

OREGON ADMINISTRATIVE RULES  
OREGON HEALTH AUTHORITY, PUBLIC HEALTH DIVISION  
CHAPTER 333

**Proposed rule text formatted to be easier to read.**

**DIVISION 61**

**DRINKING WATER**

**333-061-0400**

**Reducing Lead in School Drinking Water**

- (1) For the purposes of this rule, the following definitions apply:
- (a) "School" means a school district, education service district, or public charter school.
  - (b) "Tap":
    - (A) means any plumbing fixture in a building or on property owned or leased by a school where students or staff are present on a regular basis and where water is used for drinking or food preparation.
    - (B) Does not include any of the following classes of plumbing fixtures:
      - (i) Restroom sinks;
      - (ii) Shower heads;
      - (iii) Pipes used to convey water to systems for building heat;
      - (iv) Dedicated eye wash stations and emergency showers;
      - (v) Fixtures in areas with no student access used exclusively for building sanitation purposes by staff;
      - (vi) Fixtures used exclusively for irrigation, unless it is reasonable to believe that students or staff will use water from that fixture for drinking; and
      - (vii) Fixtures in science and technical education classrooms that provide education to grades 6 through 12 exclusively where the fixtures:
        - (I) Have signs indicating they are not sources of drinking water; and
        - (II) Are not intended to be used for drinking or food preparation as part of the curriculum.
- (2) Initial testing.
- (a) Schools must test for lead in the water from each tap at least once between January 1, 2016 and June 30, 2020, or prior to occupancy for taps added after these dates. If testing was conducted and mitigation completed within this timeframe following EPA's *3Ts for Reducing Lead in Drinking Water in Schools, Revised Technical Guidance from October 2006*, adopted by reference, initial testing does not need to be repeated.

- (b) Samples must be collected “first draw,” before any water is used from a tap the day it is tested.
- (3) On-going testing. Schools must collect a first draw sample as described in subsection (2)(b) of this rule from each tap at least once every six years starting on July 1, 2020 unless the following exemption applies:
  - (a) The tap was installed after January 4, 2014 and meets the lead-free standard of no more than 0.25 percent lead by weight and the piping feeding the tap is a material other than copper or was installed after January 4, 2014 and the solder and flux meets the lead-free standard of no more than 0.2 percent lead; and
  - (b) The tap was tested as required in section (2) and no more than 1 part per billion (ppb) of lead was detected.
- (4) All samples from taps must meet the following criteria:
  - (a) Sample bottles must be 250 milliliters (mL) in volume.
  - (b) Sample bottles must be assigned a unique identification number and the following information about the sample must be recorded:
    - (A) The date and time of sample collection;
    - (B) The name of the person that collected the sample; and
    - (C) The location or a description of the tap from which the sample is collected.
  - (c) Samples must be collected on a day when school was in session the previous day.
  - (d) Samples must be analyzed by a laboratory accredited by the Oregon Laboratory Accreditation Program according to OAR chapter 333, division 64.
- (5) If a test result from a sample shows 15 or more parts per billion (ppb) of lead, a school must prevent access to the tap as soon as possible after receiving the sample test result and in no case more than 48 hours after receiving the test results. A school must prevent access to the tap until testing and mitigation is completed according to section (6) of this rule.
- (6) Following receipt of results that show a tap has 15 or more ppb of lead, a school must:
  - (a) Collect a flushed sample from that tap. This sample must meet all the criteria specified in section (4) of this rule and be collected after water has flowed from the tap for 30 seconds as described in Section 4.4.2 of EPA’s *3Ts for Reducing Lead in Drinking Water in Schools, Revised Technical Guidance from October 2006*; and
  - (b) Complete an appropriate permanent mitigation in accordance with Section 5.3 of the *3Ts for Reducing Lead in Drinking Water in Schools, Revised Technical Guidance from October 2006*; and
  - (c) Test the tap after mitigation is complete, demonstrating lead is less than 15 ppb before access to the tap is resumed. If flushing is used as a mitigation measure, the sample must be taken after documented routine flushing protocols are

followed. For all other mitigations, a first-draw sample as described in subsection (2)(b) must be collected and analyzed.

Stat. Auth.: Oregon Laws 2017, Chapter 700

Stats. Implemented: ORS 332.331, Oregon Laws 2017, Chapter 700

Proposed Draft