

HOUSE BILL ANALYSIS

HB 2966

Brief Description: Creating a program to identify and address lead-based paint hazards.

Sponsors: Representatives McMorris, Cole, Conway, Smith, Boldt, Clements, Dickerson, Veloria, Linville, Keiser, Constantine, Wolfe and Cooper.

Hearing: February 2, 1998

BACKGROUND:

In 1992 Congress passed the Residential Lead-Based Paint Hazard Reduction Act, also known as Title X. Under Title X, the Environmental Protection Agency (EPA) and other federal agencies developed a national program to prevent and reduce lead-based paint exposures and hazards. The four key elements of the EPA program are:

(1) Training and certification requirements to ensure the proficiency of contractors who conduct lead-based paint inspection, risk assessment and abatement services in residences and day care centers;

(2) Accreditation requirements to ensure that training programs provide quality instruction in current and effective work practices;

(3) Work practice standards to ensure that lead-based paint activities are conducted safely, reliably and effectively; and

(4) Procedures for the states and tribes to apply to the EPA for authorization to administer these key elements. The EPA will establish lead abatement programs based on federal requirements in those States and Tribes that have not applied for EPA authorization by August 30, 1998.

SUMMARY OF BILL:

Authorizes the establishment of a lead-based paint certification program for worker training and certification, and training program accreditation. Designates the Department of Health as the official agency for cooperating with, and carrying out the state's lead-based activities program.

Authorizes the Department of Health to issue rules which:

- (1) Establishes minimum accreditation requirements for lead-based paint activities for

training providers;

- (2) Establishes work practice standards for conducting lead-based paint activities;
- (3) Establishes certification requirements for individuals and firms engaged in lead-based paint activities;
- (4) Requires the use of certified personnel in any lead-based paint hazard reduction activity;
- (5) Facilitates reciprocity and communication with other states having a certification program;
- (6) Provides for decertification, deaccreditation, and financial assurance for a person certified or accredited by the department.

Requires that the state's program not exceed federal requirements, and that the rules are not more restrictive than the federal regulations.

Establishes a Lead-based Paint Account. Receipts collected under the program, except monies received from penalties, fund the account.

Establishes a Lead-based Paint Activities Advisory Board consisting of at least five volunteer members. Ex officio members are the Director of the Department of Labor and Industries, the Director of the Department of Community, Trade and Economic Development, the Secretary of the Department of Transportation, and the Director of the Department of Agriculture.

The department assesses fees to cover the costs of administering and enforcing the standards and rules that are applicable to the programs. Authorizes the department to accept federal funds for the administration of the program, and to assess fees to cover all program costs that federal grant money has not covered.

Establishes an enforcement response policy. Specific acts which violate the Act may result in a person's conviction of a misdemeanor. The Department assesses administrative penalties along with denial, suspension, or revocation of a certificate for failure to comply with the requirements of the Act or the rules adopted under the act.

Provides that the act is invalid if the Omnibus Appropriations Act has not provided specific funding by June 30, 1998.

RULES AUTHORITY: The bill does contain provisions addressing the rule making powers of an agency.

APPROPRIATION: Yes.

FISCAL NOTE: Requested on January 30, 1998.

EFFECTIVE DATE: The bill contains an emergency clause and takes effect immediately.