
HOUSE BILL 2177

State of Washington 59th Legislature 2005 Regular Session

By Representatives Chase, Kenney, Santos and Hasegawa

Read first time 02/22/2005. Referred to Committee on Health Care.

1 AN ACT Relating to toxic mold in schools; adding a new chapter to
2 Title 70 RCW; and declaring an emergency.

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

4 NEW SECTION. **Sec. 1.** The legislature declares that a safe and
5 healthy environment for Washington's school children is of great
6 importance. The legislature finds that children are especially
7 vulnerable to contaminants, which can impair health and reduce
8 learning. The legislature also finds that it is important that the
9 indoor air quality, and instructional areas and play areas in all
10 schools are safe. Recognizing that the presence of toxic mold can
11 adversely impact the air quality of a school, the legislature finds
12 that the best way to ensure that individual school buildings are free
13 from toxic mold is through testing air of affected buildings and
14 developing and implementing corrective action plans when problems are
15 found.

16 NEW SECTION. **Sec. 2.** The definitions in this section apply
17 throughout this chapter unless the context clearly requires otherwise.

18 (1) "Board" means the state board of health.

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

2 (3) "Local school governing authority" means a local board of
3 education under chapter 28A.330 RCW or school decision-making authority
4 for private schools under chapter 28A.195 RCW.

5 (4) "School" means common schools under RCW 28A.150.020 and
6 approved private schools under chapter 28A.195 RCW.

7 NEW SECTION. **Sec. 3.** (1) The board shall adopt rules for toxic
8 mold levels in school facilities by August 1, 2006. The rules shall
9 include: (a) Toxic mold quality monitoring requirements and action
10 levels; (b) toxic mold testing protocols and testing thresholds; (c)
11 deadlines for schools to complete toxic mold testing; (d) requirements
12 and deadlines for posting test results, and for providing notice to
13 students, parents, school staff, and the public when test results
14 exceed established action levels; and (e) requirements for the local
15 school governing authority to report to the community on implementation
16 of corrective actions.

17 (2) At a minimum, the board shall require each local school
18 governing authority to maintain records of safety inspections and
19 testing results for environmental health hazards, including toxic mold,
20 for all school facilities, and communicate the availability of these
21 records to school employees and the public, either through the internet
22 or by direct mailing. School records of environmental health hazards
23 shall include all available testing and remediation records for
24 drinking water, indoor air quality, mold, contaminated soil, asbestos,
25 and safety hazards. The board shall require each local school
26 governing authority to provide written notification annually or upon
27 enrollment to parents or guardians of students and employees describing
28 the school's environmental hazard testing and remediation policies and
29 methods, including the posting and notification requirements of this
30 section.

31 (3) In adopting rules, the board shall also recognize that the
32 public has the right to know and to review plans to remediate
33 environmental health hazards, before remediation efforts occur. The
34 public also has the right to review records of testing, inspections,
35 and postremediation assessments. The public shall be notified of the
36 availability of these records on the internet or by direct mailing.

1 NEW SECTION. **Sec. 4.** (1) It is the intent of this chapter that
2 the exclusive responsibility for undertaking corrective actions to
3 respond to environmental health hazards in schools remains with the
4 governing entities of the school institutions, but also ensure that
5 sufficient tests are conducted to identify where such hazards are
6 occurring and that test results are widely accessible to parents,
7 students, staff, and to local and state health departments. In this
8 effort, local departments of health shall annually certify compliance
9 of schools with this chapter based on oversight and compliance
10 guidelines provided by the department. Therefore, while it is the
11 intent of this chapter not to provide additional corrective action
12 authority to the board or the department, the department shall report
13 the status of the testing and reporting program as required by
14 subsection (2) of this section, and for the legislature to determine
15 upon consideration of the report at that time whether the board or
16 department should be granted additional corrective action enforcement
17 authority.

18 (2) The department shall post on its web site the results of
19 testing received under the standards established in section 3 of this
20 act, as well as corrective action and monitoring reports provided.
21 Each school or school district that maintains a web site shall also
22 post such test results and reports.

23 (3) The department shall examine compliance with adopted standards
24 and rules and provide a report to the appropriate committees of the
25 legislature biennially, beginning December 1, 2007. In the report due
26 December 1, 2011, the department shall report on the status of testing,
27 disclosure of test results, and corrective actions taken at school
28 facilities across the state. This report shall include any
29 recommendations for legislation that would improve compliance with, or
30 facilitate the enforcement or achievement of, environmental hazard
31 standards established under this chapter, including any needed
32 compliance enforcement authority to be added to this chapter.

33 NEW SECTION. **Sec. 5.** Within available funds, the department shall
34 provide technical assistance to school administrators in conducting
35 toxic mold testing and corrective actions pursuant to this chapter.
36 The department and the board shall cooperate with local health

1 jurisdictions in establishing the standards under section 3 of this act
2 and in providing the technical assistance under this section.

3 NEW SECTION. **Sec. 6.** This chapter does not apply to schools that
4 are regulated as nontransient noncommunity systems under chapter 246-
5 290 WAC.

6 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
7 preservation of the public peace, health, or safety, or support of the
8 state government and its existing public institutions, and takes effect
9 immediately.

10 NEW SECTION. **Sec. 8.** Sections 1 through 7 of this act constitute
11 a new chapter in Title 70 RCW.

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