
SENATE BILL 5029

State of Washington

59th Legislature

2005 Regular Session

By Senators Jacobsen, Rockefeller, Kohl-Welles, Kline, Franklin and Eide

Read first time 01/10/2005. Referred to Committee on Water, Energy & Environment.

1 AN ACT Relating to safe drinking water in schools; adding a new
2 chapter to Title 70 RCW; prescribing penalties; and declaring an
3 emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature finds and declares that the
6 provision of safe drinking water for Washington's school children is of
7 great importance because young children are especially vulnerable to
8 drinking water contaminants like lead, which can cause learning
9 disabilities, decreased growth, hyperactivity, impaired hearing, and
10 abnormal brain development. The legislature finds that although water
11 delivered from the community's public water system must meet federal
12 and state standards for lead and other contaminants, a school building
13 may still have unacceptable drinking water contamination levels due to
14 pipes, plumbing materials, and water use patterns within the school
15 facility. The legislature finds that the best way to ensure that
16 drinking water is safe in a particular school building is to test
17 drinking and cooking water outlets such as taps, bubblers, and
18 fountains, and to promptly correct problems where contaminant
19 concentrations are found to exceed safe levels.

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

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

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

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

7 (4) "Secretary" means the secretary of the department of health.

8 NEW SECTION. **Sec. 3.** (1) The board shall adopt, by rule, drinking
9 water quality standards for lead, copper, cadmium, and corrosion within
10 school facilities. The board may adopt, by rule, school drinking water
11 quality standards for other contaminants if the board determines that:

12 (a) The presence of such contaminants is not due to insufficient
13 implementation of public water system standards or corrosion treatment
14 protocols; and (b) setting school drinking water standards for such
15 contaminants is necessary to protect public health and safety.

16 (2) In adopting school drinking water standards, the board shall be
17 guided by, but not limited to, the rules for controlling these
18 contaminants in drinking water as contained in 40 C.F.R. Sec. 141 and
19 EPA guidance promulgated thereunder. The standards shall provide
20 reasonable margins of safety.

21 (3) The board shall adopt emergency rules establishing interim
22 maximum contaminant levels and testing protocols by April 1, 2006. The
23 board shall adopt final maximum contaminant level standards and
24 protocols by April 1, 2007. The rules must include: (a) Drinking
25 water testing protocols, which shall be consistent with analytical
26 techniques and testing protocols specified by 40 C.F.R. Sec. 141, and
27 EPA guidance promulgated thereunder; (b) deadlines for school districts
28 to complete water quality testing; (c) requirements and deadlines for
29 providing test results to the department; (d) requirements and
30 deadlines for providing notice to students, parents, and school staff
31 when test results exceed school water quality standards; (e) facility
32 inspection protocols to ascertain causes of water quality problems; (f)
33 protocols to guide school districts in planning and implementing
34 actions to respond to the exceedances; and (g) requirements for
35 monitoring and reporting to the department following implementation of
36 corrective actions.

1 (4) Analysis of drinking water samples must be performed by a state
2 accredited drinking water laboratory.

3 (5) The board shall report to the legislature by December 1, 2006,
4 on the interim maximum contaminant levels and the board's initial
5 findings on the extent of school drinking water contamination and any
6 other contaminants in schools that may affect the health of children.

7 (6) The department shall adopt standards, consistent with
8 applicable federal standards, for lead plumbing and solders, or other
9 potential sources of lead contamination of drinking water.

10 (7) No local government may establish drinking water standards for
11 schools that are less protective than the standards or methods
12 established under this section.

13 NEW SECTION. **Sec. 4.** (1) It is the intent of this chapter that
14 the exclusive responsibility for undertaking corrective actions to
15 respond to exceedances of drinking water standards in schools remains
16 with the governing entities of the school institutions, but to ensure
17 that sufficient testing of drinking water is conducted to identify
18 where such exceedances are occurring and that test results are widely
19 accessible to parents, students, staff, and to local and state health
20 departments. It is further the intent of this chapter that compliance
21 enforcement by the state is unnecessary where full disclosure is
22 provided. Therefore, it is the intent of this chapter not to provide
23 additional corrective action authority to the board or the department,
24 but to require a report by the department of the status of the testing
25 and reporting program as required by subsection (2) of this section,
26 and for the legislature to determine upon consideration of the report
27 at that time whether the board or department should be granted
28 additional corrective action enforcement authority.

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

34 (3) The department shall examine compliance with adopted standards
35 and rules and provide a report to the appropriate committees of the
36 legislature biennially, beginning December 1, 2007. In the report due
37 December 1, 2011, the department shall report on the status of testing,

1 disclosure of test results, and corrective actions taken at school
2 facilities across the state. This report shall include any
3 recommendations, in bill form, for legislation that would improve
4 compliance with, or facilitate the enforcement or achievement of,
5 school safe drinking water standards established under this chapter,
6 including any needed compliance enforcement authority to be added to
7 this chapter.

8 NEW SECTION. **Sec. 5.** Within available funds, the department shall
9 provide technical assistance to school administrators in conducting
10 water quality testing and corrective actions pursuant to this chapter.
11 The department and the board shall cooperate with local health
12 jurisdictions in establishing the standards under section 3 of this act
13 and in providing the technical assistance under this section.

14 NEW SECTION. **Sec. 6.** This chapter is supplemental to and does not
15 replace or diminish the authority of the board or department granted by
16 other laws to ensure the provision of safe drinking water within
17 schools.

18 NEW SECTION. **Sec. 7.** This chapter does not apply to schools that
19 are regulated as nontransient noncommunity systems under chapter 246-
20 290 WAC.

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

25 NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act constitute
26 a new chapter in Title 70 RCW.

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