

Why a proposal to require schools to test their drinking water for lead crumbled in Olympia

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Not long ago, Washington lawmakers seemed ready to require public and private schools to test their drinking water for lead.

Since then, a lot has changed. The bill asked for less. A key advocacy group dropped its support. As of Friday, the measure appeared dead in the Senate.

What happened? Schools, both public and private, came out in opposition of the measure, lawmakers weakened the proposal and it failed to clear a key legislative deadline.

To Heidi Speight, who works in transportation policy, it was disappointing to watch. The initial bill, she said, would have been a fitting tribute to her late husband.

Bruce Speight, former executive director of the advocacy group Environment Washington, spent years lobbying state lawmakers to pass such a mandate. But he died in September, before state Rep. Gerry Pollet, D-Seattle, refiled legislation this year to require water quality tests in schools.

"Bruce's name has been on this from the beginning, and (it's) a really beautiful way to honor him," Speight said of House Bill 1860, known as the Bruce Speight Act.

Although the measure never got a hearing last year, it appeared to have momentum this year: HB 1860 won unanimous votes in the House education and budget committees. And all 98 state representatives voted in support of the bill last month.

But after public and private schools came out against the measure — partly because they viewed it as an unfunded mandate — lawmakers removed much of the teeth in the original proposal. The threshold for when schools had to act on elevated levels of lead got looser, and schools would be exempt from making any fixes unless and until they received money from the state to pay for remediation.

Those changes prompted the Environment Washington Research & Policy Center to withdraw its support of the bill.

"Safe drinking water shouldn't be optional," said Pam Clough, interim director of the advocacy group, which initially supported HB 1860 but reversed course after lawmakers weakened the proposal.

"We don't make fire codes or building safety codes optional" for schools, Clough added. "We do advocate for more state and federal funding, but if we wait for that first, we may be waiting too long to fix this critical issue."

The changes disappointed Heidi Speight.

"It's really sad to see legislators wringing their hands over the opportunity to protect children in their (legislative) district," she said, "and then try to weaken standards below what medical professionals recommend."

Commonly found in old paint and plumbing, lead is poisonous to everyone, but poses a greater risk to children, whose bodies more readily absorb the heavy metal. Exposure to lead can cause learning disabilities and behavioral problems, and in elevated cases, lead can damage the kidneys, blood and nervous system.

Currently, Washington doesn't require schools to test their drinking water for lead or any other contaminant. But two years of voluntary testing at 199 elementary schools across the state revealed that 97% of schools had at least one water source with levels of lead above one part per billion.

About 61% of the total fixtures tested at or above one part per billion, a threshold recommended by [the American Academy of Pediatrics](#).

HB 1860 would have required all public and private schools to test every outlet used for drinking water or cooking at facilities built before 2000. Schools would have to close access to any outlet with lead levels at or above five parts per billion and notify the state about the test results within 24 hours.

Schools then would have 30 days to either permanently shut off the water source, provide an alternative source of safe water or install a certified filter.

While the state would have reimbursed schools for the costs of the water quality tests, it would not have provided funding for any remediation of water sources that exceeded the new threshold.

Lance Goodpaster, superintendent of Franklin Pierce Schools south of Tacoma, testified against HB 1860.

"We certainly care about the water our children are drinking at school," Goodpaster said in an email, adding that his school district conducts its own testing. He suggested schools should be held to a looser standard — 15 parts per billion — set by the federal Environmental Protection Agency.

The bill, he added, "imposed new costs that the Legislature did not fund."

Suzie Hanson, executive director of the Washington Federation of Independent Schools, said her group opposed the measure because legislators developed it without the input of private schools.

"It seems that private schools were put into the bill as an afterthought," Hanson said. "Assumptions are being made that there is a problem with lead in private school facilities. This is speculative."

She also suggested the proposal did not clarify which state agency would be responsible for oversight of private schools.

Following that opposition, lawmakers changed HB 1860 to exempt schools from remediation if they don't receive a state or federal grant to pay for it. The revised legislation also specifically said schools "may not" conduct remediation for any remediation costing above \$2,000 per building.

Lawmakers also decided to loosen the threshold for when schools needed to take action — from five parts per billion to nine parts per billion. And the Washington State Department of Health would not be able to revisit that standard until 2030.

Now, none of that appears likely to happen. The Senate Education Committee needed to vote on HB 1860 by Friday to keep it alive during this year's short legislative session, but it didn't.

And although any policy idea can reemerge before lawmakers adjourn, it's unclear whether the Bruce Speight Act will survive as an amendment to another bill or the state budget.

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