remedial action plan should be updated whenever there is a change, including when new water outlets are designated, or old ones are removed, new test results become available, additional remediation is planned or completed, or controls are added or removed. Additionally, a maintenance and monitoring schedule should help ensure remediation efforts are still operating effectively.

Schools must report the results of their lead testing to NYS agencies, their local county health department, staff, parents and/or guardians, as well as posting their results and remediation actions on their website. Timing always starts once the school receives the results and there are different notification and timing requirements if any results exceed the lead action level. The reporting requirements are as follows:

Results Exceed the Lead Action Level – The school must notify their local health department within one business day, and staff, parents and guardians in writing within 10 business days. Importantly, posting this information on the school's website or through social media does not qualify as notification in this case.[8]

7 For examples of signage, see page 12 of the DOH's Guidance Manual: https://www.health.ny.gov/environmental/water/drinking/lead/docs/leadtestinginschoolsguidancedocument.pdf#page=14

8 See page 14 of DOH's Guidance Manual: https://www.health.ny.gov/environmental/water/drinking/lead/docs/leadtestinginschoolsguidancedocument.pdf#page=16

After Any Testing is Done (Regardless of Whether Results Exceed the Lead Action Level) – The school must notify the DOH, NYSED, and their local county health department. Reporting is done through the HERDS system and must be done within 10 business days after results are received. School officials must post on their website the results of all their testing, including any remediation efforts performed or planned, within six weeks of receiving results.

Schools should keep all records related to their lead testing program for at least 10 years after document creation, and it is recommended that all such records be kept on-site in a centrally accessible repository.

Additional DOH resources, guidance and publications on lead in drinking water can be found at:

https://health.ny.gov/environmental/water/drinking/lead/

In addition, our website can be used to search for other Lead Testing and Reporting audits:

https://www.osc.ny.gov/local-government/audits

Appendix B: District Water Outlets

Figure 2: District Water Outlets We Identified That Were Not Sampled or Secured Against Use for Cycle Two by Location

Location	Water Outlets We Identified at Select Areas Throughout the District	Less: Included in the District's Cycle Two Sampling	Less: Observed as Properly Secured Against Use	Total Water Outlets We Identified Not Sampled or Secured Against Use
Hallways or Common Spaces	33	(15)	0	18
Bathroom	56	(1)	0	55
Classroom	39	(39)	0	0
Cafe/Kitchen/Food	24	(23)	0	1
Science or Art Room	43	(17)	(26)	0
Outside/Sports Areas	51	(5)	(25)	21
Totals	**246**	**(100)**	**(51)**	**95**

Appendix C: Response From District Officials

BLOOMFIELD
CENTRAL SCHOOL DISTRICT

Andrew M. Doell, SUPERINTENDENT OF SCHOOLS

45 MAPLE AVENUE, SUITE A, BLOOMFIELD, NY 14469 p: 585-657-6121 EXT. 4003 f: (585) 657-6060 WWW.BLOOMFIELDCSD.ORG

July 2, 2025

Office of the State Comptroller
Division of Local Government and School Accountability
110 State Street, 12th Floor
Albany, New York 12236

To Whom It May Concern:

The East Bloomfield Central School District is in receipt of the New York State Office of the Comptroller audit report S9-25-10, which focuses on Lead Testing and Reporting in Cycle Two: January 1, 2020 to June 30, 2021 (extended due to the COVID-19 pandemic). The District views the feedback received from all audits as a way to improve practices. We would like to thank your staff for their professionalism and thorough review.

The District views student and staff safety as its number one priority. We view the maintenance of our school infrastructure as a necessary component of this and we are committed to continuous improvement in this area. The District acknowledges your findings and appreciates the recommendations made in this audit.

The District Leadership Team and Board of Education continuously update practices, policies, and procedures including those related to lead testing and reporting. The findings and recommendations will be helpful as we continue work in these areas, specifically as we undergo Cycle Three: January 1, 2023 to December 31, 2025. The District will develop a corrective action plan in response to your findings and provide that document to your office at a later date.

Thank you again for your feedback.

Sincerely,

Andrew Doell

Superintendent of Schools, East Bloomfield Central School District

Appendix D: Audit Methodology and Standards

We conducted this audit pursuant to Article V, Section 1 of the State Constitution and the State Comptroller's authority as set forth in Article 3 of the New York State General Municipal Law. We obtained an understanding of internal controls that we deemed significant within the context of the audit objective and assessed those controls. Information related to the scope of our work on internal controls, as well as the work performed in our audit procedures to achieve the audit objective and obtain valid audit evidence, included the following:

- We interviewed District officials and reviewed various records and reports to gain an understanding of the roles and responsibilities of the individuals involved in the process, and how individuals performed their duties for the Cycle Two lead testing and reporting period that closed June 30, 2021.
- We reviewed all available documentation that the District had for sampling and testing for the Cycle Two testing cycle that closed June 30, 2021, including District maps, laboratory chain of custody and result reports, and ELAP certifications. We supplemented this with our own observations of the District's current water outlets at each building and the surrounding sport and event fields. We identified the following as high-risk areas/outlets based on the DOH guidance:
    - Hallway drinking fountains and bottle-filling stations, outside and sporting event areas, kitchens, cafeterias, and cooking classrooms, as they could affect large numbers of individuals at the District, including visitors.
    - Elementary classrooms, as they could affect young students who are particularly vulnerable to lead exposure.
    - Bathrooms, or other areas where individuals would be unsupervised and able to access water from faucets.
    - Art and Science classrooms, as they were specifically mentioned in DOH's guidance.

Using this information, we selected 246 water outlets, including all water outlets located in areas that we determined could have a high-risk of affecting individuals at the District based on the DOH guidance. We observed the controls present at each outlet and whether they had been sampled for lead testing.

- For the 130 District-sampled water outlets, we identified 31 samples with results that exceeded the lead action level and determined whether District officials took appropriate remedial actions or had a test result after the initial exceedance that was below the lead action level.
- We determined whether District administration reported results of their lead testing to all necessary parties, in the required timeframes.

9 https://www.health.ny.gov/environmental/water/drinking/lead/docs/leadtestinginschoolsguidancedocument.pdf

- We reviewed all available documentation that the District had for reporting the laboratory results including the Director's email receipts that he received the lab results, emails to staff and parents and/or guardians, HERDS reporting, and uploads to the District's website as well as interviewing the State DOH District Engineer overseeing Ontario County.

We conducted this performance audit in accordance with generally accepted government auditing standards (GAGAS). Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

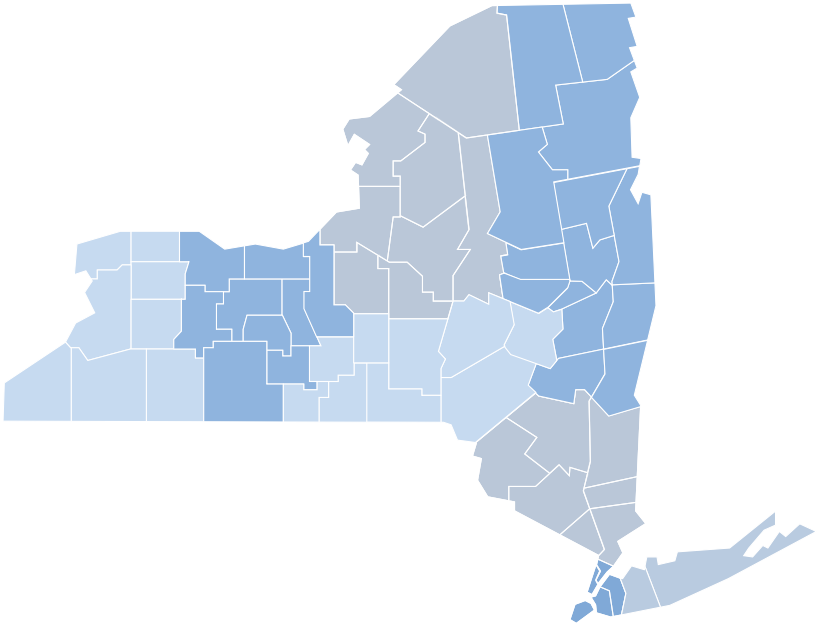
Unless otherwise indicated in this report, samples for testing were selected based on professional judgment, as it was not the intent to project the results onto the entire population. Where applicable, information is presented concerning the value and/or size of the relevant population and the sample selected for examination.

Contact

STATEWIDE AUDITS – Dina M.L. Thompson, Chief of Municipal Audits

State Office Building, Suite 1702 • 44 Hawley Street • Binghamton, New York 13901-4417

Tel (607) 721-8306 • Fax (607) 721-8313 • Email: Muni-Statewide@osc.ny.gov



Office of the New York State Comptroller
Division of Local Government and School Accountability
110 State Street, 12th Floor, Albany, New York 12236

Tel: (518) 474-4037 • Fax: (518) 486-6479 • Email: localgov@osc.ny.gov

https://www.osc.ny.gov/local-government

Local Government and School Accountability Help Line: (866) 321-8503