
HOUSE BILL 1860

State of Washington

66th Legislature

2019 Regular Session

By Representatives Pollet, Stanford, Riccelli, Robinson, Wylie, Gregerson, Lovick, Peterson, Ryu, Shewmake, Valdez, Jenkins, Goodman, Tarleton, Fitzgibbon, Leavitt, Doglio, and Macri

Read first time 02/01/19. Referred to Committee on Education.

1 AN ACT Relating to taking action to address lead in drinking
2 water in schools; and adding a new chapter to Title 28A RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The definitions in this section apply
5 throughout this chapter unless the context clearly requires
6 otherwise.

7 (1) "Department" means the department of health.

8 (2) "Drinking water outlet" means any water fountain, faucet, or
9 tap regularly used for drinking or food preparation, including but
10 not limited to ice-making and hot drink machines.

11 (3) "Elevated lead level" means a lead concentration in drinking
12 water that exceeds five parts per billion.

13 (4) "Lead free" means:

14 (a) Not containing more than 0.2 percent lead when used with
15 respect to solder and flux; and

16 (b) Not more than a weighted average of 0.25 percent lead when
17 used with respect to the wetted surfaces of pipes, pipe fittings,
18 plumbing fittings, and fixtures.

19 (5) "Lead service line" means a pipe and its fittings, or both,
20 that:

21 (a) Connect a drinking water main to a building inlet; and

1 (b) Are not lead free as determined using a calculation
2 consistent with the requirements of 42 U.S.C. Sec. 300g-6(d)(2), as
3 of the effective date of this section.

4 (6) "NSF certified filters" means filters certified by the
5 national sanitation foundation to remove lead from drinking water.

6 (7) "Outlet" means any tap, faucet, fountain, or other end-point
7 for delivery of water.

8 (8) "School" means a public school, a private school, or a
9 charter school regulated under this title or chapter 72.40 RCW.

10 (9) "Secretary" means the secretary of the department of health.

11 (10) "Superintendent" means the office of the superintendent of
12 public instruction.

13 (11) "Technical guidance" means the technical guidance for
14 detecting and remediating lead in drinking water at schools issued by
15 the department pursuant to section 5(2) of this act.

16 NEW SECTION. **Sec. 2.** (1) By January 1, 2020, each school shall
17 develop and adopt a plan of action to prevent elevated lead levels in
18 all water used for drinking or cooking. The plan of action must
19 include:

20 (a) Installing and maintaining NSF certified filters at all
21 faucets, fountains, or other outlets designated for drinking or
22 cooking, at which elevated levels of lead have been identified,
23 within eighteen months of the effective date of this section. A
24 school may, consistent with other obligations in law, remove some
25 outlets from operation instead of installing filters on those
26 outlets, as long as every child has reasonable access to free, safe
27 drinking water;

28 (b) The creation of an inventory of lead-bearing parts within its
29 water delivery system, including but not limited to fixtures and
30 plumbing with lead soldering. By July 1, 2021, a school must replace
31 all lead-bearing parts identified in the inventory under this
32 subsection (1)(b), to the extent feasible and cost-effective, except
33 that nothing in this subsection (1)(b) shall be interpreted to
34 require a school to undertake structural modifications to a building;
35 and

36 (c) Any other measures to reduce lead contamination of water,
37 consistent with the technical guidance issued by the office of the
38 superintendent of public instruction in section 5 of this act.

1 (2) Nothing in this section prevents a school from adjusting its
2 plan of action in response to public input or to be consistent with
3 the technical guidance issued by the superintendent. However, the
4 requirements of subsection (1)(a) of this section may not be amended
5 in response to department technical guidance or public input.

6 (3) A school may seek the assistance of a local health
7 jurisdiction, the department, or the superintendent to help ensure
8 its compliance with the provisions of this section.

9 (4) Nothing in this section supersedes requirements for more
10 timely remediation in the event that a test shows outlets with
11 elevated lead levels, as provided in section 3 of this act.

12 NEW SECTION. **Sec. 3.** (1) No less frequently than once every
13 three years, starting with the 2019-20 school year, each school shall
14 test each outlet used for drinking water or cooking in each school
15 facility built before 2000 for the presence of lead. School districts
16 may test one-third of the buildings required to be tested pursuant to
17 this section in 2019, one-third in 2020, and one-third in 2021. Each
18 test for lead must be conducted by a laboratory certified for this
19 purpose by the secretary, in accordance with the sampling and testing
20 methods specified in the technical guidance issued by the office of
21 the superintendent of public instruction. Concluding with the fiscal
22 year ending June 30, 2025, each school conducting testing pursuant to
23 this section may be reimbursed for its testing costs by the
24 superintendent from funds appropriated for this purpose.

25 (2) Nothing in this section prevents a school from conducting
26 more frequent testing than required pursuant to subsection (1) of
27 this section.

28 (3) If testing reveals a lead level of one part per billion or
29 higher at a water outlet used for drinking or cooking, within ten
30 business days the school must provide notice of the results of the
31 test as specified in section 4(2) of this act.

32 (4)(a) If testing reveals a lead level of five parts per billion
33 or higher at a water outlet used for drinking or cooking, within
34 twenty-four hours the school must close off access to the outlet and
35 report the test results to the department and to the superintendent.
36 Additionally, within thirty days of receiving test results showing
37 one or more outlets with lead levels of five parts per billion or
38 higher, the school shall either:

1 (i) Permanently shut or close off access to the water outlet or
2 outlets in question and provide an alternative source of safe water
3 without elevated lead levels; or

4 (ii) Install and maintain an NSF certified filter or filters at
5 the outlet or outlets in question.

6 (b) Schools must take additional measures if necessary to
7 eliminate elevated lead levels at the outlet or outlets in question,
8 consistent with the technical guidance issued by the superintendent.

9 NEW SECTION. **Sec. 4.** (1) Each school shall:

10 (a) Submit to the department and the office of the superintendent
11 of public instruction, as soon as practicable:

12 (i) Its plan of action for preventing lead contamination of
13 water, pursuant to section 2 of this act; and

14 (ii) Information on testing activities conducted pursuant to
15 section 3 of this act including, but not limited to, the date the
16 testing was completed, the location and type of each drinking water
17 outlet tested, the complete results of each test, and any measures
18 being taken pursuant to section 3(4) of this act to remediate a
19 drinking water outlet found to have a lead level greater than five
20 parts per billion;

21 (b) Maintain copies of the information submitted pursuant to (a)
22 of this subsection in a suitable location for inspection by the
23 public, and on the internet web site of the school;

24 (c) Notify parent, teacher, and employee organizations of the
25 availability of the information submitted pursuant to (a) of this
26 subsection; and

27 (d) Designate a person to serve as the contact person for
28 communications with the department and the public regarding lead
29 testing and remediation activities.

30 (2) If testing conducted pursuant to section 3 of this act
31 reveals a lead level of one part per billion or higher at a drinking
32 water outlet, within ten business days the school shall directly
33 notify teachers, other school personnel, and parents. Notification
34 may be accomplished through written notice, email, or other means
35 approved by the department. The notification must include, but is not
36 limited to:

37 (a) A summary of the results of the testing conducted and
38 information on the availability of the complete test results for

1 public inspection at a suitable location and on the internet web site
2 of the school;

3 (b) A description of any remedial measures being taken pursuant
4 to section 3(3) of this act;

5 (c) General information on the public health effects and risks
6 posed by lead in drinking water and information on the availability
7 of additional resources concerning lead in drinking water, as
8 outlined in the technical guidance; and

9 (d) The name and contact information of the person designated
10 pursuant to subsection (1)(d) of this section to communicate with the
11 public.

12 (3) At each outlet used for drinking or cooking, the school shall
13 post an electronic code that, when electronically scanned, provides a
14 person with access to information on testing and remediation for that
15 outlet. The information available via the electronic code must
16 include the maintenance schedule and log for installed NSF certified
17 filters, unless the outlet is equipped with a clearly visible
18 indicator for filter replacement.

19 NEW SECTION. **Sec. 5.** (1) The office of the superintendent of
20 public instruction, in consultation with the department and the
21 department of ecology, must adopt emergency rules under chapter 34.05
22 RCW to implement this chapter. Emergency rules adopted under this
23 section may remain in effect for up to eighteen months from the date
24 of adoption.

25 (2) The superintendent, in consultation with the department,
26 shall issue technical guidance that is at least as protective of the
27 public health as the technical guidance for reducing lead in drinking
28 water at schools issued by the United States environmental protection
29 agency. Provisions of the technical guidance related to testing to
30 determine the presence and levels of lead in water, as opposed to
31 testing to identify sources of lead for remediation, must be designed
32 to maximize detection of lead in water, and therefore must prohibit
33 sampling or testing methods that tend to mask lead contamination,
34 including prestagnation flushing and removal of aerators prior to
35 sampling. By September 1, 2019, the superintendent shall provide the
36 technical guidance, a list of laboratories certified to conduct lead
37 testing, and any other information the superintendent deems
38 appropriate to each school, and post the technical guidance on the
39 office of the superintendent of public instruction's web site.

1 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act
2 constitute a new chapter in Title 28A RCW.

--- **END** ---