

Congress of the United States
House of Representatives
Washington, DC 20515-4602

November 20, 2019

Dr. Aaron C. Spence
Superintendent, Virginia Beach City Public Schools
2512 George Mason Drive
Virginia Beach, VA 23456

Dear Superintendent Spence,

I write to express my grave concerns about the presence of lead in the drinking water of the Virginia Beach City Public Schools (VBCPS) system and to seek information on how the City is working to ensure the safety of all students, faculty, and staff.

According to your website, VBCPS tested lead in drinking water during the summer of 2019 and received results of lead levels above EPA's actionable level of 15 parts per billion (ppb) "between mid-September and mid-October." The website states that senior leadership was made aware of the results on October 25.¹ Twelve days later, and approximately seven weeks after the first findings of elevated lead within the system, you sent a letter to Virginia Beach families informing them that elevated lead levels were found at 61 sites at 27 schools in the VBCPS system.² On November 12, VBCPS announced that it had identified lead at an additional nine sites within the system. No explanation was provided as to how these sites were missed during the initial analysis of testing.³

The VBCPS website states that the delay in notification was due to the need to secure the impacted sites and develop a communications strategy. Unfortunately, it fails to explain why the sites could not have been secured after a public announcement. I am troubled that developing a communications strategy was prioritized over providing parents vital information related to the health of their children.

I am also concerned about misleading information on the VBCPS website that may create a false sense of safety. Specifically, the website states that "it is important to note that the Environmental Protection Agency [EPA] actionable level of 15 ppb of lead in water is markedly

¹ Virginia Beach City Public Schools. "Safe Water Initiative FAQs." Vbschools.com.
https://www.vbschools.com/about_us/schools/safewater/FAQs.

² Hall, Brett and Jane Alvarez-Wertz. "Elevated lead levels discovered in 27 Virginia Beach schools." WAVY.com.
<https://www.wavy.com/news/local-news/virginia-beach/elevated-lead-levels-discovered-in-dozens-of-virginia-beach-schools/>.

³ WAVY Web Staff. "Elevated levels of lead found in 9 additional sites in Virginia Beach schools." WAVY.com.
<https://www.wavy.com/news/local-news/virginia-beach/elevated-levels-of-lead-found-in-9-additional-sites-in-virginia-beach-schools/>.

below levels that would pose a risk to children.”⁴ When the rule was first developed in the 1980s, EPA chose the 15 ppb limit because it determined that was the level utilities could reasonably achieve with the technology of that time, not that this concentration of lead was safe.⁵ According to an August 2019 fact sheet prepared by the World Health Organization, “[t]here is no known ‘safe’ blood lead concentration,” and even low levels of lead can have lasting impacts on child development.⁶ A 2016 report from the American Academy of Pediatrics found that the 15 ppb level for lead does not “adequately protect children or pregnant women from adverse effects of lead exposure” and recommended that water fountains in schools have lead levels below 1 ppb.⁷

I request that VBCPS make public the full raw data of their lead testing to allow independent toxicologists and other physicians and scientists to verify the accuracy of the tests and determine that no other sites have been erroneously identified as below actionable levels. I also respectfully request responses to the following questions:

1. What was the concentration, expressed in parts per billion, of lead found at each VBCPS site identified as above the EPA actionable level of 15 parts per billion?
2. What caused the delay between the “mid-September” date when the first results indicating elevated lead were found, and October 25, when senior staff were notified?
3. Why was the public notified on November 6 when senior staff were notified on October 25?
4. Why did VBCPS fail to initially identify nine sites tested during the summer of 2019 as having elevated lead levels?
5. On what basis do you claim that the level of lead found in the VBCPS system is “markedly below” levels that could pose a threat to children? Please provide documentation of correspondence from the Virginia Beach Department of Public Health and the University of Virginia’s Clinical Toxicology Program analyzing the safety of lead in the VBCPS system.
6. Will VBCPS provide voluntary blood testing for lead concentration to all children, faculty, and staff attending any affected schools?
7. If elevated levels of lead are found at any VBCPS school site going forward, how quickly can parents, faculty, and staff expect to be notified? Will you commit to notifying these groups and the public within 24 hours of any new finding?

⁴ Virginia Beach City Public Schools. “Safe Water Initiative.”

https://www.vbschools.com/about_us/schools/safewater.

⁵ Pupovac, Jessica. “Where Lead Lurks And Why Even Small Amounts Matter.” NPR.org.

<https://www.npr.org/sections/health-shots/2016/08/12/483079525/where-lead-lurks-and-why-even-small-amounts-matter>.

⁶ World Health Organization. “Lead Poisoning and Health.” WHO.int. <https://www.who.int/news-room/fact-sheets/detail/lead-poisoning-and-health>.

⁷ American Academy of Pediatrics. *Prevention of Childhood Lead Toxicity*. pediatrics.aappublications.org. <https://pediatrics.aappublications.org/content/early/2016/06/16/peds.2016-1493#xref-ref-31-1>.

Because of the urgency of these issues, I ask that you provide a written response by December 6, 2019, and that you provide access to the raw data of the lead testing by December 13, 2019.

I stand ready to work with you to ensure that Virginia Beach public schools are safe for all children, faculty and staff. If there is any way my office can help in this matter, please do not hesitate to contact me or my staff at (757) 364-7650 or (202) 225-4215.

Sincerely,

A handwritten signature in blue ink, appearing to read "Elaine G. Luria". The signature is fluid and cursive, with a prominent initial "E".

Elaine G. Luria
Member of Congress

CC: VBCPS School Board Chair Beverly M. Anderson, Virginia Beach Mayor Bobby Dyer,
Virginia Beach Acting City Manager Tom Leahy