



ASSOCIATION OF
SCHOOL BUSINESS OFFICIALS
INTERNATIONAL

March 27, 2014

Ms. Tanya Hodge Mottley
Director
National Program Chemicals Division
Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Ms. Hodge Mottley,

On behalf of the AASA: The School Superintendents Association, the Association of School Business Officials (ASBO) and the National School Boards Association (NSBA), we welcome the extended opportunity to provide comments pursuant to Executive Order 13132: Federalism regarding the U.S. Environmental Protection Agency's (EPA) potential changes to the polychlorinated biphenyls (PCBs) Use Authorizations Rule. Our participation started with the Federalism Consultation briefing on these potential changes (November 2013) and carried through the extended comment period (closing March 28, 2014). Our members recognize and value the importance of healthy learning environments, and we applaud your leadership in working to improve school building safety while recognizing the importance of minimizing administrative and cost burdens.

We appreciate the efforts of the EPA in reaching out to several school districts prior to the November 2013 meeting, but question its conclusions with nationwide implications stemming from contact with fewer than a dozen school districts. Once the initial feedback period was extended, our organizations collaborated on a far-reaching survey addressing school personnel's knowledge of and experience with the removal of light ballasts containing PCBs. Over 1,200 superintendents, school business officials, school board members and maintenance/facilities personnel from 49 states responded. This analysis is meant to inform the EPA as it considers accelerating regulations on public buildings containing light fixtures with PCBs, which have been found to contain probable carcinogens.

Our survey data, as reported from school system leaders across the country, demonstrates a keen awareness of PCBs within schools and an understanding of the need for and a plan to remove the potential carcinogen:

- Of the respondents who reported that their districts have buildings constructed prior to 1980, 77.5 percent were aware of PCB issues in their schools, with 66 percent actively removing PCBs in all or some of the schools in their district and only 11.5 percent aware but not actively addressing the issue.
- Over half (55.2 percent) of the respondents said that all schools constructed prior to 1980 had already gone through lighting upgrades to remove light ballasts containing PCBs, and an additional 31 percent said that some of their buildings had undergone lighting upgrades.
- Of the respondents who did not report that all PCBs had already been removed, nearly half (47.7 percent) said that fixtures containing PCBs in their schools are already scheduled to be replaced in the next five years.

- Almost half (43.5 percent) of the respondents with PCBs left in their district would be able to access the funds necessary to identify, remove and replace light ballasts containing PCBs within four years. If the EPA accelerates the time table requiring the inspection and possible removal of light fixtures, many respondents would have financial difficulty complying; 62.7 percent would have to move funding from another part of the budget.
- Strikingly, only 25 respondents or 2.1 percent of the 1,200 (six of whom have now removed PCBs from all schools in their district) reported having had any PCB-related incidents in any school buildings in the past two years.

These figures above illustrate that additional EPA regulations are not needed to address PCB-related issues, especially when we consider the low incidence and that school districts are overwhelmingly already removing PCBs.

School administrators, school board members and school business officials remain steadfast in their commitment to providing the students they serve with an excellent education in a safe learning environment, which includes removing potentially harmful environmental factors (like PCBs). With any federal policy/regulation, the success of the end goal—in this case, elimination of light ballasts with PCBs—depends as much on the policy itself as it does in recognizing the importance of not only state and local leadership but also the unintended consequences, costs and burdens that may come with the rule.

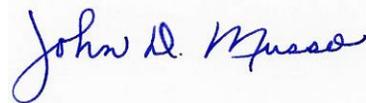
Further, current regulations (the ‘lamps rule’ through the Department of Energy) have implications for the phasing out/removal of PCB-bearing light ballasts. Given that this rule is already accelerating the removal of old fluorescent light ballasts (FLBs) nationwide and the compelling data from our comprehensive national responses, we question the need for further regulations from the EPA. Realistically, this regulation/rule would not be final until 2016 or 2017, just two or three years ahead of the currently anticipated timeframe in which schools report they could remove the PCBs from their building. A final regulation of this nature proves unnecessarily redundant and costly.

Given this broad knowledge of the issue and so much action already taken, AASA, ASBO and NSBA urge no further action toward additional regulations in an area where schools have demonstrated and are reporting awareness and proactive planning and action.

Sincerely,



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Executive Director, AASA



John D. Musso
Executive Director, ASBO



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