

SENATE BILL REPORT

SB 5586

As Reported By Senate Committee On:
Natural Resources, Energy & Water, February 21, 2003

Title: An act relating to granting authority to the department of ecology to address concerns with lead-based paint activities.

Brief Description: Granting authority to the department of ecology to address concerns with lead-based paint activities.

Revised for 1st Substitute: Granting authority to address concerns with lead-based paint activities.

Sponsors: Senators Hargrove, Hewitt, Carlson, Oke, Fraser, Regala, Keiser and Kline.

Brief History:

Committee Activity: Natural Resources, Energy & Water: 2/13/03, 2/21/03 [DPS].

SENATE COMMITTEE ON NATURAL RESOURCES, ENERGY & WATER

Majority Report: That Substitute Senate Bill No. 5586 be substituted therefor, and the substitute bill do pass.

Signed by Senators Morton, Chair; Hewitt, Vice Chair; Doumit, Hargrove, Honeyford, Oke and Regala.

Staff: Richard Rodger (786-7461)

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. These are homes that are believed to contain some lead-based paint.

Summary of Substitute Bill: 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 must seek full funding for the administration of the program from the federal government. The department is designated as the official agency for purposes of implementing the state lead-based paint activities program under the jurisdiction of the United States Environmental Protection Agency.

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 a fee for providing the certification.

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 or any associated rule. The department is authorized to inspect premises or facilities relating to federally-funded lead paint activities and may seek an administrative search warrant if entry is denied.

The department must appoint a lead-based paint activities advisory board. The board provides scientific input and provides the opportunity for involvement of state research facilities in the preparation, conduct, and evaluation of the specific training programs and the certification process. The board meets no more often than quarterly.

The program is terminated if it is not fully funded by the federal government.

Substitute Bill Compared to Original Bill: The duties are placed with DCTED instead of the Department of Ecology. The department must collect fees, is authorized to conduct inspections and apply for administrative search warrants when needed. The program terminates if it is not fully funded by federal grants.

Appropriation: None.

Fiscal Note: Available on original bill.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Lead paint is a significant concern in our state. We have a sizable stock of pre-1978 houses that may be contaminated with lead paint. The lead painted houses and apartments pose a great risk for children who live in them. Federal funding is available to the state to take over this EPA program of certification. EPA will provide annual grants in the amount of \$400,000 to run the state program if this legislation passes. Once a state assumes the program, HUD will make federal grants available for the removal of lead paint. Thirty-eight states and the District of Columbia already have a state program and are eligible for federal monies. The children in the City of Yakima have elevated blood levels for lead and the city ranks as the nation's 33rd highest city for child lead exposure.

Testimony Against: None.

Testified: Seth Dawson, John Hill, Randy Calhoun, WA State Coalition for the Homeless, WA State Assn. for Community Action (pro); Cathy Atkins, NCSL (neutral); Montel Livingston, Barbara Ross, EPA (pro); Greg Sorlie, DOE (concerns); Maryann Guichard, Dept. of Health (concerns); Steve Cany, Labor and Industries (concerns); Carol Taylor Cann, WSPTA (pro).