

SENATE BILL REPORT

SB 6271

As Reported By Senate Committee On:
Natural Resources, Energy & Water, February 6, 2004

Title: An act relating to safe drinking water in Washington public schools.

Brief Description: Requiring safe drinking water in Washington public schools.

Sponsors: Senators Jacobsen, Prentice, Thibaudeau, Kline, Kohl-Welles, Poulsen, Fraser, McAuliffe, Shin and Eide.

Brief History:

Committee Activity: Natural Resources, Energy & Water: 1/30/04, 2/6/04 [DPS-WM, DNP].

SENATE COMMITTEE ON NATURAL RESOURCES, ENERGY & WATER

Majority Report: That Substitute Senate Bill No. 6271 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Fraser, Hale, Hargrove, Oke and Regala.

Minority Report: Do not pass.

Signed by Senator Honeyford.

Staff: Evan Sheffels (786-7486)

Background: The Department of Health's (DOH) Division of Drinking Water is charged with protecting the health of the people of Washington State by assuring safe and reliable drinking water. DOH has been delegated authority to administer the federal Safe Drinking Water Act (SDWA) in Washington.

Generally, SDWA applies to public water systems with 15 or more connections, or systems regularly serving 25 or more people daily. SDWA includes water quality standards, sampling, treatment, and public notification requirements. Approximately 4,200 public water systems in Washington are subject to SDWA requirements.

Public schools that do not have their own water source are not identified as public water systems and thus are not subject to SDWA requirements. According to EPA guidance, even though water delivered from a public water system must meet federal and state standards for lead and other contaminants, a school building may still have unacceptable drinking water contamination levels due to the school's pipes, plumbing, and water use patterns. The EPA strongly encourages school districts to follow SDWA guidelines for water quality testing and remediation.

Summary of Substitute Bill: Findings and declarations are made regarding the vulnerability of young children to drinking water contaminants and the need to test school drinking water.

The intent of the new chapter on safe school drinking water is stated. The exclusive responsibility for corrective actions is placed with the governing entities of the school institutions. Compliance action by the state is unnecessary where full disclosure is provided. Private schools are included.

The Board of Health (BOH) must adopt maximum contaminant levels (MCL) for lead, copper, cadmium, and corrosion, according to, but not limited to, EPA guidance. The standards shall provide reasonable margins of safety. Additional standards may be adopted if needed to protect public health. Emergency rules must be adopted by April 2005, with final rules due a year later.

BOH, by rule, must establish implementation protocols for testing, public notifications of MCL exceedances, inspection, corrective actions, deadlines, and monitoring and reporting of corrective actions. Plumbing standards for lead must be consistent with applicable federal standards. Laboratory analysis must be performed by a state accredited lab.

Within available funds, DOH must provide technical assistance to school administrators related to water quality testing and corrective actions. DOH and BOH are to cooperate with local health jurisdictions. The chapter does not apply to schools with their own water source, as such schools are already subject to the federal SDWA. Biennial compliance reports to the Legislature are required from DOH, regarding testing, disclosure, corrective actions, and recommendations to improve achievement of safe drinking water in schools.

Substitute Bill Compared to Original Bill: The substitute bill does not add any compliance authority to the current authority of the state board or Department of Health. It places responsibility for correcting drinking water problems on the governing entities of the schools. The language prohibiting schools from issuing construction bonds if the school is out of compliance is removed.

The Board of Health, instead of the Department of Health, is to adopt rules, protocols, and MCL standards, which are to provide reasonable margins of safety. Zinc is removed from the list needing standards set. Language calling for reasonable overprotection when there is scientific ambiguity is removed. The plumbing standard language is modified to refer to consistency with federal standards.

The Department of Health is to provide technical assistance to schools, to the extent funds are available. DOH report to the Legislature requirements are modified. DOH is to monitor progress and make recommendations for achievement of safe drinking water in schools.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: In the 90s the Seattle schools led the nation by getting school water tested for lead. Tests showed exceedances, but they never acted on it. Self-regulation and self-auditing does not work. If we can keep attendance and grades, we can track water quality in the schools. There is potential liability if parents file suit.

Testimony Against: This is an unfunded mandate on the schools. The testing costs will be very large, and replacement costs even larger. This needs to be addressed, but we need to look to state funding sources. The original bill is too vague.

Testified: Gregg Grunenfelder, Dept. of Health (support concept); Gary Engleson, engineering/construction (support concept); Ron English, Seattle Schools (concerns); Jack Tinnea, Tinnea & Associates (pro); Mitch Denning, Alliance for Educational Association, Washington Association of Maintenance & Operation Adm. (support concept); Mark Cooper (Sen. Ken Jacobsen), Washington State Senate (pro); Geoff Compeau (pro).