
HOUSE BILL 2569

State of Washington

58th Legislature

2004 Regular Session

By Representatives Kenney, McIntire, Talcott, Dickerson, McCoy, Quall, Fromhold, Pettigrew, Moeller, Chase, Haigh, Simpson, G., Rockefeller, Hunt and Morrell

Read first time 01/16/2004. Referred to Committee on Health Care.

1 AN ACT Relating to safe drinking water in Washington public
2 schools; adding a new chapter to Title 70 RCW; prescribing penalties;
3 and declaring an 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 public school
7 children is of great importance because young children are especially
8 vulnerable to drinking water contaminants like lead, which can cause
9 learning disabilities, decreased growth, hyperactivity, impaired
10 hearing, and abnormal brain development. The legislature finds that
11 although water delivered from the community's public water system must
12 meet federal and state standards for lead and other contaminants, a
13 school building may still have unacceptable drinking water
14 contamination levels due to pipes, plumbing materials, and water use
15 patterns within the school facility. The legislature finds that the
16 best way to ensure that drinking water is safe in a particular school
17 building is to test drinking and cooking water outlets such as taps,
18 bubblers, and fountains, and to promptly correct problems where
19 contaminant 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) "Department" means the department of health.

4 (2) "Public school" means public primary and secondary schools.

5 (3) "Secretary" means the secretary of the department of health.

6 NEW SECTION. **Sec. 3.** (1) The department shall regulate drinking
7 water quality at the public schools and:

8 (a) Shall adopt, by rule, public school drinking water quality
9 standards for lead, copper, cadmium, zinc, and corrosion; and

10 (b) May adopt, by rule, public school drinking water quality
11 standards for other contaminants if the department determines that:

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

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

22 (3) The department shall adopt, through emergency rule making,
23 interim maximum contaminant levels and testing protocols by April 1,
24 2005. The department shall adopt final maximum contaminant level
25 standards and protocols by April 1, 2006.

26 (4) The department shall establish, by rule: (a) Drinking water
27 testing protocols, which shall be established in accordance with lab
28 certification requirements, analytical techniques and testing protocols
29 specified by 40 C.F.R. Sec. 141, and EPA guidance promulgated
30 thereunder; (b) deadlines for school districts to complete water
31 quality testing; (c) requirements and deadlines for providing test
32 results to the department; (d) requirements and deadlines for providing
33 notice to students, parents, and school staff when test results exceed
34 public school water quality standards established by the department;
35 (e) facility inspection protocols to ascertain causes of water quality
36 problems; (f) action planning protocols to guide school districts in
37 promptly submitting proposed plans to correct exposure to exceedances

1 and to establish interim control measures to reduce exposure to
2 contamination while corrective actions are being implemented; (g)
3 review protocols for plan approval and oversight of plan implementation
4 by the local health jurisdiction or department; and (h) compliance
5 inspection and testing protocols to ensure that approved and required
6 actions have been taken and public school drinking water standards are
7 being met.

8 (5) Analysis of drinking water samples must be performed by a
9 laboratory certified by the department.

10 (6) Lead plumbing and solders, or other potential sources of lead
11 contamination of drinking water, shall not be used in the construction
12 of a new school facility or the modernization or renovation of an
13 existing school facility.

14 (7) No local government may establish drinking water standards for
15 public schools that are less protective than the standards or methods
16 established under this section.

17 NEW SECTION. **Sec. 4.** (1) All the enforcement provisions of RCW
18 70.119.030, 70.119.040, and 70.119.050 relating to public water systems
19 shall be applicable to the secretary's enforcement of the provisions of
20 this chapter to achieve the public school water quality standards and
21 requirements established under this chapter.

22 (2) A person who discriminates against or otherwise sanctions an
23 employee who complains to or cooperates with the department in
24 administering this chapter is guilty of a misdemeanor.

25 (3) The department shall establish, by rule, appropriate variance
26 provisions and procedures for any provision adopted into rules that may
27 create a financial hardship for a particular school district. However,
28 no variance shall provide for a reduction in the numerical standards
29 established for maximum contaminant levels in public school drinking
30 water.

31 (4) The department shall examine compliance with adopted standards
32 and rules and provide a report to the appropriate committees of the
33 legislature biennially, beginning December 1, 2006. The report shall
34 include any recommendations, in bill form, for legislation that would
35 improve compliance with, or facilitate the enforcement or achievement
36 of, public school safe drinking water standards established under this
37 chapter.

1 NEW SECTION. **Sec. 5.** The department shall provide technical
2 assistance to public school districts and shall establish, by rule or
3 policy, requirements for the content and presentation of training
4 courses or materials to facilitate school district compliance with the
5 requirements of this chapter.

6 NEW SECTION. **Sec. 6.** If a school receives notice from the
7 department that it is not in compliance with public school drinking
8 water standards, the school may not offer a construction bond issue to
9 the voters until the school obtains a letter of approval from the
10 department indicating the department's satisfaction that either: (1)
11 The construction bond proposal contains specific remedial provisions
12 and dedicated funding likely to bring the school into compliance with
13 public school drinking water standards; (2) the school has obtained
14 funding or bona fide commitments of funding from other sources
15 sufficient to bring the school into compliance with public school
16 drinking water standards; or (3) in accordance with rules established
17 under section 3(4) of this act, the school has submitted and received
18 approval for an action plan likely to reduce contamination to
19 acceptable levels within a fixed and reasonable time period.

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

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

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