



Chazy Union Free School District

Lead Testing and Reporting

S9-25-13 | July 2025

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Audit Results

Chazy Union Free School District



Audit Objective

Audit Period

Did Chazy Union Free 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 115 of the 178 (65 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

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

sampled or properly exempted by District officials during Cycle Two. This occurred because District officials did not have a sampling plan to identify all water outlets for sampling or exemption.

District officials also did not have a remedial action plan that detailed which water outlets they exempted from sampling and how they would be secured against use. Because there is no information on the lead levels of the 115 water outlets not sampled for testing, we were unable to determine whether officials identified and remediated all water outlets that would have required it.

Of the 46 water outlets that the District sampled and tested for Cycle Two, 15 water outlets (33 percent) exceeded the lead action level. Although we determined District officials took appropriate remedial actions by removing or replacing the 15 water outlets that exceeded the lead action level, these actions were not documented in a remedial action plan to show when these water outlets were taken out of service, how they were remediated if not replaced or removed, and when they were returned to service, if at all.

District officials did not always report testing results properly or in the required time periods to all required parties. While District officials notified the local health department about test results exceeding the lead action level within the required time period, and although District officials reported the results through DOH's Health Electronic Response Data System (HERDS), they did not retain documentation to support that the HERDS reports were submitted within the required time period. Further, District officials could not provide support that staff, parents and/or guardians were notified in writing about the 15 water outlets that exceeded the lead action level, or that all testing results were posted on the District's website.

This final report includes seven recommendations to that effect. District officials 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.

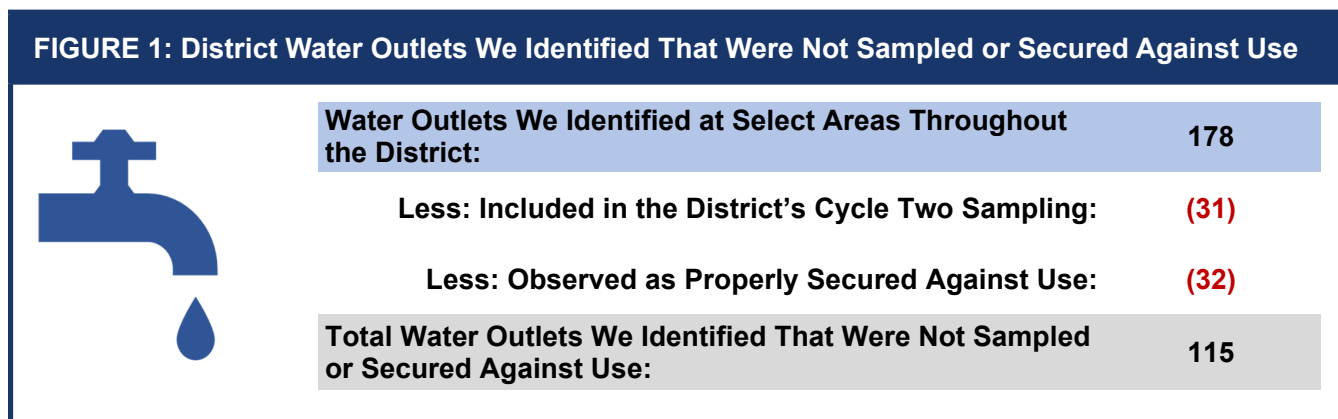
Lead Testing and Reporting: Findings and Recommendations

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 from May 22, 2021 to June 26, 2021, for Cycle Two testing, collecting samples from 46 of the District’s water outlets, which were then tested at a laboratory certified through the NYS Environmental Laboratory Approval Program (ELAP). Although the District took appropriate remedial actions for water outlets that exceeded the lead action level, the District did not have a sampling plan to identify all water outlets for sampling or a remedial action plan that detailed which water outlets they exempted from sampling and how those outlets would be secured against use.

We identified 178 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 178 water outlets we identified, 31 water outlets were included in the 46 water outlets sampled by the District for Cycle Two, and another 32 water outlets we observed as properly secured against use. Therefore, we determined that 115 of the 178 water outlets (65 percent) we identified were not exempted by the District and should have been sampled for testing (Figure 1).



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 former Director of Facilities (Director) was unavailable to explain why the 115 water outlets were not sampled or properly exempted with adequate controls to secure against use. The current Director could not determine whether the former Director maintained a sampling plan or remedial action plan. Because the former Director is no longer employed by the District and no documentation identifying all water outlets to be sampled for testing was retained, we were unable to determine whether the 115 unsampled or unsecured water outlets were below the lead action level of 15 ppb.

Finally, we reviewed the test results for all 46 water outlets the District sampled and determined whether District officials took appropriate remedial actions for water outlets that exceeded the lead action level. Of the 46 water outlets that the District sampled and tested, 15 water outlets (33 percent) were above the lead action level of 15 ppb.

We determined that all 15 water outlets were either appropriately removed from service or had follow-up sampling and testing done after remediation showing that the lead levels were below the lead action level. However, the current Director could not determine whether the former Director maintained a remedial action plan which indicated how and when the water outlets exceeding lead action levels were taken out of service, how they were remediated and when these water outlets were returned to service, if at all.

Without proper documentation of the water outlets the former Director exempted from sampling, or of the remedial actions taken for water outlets that exceeded the lead action levels, it is not possible to determine whether the remedial actions were done promptly. Had District officials developed sampling and remedial action plans and regularly updated them, District officials could have quickly reviewed the work performed and overseen by the former Director and determined whether all water outlets were sampled or exempted from sampling.

Recommendations

District officials should:

1. Develop sampling and 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 the 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. Keep accurate records of all remediation efforts, including actions taken and dates performed.
4. 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 properly report all laboratory testing results or maintain documentation to show when all laboratory test results were reported for Cycle Two, including sampling results showing 15 water outlets were above the lead action level, within the required time periods or to all required parties. Specifically:

- Although the laboratory used by the District for Cycle two Testing notified the local health department of results showing the outlets that exceeded the lead action level within the required time period, the current Director could not provide us with documentation showing when each set of testing results were reported in HERDS. Therefore, we could not determine whether all testing results were reported in HERDS within 10 business days after receiving the results, as required.
- District officials could not provide support that staff, parents and/or guardians were notified in writing about the water outlets that exceeded the lead action level. The current Superintendent of Schools (Superintendent) told us that during his previous service as a building principal he received an email from the former Superintendent with an attached letter describing the testing procedures performed and a listing of specific outlets exceeding the lead action level. However, the current Superintendent was unable to retrieve the email notification. Although this notification letter was posted on the District's website, DOH guidance is specific that posting the information on the school's website does not constitute sufficient written notification.
- Test results were not posted on the District's website. The current Superintendent told us that all testing results were posted on the website at one time, but the information may have been inadvertently removed when the website underwent significant revisions. However, District officials were unable to provide us with any records to support this statement.

Because the former District officials responsible for reporting and notification to all required parties during Cycle Two were not available, and because current District officials could not provide documentation of the reporting and notifications for Cycle Two, we could not determine whether the required reporting and communication occurred.

It is important that District officials retain reporting and notification documentation. DOH guidance states that 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.

Furthermore, the former Director did not develop a complete sampling plan that properly addressed water outlet sampling, testing and reporting for lead contamination. As result, when the former Director left the District, there was no process in place for current Director to follow for performing these tasks. 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:

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

Appendix A: Profile, Criteria and Resources

Profile

The District serves the Towns of Beekmantown, Champlain, and Chazy, in Clinton 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 former Director, as designated by the former Superintendent, was responsible for sample collection, and coordinating and reporting all lead testing to the local health department and in HERDS in Cycle Two. The former Director separated from the District in the summer of 2022. The current Director, as designated by the current Superintendent, has these responsibilities for Cycle Three. The former Superintendent was responsible for communicating test results to school staff, parents and guardians in Cycle Two. The current Superintendent is responsible for communicating with staff and parents/guardians and ensuring that all results are posted on the District's website for Cycle Three.

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,

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

-
- Kitchen kettle filler outlets,
 - Ice machines,
 - 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 That Were Not Sampled or Secured Against Use:
Hallways or Common Spaces	18	(1)	0	17
Bathroom	37	(4)	0	33
Classroom	49	(21)	(2)	26
Cafe/Kitchen/Food	9	(5)	0	4
Science or Art Room	17	0	(15)	2
Outside/Sports Areas	48	0	(15)	33
Totals	178	(31)	(32)	115

Appendix C: Response From District Officials

CHAZY CENTRAL RURAL SCHOOL

CHAZY, NEW YORK 12921

PHONE (518) 846 - 7135



SUPERINTENDENT OF SCHOOLS

ROBERT E. MCAULIFFE

Chief of Municipal Audits,

We agree with your draft audit report. We agree with your findings and recommendations.

Robert McAuliffe, Superintendent

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 178 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 46 District-tested water outlets, we identified 15 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.
- We reviewed all available documentation that the District had for reporting the laboratory results including HERDS reporting and District email correspondences with Clinton County Department of Health.

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.

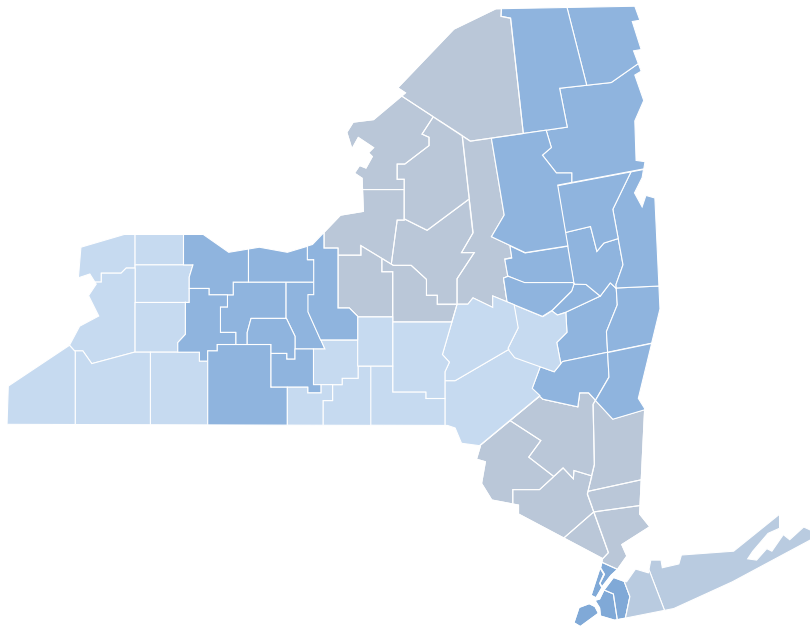
Unless otherwise indicated in this report, samples for testing were selected based on professional judgment, as it was not the intent to project the results onto the entire population. Where applicable, information is presented concerning the value and/or size of the relevant population and the sample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

Contact

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