



# Indian Lake Central School District

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## Lead Testing and Reporting

S9-25-16 | July 2025

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# Audit Results

## Indian Lake Central School District



### Audit Objective

### Audit Period

Did Indian Lake 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.<sup>1</sup> 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.<sup>2</sup>

## 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.<sup>3</sup> We determined 36 of the 76 (47 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 during Cycle Two. This occurred because District officials did not have a sampling plan to identify all water outlets for sampling or exemption.

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

<sup>2</sup> 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.

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

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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, 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 36 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 12 water outlets the District sampled for Cycle Two testing, four water outlets exceeded the lead action level. We determined that three of the four outlets with actionable lead levels had effective controls to prevent them from being used for drinking or cooking. Resampled for Cycle Three, the fourth outlet's test results showed the lead level was reduced below the current lead action level; however, the District did not have a remedial action plan with the details and dates of action taken evidencing that the water outlet was disabled before the lead level was reduced.

District officials did not always properly report testing results to all required parties or within the required time periods. While Cycle Two results were reported through DOH's Health Electronic Response Data System (HERDS) and the local health department in the required time periods, Cycle Three's results were not. Additionally, for both Cycle Two and Cycle Three, District officials did not have any documentation to support that they notified staff, parents and/or guardians of the test results in writing, or to support that the sampling and testing results were posted on the District website in the required time period.

This final report includes six recommendations. 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. 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.

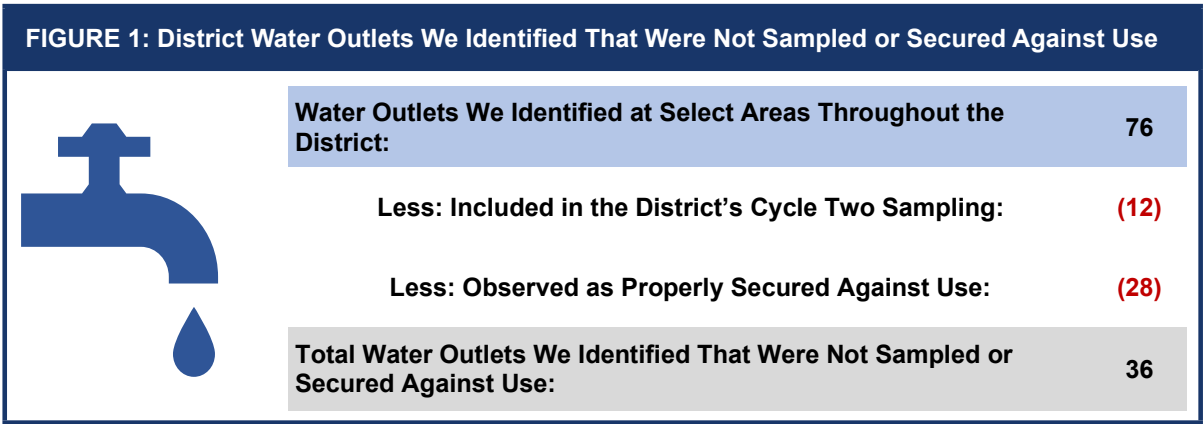
# Lead Testing and Reporting: Findings and Recommendations

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.<sup>4</sup> 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 May 21, 2021, for Cycle Two testing, collecting samples from 12 of the District’s 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, how they would be secured against use, and what remedial actions were planned or enacted.

We identified 76 water outlets at select areas throughout the District to determine whether the District conducted required sampling of all water outlets during Cycle Two.<sup>5</sup> Of the 76 water outlets we identified, 12 water outlets were those sampled by the District for Cycle Two, and another 28 water outlets we observed as properly secured against use. Therefore, we determined that 36 of the 76 water outlets we identified were not exempted by the District and should have been sampled for testing (Figure 1).



<sup>4</sup> 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

<sup>5</sup> 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.

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The former Head of Buildings and Grounds, who was responsible for the District's Cycle Two sampling and testing, told us he thought he sampled all the water outlets requiring it, and that he posted signage at all other outlets. However, the current Head of Building and Grounds, who is responsible for the District's Cycle Three sampling and testing, told us he did not have documented sampling or remedial action plans because he relied on information provided by the former Head of Buildings and Grounds and was unaware of these requirements. Additionally, District officials told us that the former Head of Buildings and Grounds performed sampling for Cycle Two without any supervision or review from other District officials to ensure all water outlets were sampled.

The District properly secured 28 water outlets against use by posting signage (e.g., "Do Not Drink") combined with supervisory controls. However, because District officials did not identify all water outlets to be sampled for testing, we were unable to determine whether the 36 unsampled or unsecured water outlets we identified were below the lead action level of 15 ppb.

Of the 36 water outlets not sampled or secured against use, the majority (33) were in bathrooms. The current Head of Building and Grounds told us he believed that signage alone was an effective control. However, 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. Furthermore, during our fieldwork we observed that one of the bathroom water outlets was missing its signage because the District did not have a maintenance schedule to periodically confirm signs were present. The remaining three outlets were overlooked because the District did not have a sampling plan.

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 12 water outlets that the District sampled for testing, four water outlets (33 percent) were above the lead action level of 15 ppb. Of these:

- We determined the District had effective controls for three water outlets to prevent them from being used for cooking or drinking, including disabling the outlets as well as adding "Do Not Drink" signs and providing teacher supervision.
- District officials told us the one remaining water outlet, a café kettle-filler, was disabled until a filter was installed in August 2024. The water outlet was resampled for Cycle Three and the outlet's test results showed the lead level was reduced below the current lead action level of five ppb.<sup>6</sup> However, because the District did not have a remedial action plan with the details and dates of action taken, we cannot confirm that the water outlet was disabled before the lead level was reduced.

Because District officials relied on the former Head of Buildings and Grounds to oversee the lead testing program for Cycle Two, they were not aware of the sampling and remedial action plan

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<sup>6</sup> Starting in Cycle Three, the lead action level was lowered to five ppb.

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requirements and that not all water outlets were sampled as required. Had District officials developed detailed sampling and remedial action plans they could have quickly reviewed the work performed by the former Head of Building and Grounds and determined whether all water outlets were sampled and if the implemented controls were effective.

In addition, as of the conclusion of our fieldwork, District officials believed they had completed Cycle Three sampling; however, that work only included 16 water outlets. Based on our observations of Cycle Two sampling and our discussions with District officials, as well as the additional water outlets we identified that were not sampled or secured against use during Cycle Two, District officials should consider additional water outlet sampling or documenting outlets they have exempted (and secured against use) in a remedial action plan before the conclusion of Cycle Three.

## Recommendations

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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.
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. 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.

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While District officials properly reported laboratory test results for Cycle Two to the local health department and through HERDS within the required time periods, they did not properly report the results within the required time periods to the other required parties for Cycle Two and Cycle Three. Specifically:

For Cycles Two and Three:

- District officials did not have documentation that the Superintendent notified staff, parents and/or guardians in writing about the water outlets that exceeded the lead action level. When test results exceed the lead action level, schools must notify staff, parents and/or guardians in writing within 10 business days.

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- Although we observed that the test results and exceedances were posted on the District's website, there was no documentation to support that the results were posted within the required time period.

For Cycle Three:

- District officials did not directly notify their local health department within one business day of receiving testing results showing three water outlets were above lead action levels, as required. District officials notified the local health department of all test results 166 days late and about the exceedances 176 days late.
- District officials reported the results of all testing through HERDS 171 days late.

The current Head of Building and Grounds was unaware of the local health department reporting requirement and he believed that the results had been submitted through HERDS; however, we observed that additional information was needed before the data could be successfully submitted. Also, District officials did not develop and document clear procedures identifying all officials involved with lead testing and their roles and responsibilities. Developing such procedures may lower the risk that the District will miss reporting deadlines during future testing cycles.

## Recommendations

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District officials should:

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



# Appendix A: Profile, Criteria and Resources

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## Profile

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The District serves the Town of Indian Lake in Hamilton County. The District's buildings are located on a campus in the Town of Indian Lake.

The District is governed by the elected five-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 Superintendent designated Head of Building and Grounds as the person responsible for coordinating and reporting all lead testing, including collecting samples and submitting them to the laboratory, receiving testing results from the laboratory, providing District officials with these results for notification to all required parties, and performing any remedial actions for outlets that test above the lead action level. The former Head of Building and Grounds was responsible for Cycle Two, the current Head of Building and Grounds started in June 2024 and is responsible for Cycle Three.

## Criteria – Lead Testing and Reporting

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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.

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**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*.<sup>7</sup> 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,

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<sup>7</sup> <https://www.health.ny.gov/environmental/water/drinking/lead/docs/leadtestinginschoolsguidancedocument.pdf>

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- 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.<sup>8</sup> 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.<sup>9</sup>

<sup>8</sup> 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>

<sup>9</sup> See page 14 of DOH’s Guidance Manual: <https://www.health.ny.gov/environmental/water/drinking/lead/docs/leadtestinginschoolsguidancedocument.pdf#page=16>

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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	7	(4)	0	3
Bathroom	33	0	0	33
Elementary Classroom	4	0	(4)	0
Cafe/Kitchen/Food	12	(8)	(4)	0
Science or Art Room	18	0	(18)	0
Outside/Sports Areas	2	0	(2)	0
<b>Totals</b>	<b>76</b>	<b>(12)</b>	<b>(28)</b>	<b>36</b>

# Appendix C: Response From District Officials

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## *Indian Lake Central School*

6345 NYS Rte 30  
Indian Lake, New York 12842  
(518) 648-5024  
Fax (518) 648-6346

### **BOARD OF EDUCATION**

*David Harrington, President*  
*Jason Scott, Vice President*  
*Anthony Feller*  
*Allison LaPrairie*  
*Laurie Wells*

### **DISTRICT CLERK**

*Dianna Wilder-Clawson*



### **SUPERINTENDENT/PRINCIPAL**

*Melissa Mulvey*

### **GUIDANCE COUNSELOR/CSE**

*PreK-12, Genine Longacker*  
*CSE Chair, James Pine*

### **DISTRICT TREASURER**

*Elizabeth Federspiel*

July 14, 2025

Indian Lake Central School District  
6345 NYS Route 30  
Indian Lake, NY 12842

Office of the State Comptroller  
Division of Local Government and School Accountability  
110 State Street, 12<sup>th</sup> Floor  
Albany, NY 12236

Re: Response to Lead Testing Audit – Indian Lake Central School

To Whom It May Concern:

This letter is to acknowledge receipt and review of the final audit report issued by the Office of the State Comptroller regarding lead testing in school drinking water at Indian Lake Central School.

The District has thoroughly reviewed the findings presented in the report. We agree with the conclusions and appreciate the thorough and professional manner in which the audit was conducted. The audit has highlighted areas where our procedures and documentation fell short of state requirements. We fully understand where these deficiencies occurred and recognize the importance of maintaining complete compliance with all regulations related to water testing in school facilities.

Moving forward, Indian Lake Central School District is committed to strengthening our internal procedures to ensure all aspects of lead testing and reporting are conducted with the highest standards.

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We are grateful for the guidance provided through this audit and will use it as an opportunity to improve our operations for the health and safety of our students and staff.

Please feel free to contact us if additional information or clarification is needed.

Sincerely,

Melissa Mulvey  
Superintendent

# Appendix D: Audit Methodology and Standards

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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 District building. We identified the following as high-risk areas/outlets based on the DOH guidance:
  - Hallway drinking fountains and bottle-filling stations, outside 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 76 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.<sup>10</sup> We observed the controls present at each water outlet and whether they had been sampled for lead testing.

- For the 12 water outlets sampled for testing by the District, we identified four 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 the Director's email receipts that he received the lab results, HERDS reporting, website postings, and email correspondences with the local health departments.

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<sup>10</sup> <https://www.health.ny.gov/environmental/water/drinking/lead/docs/leadtestinginschoolsguidancedocument.pdf>



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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.

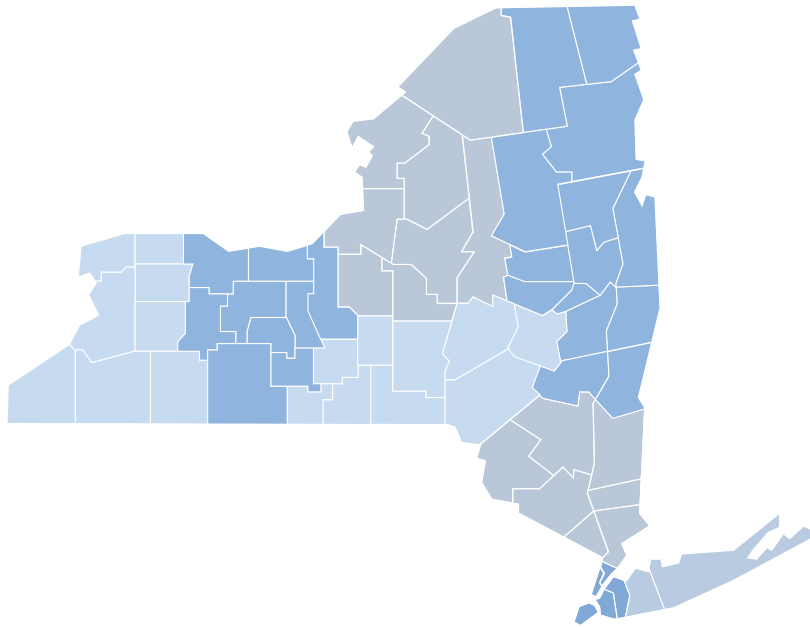
Unless otherwise indicated in this report, samples for testing were selected based on professional judgment, as it was not the intent to project the results onto the entire population. Where applicable, information is presented concerning the value and/or size of the relevant population and the sample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

## Contact

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