

SENATE BILL REPORT

SB 5029

As Reported By Senate Committee On:
Water, Energy & Environment, February 8, 2005

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

Brief Description: Requiring safe drinking water in schools.

Sponsors: Senators Jacobsen, Rockefeller, Kohl-Welles, Kline, Franklin, Eide and Pridemore.

Brief History:

Committee Activity: Water, Energy & Environment: 1/13/05, 2/8/05 [DPS-WM].

SENATE COMMITTEE ON WATER, ENERGY & ENVIRONMENT

Majority Report: That Substitute Senate Bill No. 5029 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Morton, Ranking Minority Member; Fraser, Hewitt, Pridemore and Regala.

Staff: Sam Thompson (786-7413)

Background: The State Board of Health (BOH) is authorized to adopt regulations necessary to assure safe and reliable public drinking water. In practice, BOH has delegated much of this authority to the Department of Health (DOH), and DOH's Office of Drinking Water is charged with protecting Washingtonians' health by assuring safe and reliable drinking water.

The Federal Environmental Protection Agency (EPA) has delegated authority to DOH to administer the Federal Safe Drinking Water Act (SDWA) in Washington. The SDWA specifies water quality, sampling, treatment, and public notification requirements. It generally applies to public water systems with 15 or more connections or systems that regularly serve 25 or more people daily, 60 or more days per year. Approximately 4,200 Washington public water systems are subject to SDWA requirements.

Public and private schools that own or operate their own water systems are subject to SDWA requirements, but schools that do not do so (instead relying on water supply from another source, e.g., a municipal water system) are not subject to SDWA requirements. The EPA nonetheless encourages all schools to follow SDWA guidelines for water quality testing and remediation of contamination.

A school may have unsafe drinking water contaminant levels because of lead plumbing, water use patterns, and other factors. It has been suggested that SDWA-mandated water quality testing and remediation standards be extended to public and private K-12 schools.

Summary of Substitute Bill: The state Board of Health (BOH) must adopt drinking water quality regulations for public and state-approved private K-12 school facilities by August 1, 2006, and report results to the legislature by December 1, 2006.

Residential buildings that are part of home school extension programs and schools regulated as nontransient noncommunity systems are exempted.

BOH water quality regulations must include monitoring requirements and action levels for lead and aesthetic concerns such as taste, odor, and color; testing protocols consistent with federal standards; deadlines for schools to complete testing; and public notice requirements for test results exceeding action levels and planned corrective actions. The BOH may regulate other contaminants, including copper and cadmium, if it determines that their presence is not due to insufficient carrying out of existing standards or corrosion treatment techniques and that setting action levels is necessary to protect public health.

BOH will be guided by federal Environmental Protection Agency regulations for controlling drinking water contaminants. Sample analysis must be performed by a state accredited laboratory. A local government may not establish standards for schools that are less protective than BOH standards.

Within available funds, the Department of Health (DOH) will provide technical assistance to schools in conducting testing, planning and implementing necessary responses, and developing corrective action plans.

The State Building Code Council will review the Uniform Plumbing Code for consistency with state and federal lead standards and assess their effectiveness in minimizing leaching of lead into water consumed at the tap; the council will report to the legislature with findings and recommendations by December 1, 2006.

Substitute Bill Compared to Original Bill: The BOH will adopt drinking water quality regulations for school facilities by August 1, 2006, rather than emergency rules by December 1, 2006, and final rules by December 1, 2007. Residential buildings that are part of home school extension programs are exempted. The BOH is not required to adopt copper and cadmium standards unless it determines that health risks warrant doing so and cannot be addressed through current public water system regulation. The BOH will set monitoring requirements and action levels for aesthetic concerns such as taste, odor and color. BOH rules must require schools to publicly report test results and implementation of necessary corrective actions, but will not have to include guidance on proper corrective actions, as in the original bill. The Building Code Council will review Uniform Plumbing Code standards for consistency with state and federal lead plumbing standards and assess their effectiveness in minimizing leaching of lead into water consumed at the tap; the council will report to the legislature with findings and recommendations by December 1, 2006. The emergency clause is deleted.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Testimony For: Seattle schools have a problem that needs to be addressed now; lead and cadmium levels in some Seattle school drinking water is many times greater than safe levels,

and is causing severe health problems for young children. The Seattle School District spends \$1 million a year on bottled water. Self-regulation and self-auditing does not work regarding this problem, and school district administrators should not control school water testing and heavy metal abatement; instead, the state Board of Health should do so.

Testimony Against: None.

Concerns: A more holistic approach, considering several school environmental health concerns, is warranted. The state Board of Health is beginning an administrative rulemaking process that will take a holistic approach and address safe drinking water in schools. If funding is earmarked for lead testing and abatement, less funding will be available to address other school health concerns, including indoor air quality. Testing costs borne by school districts will be high, and plumbing replacement costs even higher.

Who Testified: PRO: Sen. Jacobsen, prime sponsor; Mark Cooper; Sally Soriano, Seattle School Board. CONCERNS: Janice Adair, Department of Health; Craig McLaughlin, State Board of Health; Greg Williamson and John Richards, Office of Superintendent of Public Instruction.