
HOUSE BILL 1925

State of Washington

65th Legislature

2017 Regular Session

By Representative Pollet

1 AN ACT Relating to taking action to address lead in drinking
2 water in schools; and adding a new chapter to Title 70 RCW.

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

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

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

8 (2) "Drinking water outlet" means any water fountain, faucet, or
9 tap regularly used for drinking or food preparation, including but
10 not limited to ice-making and hot drink machines.

11 (3) "Elevated lead level" means a lead concentration in drinking
12 water that exceeds one part per billion.

13 (4) "Lead free" means:

14 (a) Not containing more than 0.2 percent lead when used with
15 respect to solder and flux; and

16 (b) Not more than a weighted average of 0.25 percent lead when
17 used with respect to the wetted surfaces of pipes, pipe fittings,
18 plumbing fittings, and fixtures.

19 (5) "Lead service line" means a pipe and its fittings, or both,
20 that:

21 (a) Connect a drinking water main to a building inlet; and

1 (b) Are not lead free as determined using a calculation
2 consistent with the requirements of 42 U.S.C. Sec. 300g-6(d)(2), as
3 of the effective date of this section.

4 (6) "NSF certified filters" means filters certified by the
5 national sanitation foundation to remove lead from drinking water.

6 (7) "Outlet" means any tap, faucet, fountain, or other end-point
7 for delivery of water.

8 (8) "School" means a public school, a private school, or a
9 charter school regulated under Title 28A RCW or chapter 72.40 RCW.

10 (9) "Secretary" means the secretary of the department of health.

11 (10) "Technical guidance" means the technical guidance for
12 detecting and remediating lead in drinking water at schools issued by
13 the department pursuant to section 5(2) of this act.

14 NEW SECTION. **Sec. 2.** (1) By January 1, 2018, each school shall
15 develop and adopt a plan of action to prevent elevated lead levels in
16 all water used for drinking or cooking. The plan of action must
17 include:

18 (a) Installing and maintaining NSF certified filters at all
19 faucets, fountains, or other outlets designated for drinking or
20 cooking within eighteen months of the effective date of this section.
21 A school may, consistent with other obligations in law, remove some
22 outlets from operation instead of installing filters on those
23 outlets, as long as every child has reasonable access to free, safe
24 drinking water;

25 (b) The creation of an inventory of lead-bearing parts within its
26 water delivery system, including but not limited to fixtures and
27 plumbing with lead soldering. By July 1, 2019, a school must replace
28 all lead-bearing parts identified in the inventory under this
29 subsection (1)(b), to the extent feasible and cost-effective; and

30 (c) Any other measures to reduce lead contamination of water,
31 consistent with the department's technical guidance in section 5 of
32 this act.

33 (2) Nothing in this section prevents a school from adjusting its
34 plan of action in response to public input or to be consistent with
35 the department's technical guidance. However, the requirements of
36 subsection (1)(a) of this section may not be amended in response to
37 department technical guidance or public input.

1 (3) A school may seek the assistance of a local health
2 jurisdiction or the department to help ensure its compliance with the
3 provisions of this section.

4 (4) Nothing in this section supersedes requirements for more
5 timely remediation in the event that a test shows outlets with
6 elevated lead levels, as provided in section 3(3) of this act.

7 NEW SECTION. **Sec. 3.** (1) Each school shall periodically test
8 each outlet used for drinking water or cooking in each school
9 facility for the presence of lead. Each test for lead must be
10 conducted by a laboratory certified for this purpose by the
11 secretary, in accordance with the sampling and testing methods
12 specified in the technical guidance. By October 1, 2017, each school
13 must have conducted at least one test for lead in an outlet in each
14 school facility. By January 1, 2018, each school must have tested for
15 lead in each outlet in each school facility in its control. Beginning
16 January 1, 2018, each school must test each outlet for lead at least
17 once per year, unless the secretary determines, on a case-by-case
18 basis, that a greater or lesser frequency of testing is necessary or
19 sufficient to ensure the public health, including but not limited to
20 requirements for timely testing after the replacement of lead service
21 lines.

22 (2) Nothing in this section prevents a school from conducting
23 more frequent testing than required pursuant to subsection (3) of
24 this section.

25 (3)(a) If testing reveals an elevated lead level at a water
26 outlet used for drinking or cooking, within twenty-four hours the
27 school must close off access to the outlet and report the test
28 results to the department. Additionally, within thirty days of
29 receiving test results showing one or more outlets with elevated
30 levels of lead, the school must either:

31 (i) Permanently shut or close off access to the water outlet or
32 outlets in question and provide an alternative source of safe water
33 without elevated lead levels; or

34 (ii) Install and maintain NSF certified filter or filters at the
35 outlet or outlets in question.

36 (b) Schools must take additional measures if necessary to
37 eliminate elevated lead levels at the outlet or outlets in question,
38 consistent with the technical guidance.

1 NEW SECTION. **Sec. 4.** (1) Each school shall:

2 (a) Submit to the department and the office of the superintendent
3 of public instruction, as soon as practicable:

4 (i) Its plan of action for preventing lead contamination of
5 water, pursuant to section 2 of this act; and

6 (ii) Information on testing activities conducted pursuant to
7 section 3 of this act including, but not limited to, the date the
8 testing was completed, the location and type of each drinking water
9 outlet tested, the complete results of each test, and any measures
10 being taken pursuant to section 3(3) of this act to remediate a
11 drinking water outlet found to have an elevated lead level;

12 (b) Maintain copies of the information submitted pursuant to (a)
13 of this subsection in a suitable location for inspection by the
14 public, and on the internet web site of the school;

15 (c) Notify parent, teacher, and employee organizations of the
16 availability of the information submitted pursuant to (a) of this
17 subsection; and

18 (d) Designate a person to serve as the contact person for
19 communications with the department and the public regarding lead
20 testing and remediation activities.

21 (2) If testing conducted pursuant to section 3 of this act
22 reveals an elevated lead level at a drinking water outlet, within one
23 business day the school shall directly notify teachers, other school
24 personnel, and parents. Notification may be accomplished through
25 written notice, email, or other means approved by the department. The
26 notification must include, but is not limited to:

27 (a) A summary of the results of the testing conducted and
28 information on the availability of the complete test results for
29 public inspection at a suitable location and on the internet web site
30 of the school;

31 (b) A description of any remedial measures being taken pursuant
32 to section 3(3) of this act;

33 (c) General information on the public health effects and risks
34 posed by lead in drinking water and information on the availability
35 of additional resources concerning lead in drinking water, as
36 outlined in the technical guidance; and

37 (d) The name and contact information of the person designated
38 pursuant to subsection (1)(d) of this section to communicate with the
39 public.

1 (3) At each outlet used for drinking or cooking, the school shall
2 post an electronic code that, when electronically scanned, provides a
3 person with access to information on testing and remediation for that
4 outlet. The information available via the electronic code must
5 include the maintenance schedule and log for installed NSF certified
6 filters, unless the outlet is equipped with a clearly visible
7 indicator for filter replacement.

8 NEW SECTION. **Sec. 5.** (1) The department, in consultation with
9 the office of the superintendent of public instruction and the
10 department of ecology, must adopt emergency rules under chapter 34.05
11 RCW to implement this chapter. Emergency rules adopted under this
12 section may remain in effect for up to eighteen months from the date
13 of adoption.

14 (2) The department shall issue technical guidance that is at
15 least as protective of the public health as the technical guidance
16 for reducing lead in drinking water at schools issued by the United
17 States environmental protection agency. Provisions of the technical
18 guidance related to testing to determine the presence and levels of
19 lead in water, as opposed to testing to identify sources of lead for
20 remediation, must be designed to maximize detection of lead in water,
21 and therefore prohibit sampling or testing methods that tend to mask
22 lead contamination, including prestagnation flushing and removal of
23 aerators prior to sampling. By September 1, 2017, the department must
24 provide the technical guidance, a list of laboratories certified to
25 conduct lead testing, and any other information the department deems
26 appropriate to each school, and post the technical guidance on the
27 department's web site.

28 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act
29 constitute a new chapter in Title 70 RCW, to be codified immediately
30 after chapter 70.119A RCW.

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