

FINAL BILL REPORT

SSB 5873

C 6 L 98

Synopsis as Enacted

Brief Description: Defining terms under the model toxics control act.

Sponsors: Senate Committee on Financial Institutions, Insurance & Housing (originally sponsored by Senators Benton and Winsley).

Senate Committee on Financial Institutions, Insurance & Housing
House Committee on Agriculture & Ecology

Background: The Model Toxics Control Act of 1975 creates a system for determining responsibility for toxic waste cleanup. Owners of sites that have been identified as containing toxic materials are potentially liable for the costs associated with cleanup. The term owners— is extensively defined. The definition includes any person with an ownership interest in the facility (site) or anyone who exercises any control over the facility, or anyone who exercised control over an abandoned facility before its abandonment.

A person exercising control over property on behalf of another under a statute or court order is often referred to as a fiduciary. Examples are executors of estates, court-appointed masters, and trustees in bankruptcy.

Summary: The definition of who is not an owner is amended to include a fiduciary in his or her personal capacity. To qualify for the exemption, the fiduciary must meet a list of reporting and compliance requirements which are also applicable to lenders. The exemption does not preclude a claim against the assets of the estate, or against a non-employee agent or independent contractor retained by a fiduciary.

A detailed definition of fiduciary— is provided.

Votes on Final Passage:

Senate	48 0
House	94 0

Effective: June 11, 1998