

FINAL BILL REPORT

ESSB 5586

C 322 L 03
Synopsis as Enacted

Brief Description: Granting authority to address concerns with lead-based paint activities.

Sponsors: Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Hargrove, Hewitt, Carlson, Oke, Fraser, Regala, Keiser and Kline).

Senate Committee on Natural Resources, Energy & Water
House Committee on Fisheries, Ecology & Parks

Background: Lead was commonly used in paint until it was banned for residential use in 1978. Ingesting or breathing dust from lead-based paint is the most common form of lead exposure. Dust is released by the deterioration of paint and during remodeling. Lead is highly toxic and is especially dangerous to young children because they are more likely to ingest lead dust.

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.

Title X allows states to provide for the accreditation of lead-based paint activities programs, the certification of persons completing such training programs, and the licensing of lead-based paint activities contractors under standards developed by the EPA. States that undertake these activities are eligible for federal grants.

Census data show that 1,560,000 homes in Washington State were built prior to 1978 when the sale of residential lead-based paint was banned. Many of these homes are believed to contain some lead-based paint.

Summary: The Department of Community, Trade, and Economic Development (DCTED) must administer and enforce a state program for worker training and certification, and training program accreditation for lead-based paint activities. The department is authorized to adopt rules that do not exceed the federal requirements necessary to implement a state program. The department may transfer implementation components of the program and enforcement responsibilities to local governments or private entities, through delegation or by a memorandum of understanding.

No individual or firm can perform, offer, or claim to perform lead-based paint activities without certification from the department to conduct these activities. The department must collect specified fees for providing certification and accreditation.

Lead-based activities includes inspection, testing, risk assessment, lead-based paint hazard reduction project design or planning, or abatement of lead-based paint hazards.

Abatement of lead-based paint includes: (1) projects with written contracts for the permanent removal of lead-based paint; (2) projects conducted by certified individuals or firms; (3) projects conducted by individuals or firms that claim to be qualified to remove lead-based paint; or (4) projects conducted under state or local abatement orders.

Abatement does not include renovation, remodeling, landscaping, or other activities, not designed to permanently eliminate lead-based paint hazards, even though the activities may result in reduction or elimination of the hazard. Additionally, abatement does not include interim controls, operations and maintenance activities, or other measures designed to temporarily reduce lead-based paint hazards.

The department may deny, suspend, or revoke an accreditation or certification, or seek criminal sanctions, for failure to comply with the lead-based paint requirements.

The department may inspect areas where those engaged in training for lead-based paint activities conduct business, including the review of business records and the taking of samples at the business. Twenty-four hours notice of the inspection is required, when feasible. If access is denied, DCTED may revoke an accreditation or certification. Inspections of other premises or facilities may be conducted, with the consent of the owner or owner's agent, where violations concerning lead-based paint activities may occur, at reasonable times and, when feasible, with at least 48 hours prior notification of the inspection.

The program is terminated if sufficient funding is not provided by the federal government. The department's duties under the act are subject to authorization of the state program from the federal government within two years of the effective date of the act.

Votes on Final Passage:

Senate	44	5	
House	98	0	(House amended)
Senate	46	0	(Senate concurred)

Effective: July 27, 2003