



Germantown Central School District

Lead Testing and Reporting

S9-25-3 | July 2025

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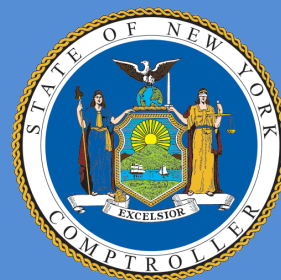
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Audit Results

Germantown Central School District



Audit Objective

Audit Period

Did Germantown 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 63 of the 146 (43 percent) water outlets we identified in 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 during Cycle Two. This occurred because District officials did not have a sampling plan to identify all water outlets for sampling or exemption.

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

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, and what remedial actions were planned or enacted for water outlets identified as exceeding the lead action level. Because there is no information on the lead levels of the water outlets not sampled for testing, we were unable to determine whether officials identified and remediated all water outlets that would have required it.

The District's test results identifying 12 of 35 (34 percent) sampled water outlets with actionable lead levels were never reported to the local health department, and officials could not provide documentation that they notified staff, parents and/or guardians of these results in writing, as required. Further, District officials did not have documentation to support that the sampling and testing results were posted on the District's website, as required.

This final report includes seven recommendations to that effect. District officials agreed with our recommendations and have initiated or indicated they planned to initiate corrective action.

The Board of Education (Board) has the responsibility to initiate corrective. 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.

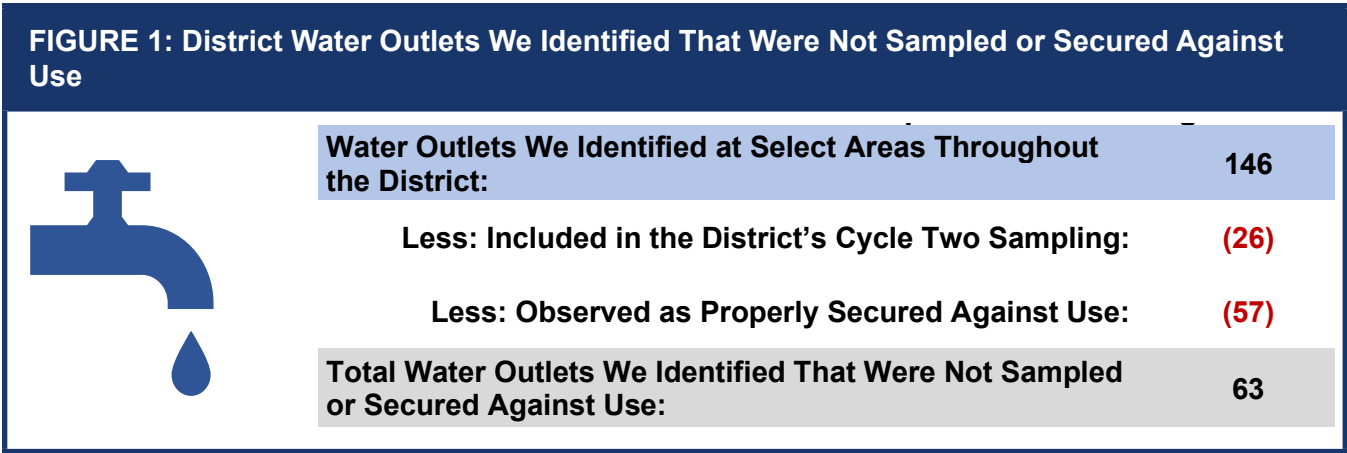
Lead Testing and Reporting: Findings and Recommendations

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 on October 24, 2020 for Cycle Two testing, collecting samples from 35 water outlets, which were then tested at a laboratory certified through the NYS Environmental Laboratory Approval Program (ELAP). However, 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 they would be secured, and what remedial actions were planned or enacted.

We identified 146 water outlets at select areas throughout the District to determine whether the District conducted required sampling of all water outlets during Cycle Two.⁵ Of the 146 water outlets we identified, 26 water outlets were included in the 35 water outlets sampled by the District for Cycle Two, and another 57 water outlets we observed as properly secured against use. Therefore, we determined that 63 of the 146 water outlets 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 December 31, 2020, 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 District properly secured 57 water outlets against use by shutting off the outlets' water supply, signage (e.g., "Do Not Drink") and/or other physical or supervisory controls. However, because District officials did not identify all outlets to be sampled for testing, we were unable to determine whether the 63 unsampled or unsecured water outlets we identified were below the lead action level of 15 ppb.

Finally, we reviewed the test results from all 35 water outlets that were sampled by the District and determined whether District officials took appropriate remedial action for water outlets that exceeded the lead action level. Of the 35 water outlets that were sampled and tested, 12 water outlets (34 percent) were above the lead action level of 15 ppb.

We confirmed that for 11 of the 12 water outlets District officials had implemented effective controls to prevent the outlets from being used for cooking or drinking, such as "Do Not Drink" signs along with teacher supervision and/or providing another source of water for cooking or drinking. The one remaining water outlet was in a District office and while it had a "Do Not Drink" sign as a control, 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 staff that the water outlet is not to be used or establishing and enforcing rules to prevent the water outlet's use, which they did not have in place.

In addition, we observed "Do Not Drink" signs posted above some sinks in the District's bathrooms, but not all sinks as the DOH guidance suggests. Furthermore, in locations where supervision is not feasible (i.e. bathrooms) the District should have a combination of controls since signs alone are not effective.

Because the District officials relied on the former Head Custodian to oversee the testing program, they were not aware there was no detailed sampling and remedial action plans, and that not all water outlets were either exempted or sampled for testing as required. Had District officials developed those plans, District administrators could have quickly reviewed the work performed and overseen by the former Head Custodian and determined whether all water outlets were sampled or exempt.

Recommendations

District officials should:

1. Develop sampling and remediation 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.
3. Review all work related to the lead testing program for accuracy and completeness.
4. Keep accurate records of all remediation efforts, including actions taken and dates performed.

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

District officials did not properly or accurately report laboratory test results within the required time periods or to all required parties, including the results showing 12 of the 35 water outlets sampled for testing were above the lead action level. This occurred because officials were not familiar with all reporting requirements and procedures were not in place to identify officials' duties or responsibilities. Specifically:

- District officials did not directly notify their local health department within one business day of receiving testing results showing 12 water outlets were above lead action levels, as required. The District reported the results through the Health Electronic Response Data System (HERDS) reporting system but not directly to the local health department.
- District officials could not support that the letter detailing the test results of the water outlets that exceeded the lead action level was mailed to staff, parents and/or guardians within 10 days, as required. The Superintendent of Schools (Superintendent) told us he believes the notice was mailed shortly after receiving the lead results. Furthermore, the letter inaccurately excluded two elementary classroom water outlets that exceeded the lead action level.
- District officials were unable to provide us with any records to support when the test results were posted on the District's website, therefore, we cannot determine whether these results were posted within the required timeframe.

The Superintendent told us all health-related reporting, including lead testing results, was the responsibility of the nurse's office. The District had a substitute nurse at the time Cycle Two testing and reporting was done, and she told us she was unfamiliar with the requirement for reporting lead test results to the local health department. However, District officials, specifically those charged with oversight of District operations, are still responsible for ensuring timely reporting. Also, the District did not develop a sampling plan that properly addressed potable water outlet sampling, testing and reporting for lead contamination. Developing clear procedures identifying all officials involved and what their roles and responsibilities are 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 to meet the reporting requirements.

-
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 Ancram, Clermont, Gallatin, Germantown, Livingston, and Taghkanic in Columbia County. The District's school building (Elementary/Middle/High School and District Office) is located in the Town of Germantown.

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.

For Cycle Two, the District contracted with the Questar III BOCES Health & Safety Office to assist with its lead testing program. The BOCES Health & Safety Technician was responsible for sample collection, sending the samples to the laboratories, and providing the District with the results from the laboratories. The former Superintendent assigned the former Head Custodian to oversee the testing program including oversight of the sample collection by the BOCES Health & Safety Technician and providing test results to the nurse's office for reporting all lead testing. For Cycle Three, the District's Business Administrator is responsible for overseeing the lead testing program, and the current Head Custodian is responsible for sample collection.

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),

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

-
- Classroom sinks,
 - Food washing sinks,
 - 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

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>

this information on the school's website or through social media does not qualify as notification in this case.⁸

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>

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

Appendix B: District Water Outlets

Figure 2: District Water Outlets 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	9	(3)	(6)	0
Bathroom	42	0	0	42
Elementary Classroom	26	(14)	(10)	2
Cafe/Kitchen/Food	17	(9)	(2)	6
Science or Art Room	27	0	(21)	6
Outside/Sports Areas	25	0	(18)	7
Totals	146	(26)	(57)	63

Appendix C: Response From District Officials



Germantown
CENTRAL SCHOOL DISTRICT

June 6, 2025

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

Dear Office of the State Comptroller,

On behalf of the Germantown Central School District Board of Education and Administration, we thank you for the time and effort your office dedicated to reviewing our compliance with New York State Public Health Law and Department of Health regulations regarding lead testing and reporting for potable water outlets. We recognize the importance of this issue and appreciate your diligence in conducting a thorough and objective audit.

The District fully agrees with the findings outlined in the final report. We acknowledge that during Cycle Two of testing, conducted on October 24, 2020, the District did not ensure that all required potable water outlets were properly sampled, exempted, or remediated, and that the necessary reporting procedures were not fully followed. These deficiencies are of serious concern to us, particularly as they relate to the health and safety of our students, staff, and school community.

It is important to note that the testing and oversight processes referenced in this report were conducted under the leadership of a former Buildings and Grounds employee and a former Superintendent of Schools. Unfortunately, during that time, the District did not have a comprehensive sampling plan, remedial action plan, or clearly defined roles and responsibilities for testing and reporting, which contributed to the shortcomings identified in your audit.

Since that time, there has been a change in administration, and under current leadership, the District is committed to addressing each of the audit's seven recommendations fully and promptly. We are developing a Corrective Action Plan (CAP) to:

- Establish a formal, comprehensive lead sampling and remediation plan;
- Ensure all potable water outlets are tested or properly exempted with controls in place;
- Clearly define responsibilities and timelines for reporting results to all required parties;
- Maintain accurate, complete documentation of all testing, remediation, and notification activities.

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www.germantowncsd.org



Germantown

CENTRAL SCHOOL DISTRICT

We take these findings seriously and view them as an opportunity to improve our operations, strengthen internal oversight, and ensure full regulatory compliance moving forward. The District's CAP will be submitted within 90 days and posted to our website, in accordance with applicable requirements.

Thank you again for your important work and constructive recommendations. Please do not hesitate to reach out should you require any additional information or clarification.

Sincerely,

Benjamin Bragg
Superintendent of Schools

123 Main Street, Germantown, NY 12526 Phone (518) 537-6281 Fax (518) 537-6283
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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 period that closed June 30, 2021, and for Cycle Three which is still ongoing until December 31, 2025.
- We reviewed all available documentation that the District had for sampling and testing for Cycle Two 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 children 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 146 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.⁹ We observed the controls present at each water outlet and whether they had been sampled for lead testing.

- For the 35 District water outlets sampled for testing in Cycle Two, we identified 12 tested 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 reviewed all available documentation that the District had for reporting the laboratory results including HERDS reporting and District email correspondence with Columbia County Department of Health.

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

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.

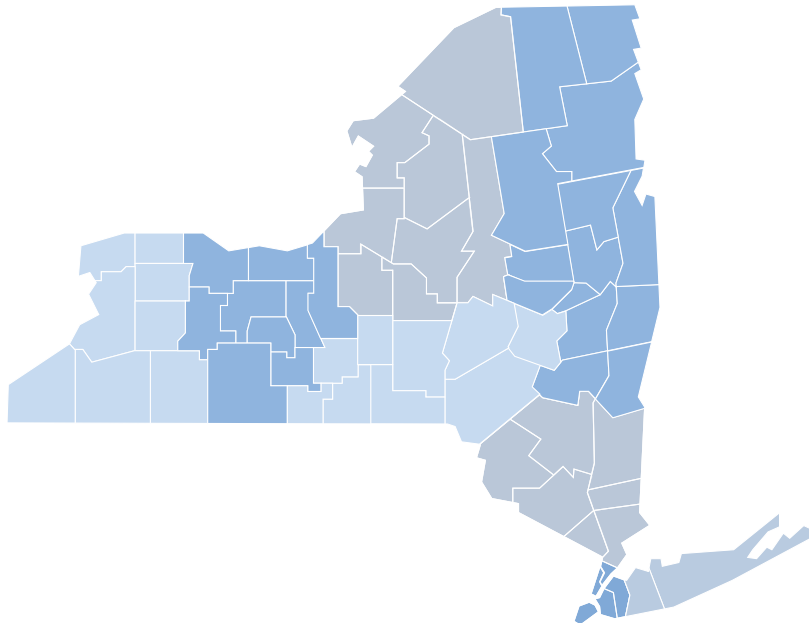
Unless otherwise indicated in this report, samples for testing were selected based on professional judgment, as it was not the intent to project the results onto the entire population. Where applicable, information is presented concerning the value and/or size of the relevant population and the sample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

Contact

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