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**SUBSTITUTE SENATE BILL 6271**

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**State of Washington**

**58th Legislature**

**2004 Regular Session**

**By** Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Jacobsen, Prentice, Thibaudeau, Kline, Kohl-Welles, Poulsen, Fraser, McAuliffe, Shin and Eide)

READ FIRST TIME 02/09/04.

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, 2005. The  
23 board shall adopt final maximum contaminant level standards and  
24 protocols by April 1, 2006. 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 department shall adopt standards, consistent with  
4 applicable federal standards, for lead plumbing and solders, or other  
5 potential sources of lead contamination of drinking water.

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

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

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

30 (3) The department shall examine compliance with adopted standards  
31 and rules and provide a report to the appropriate committees of the  
32 legislature biennially, beginning December 1, 2006. In the report due  
33 December 1, 2010, the department shall report on the status of testing,  
34 disclosure of test results, and corrective actions taken at school  
35 facilities across the state. This report shall include any  
36 recommendations, in bill form, for legislation that would improve  
37 compliance with, or facilitate the enforcement or achievement of,

1 school safe drinking water standards established under this chapter,  
2 including any needed compliance enforcement authority to be added to  
3 this chapter.

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

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

14 NEW SECTION. **Sec. 7.** This chapter does not apply to schools that  
15 are regulated as nontransient noncommunity systems under chapter 246-  
16 290 WAC.

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

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

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