

5586-S

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

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.

SB 5586-S.E - DIGEST

(DIGEST AS ENACTED)

Declares that, for the welfare of the people of the state of Washington, this act establishes a lead-based paint activities program within the department of community, trade, and economic development to protect the general public from exposure to lead hazards and to ensure the availability of a trained and qualified work force to identify and address lead-based paint hazards.

Recognizes the department of community, trade, and economic development is not a regulatory agency and may delegate enforcement responsibilities under this act to local governments or private entities.

Requires the department to administer and enforce a state program for worker training and certification, and training program accreditation, which shall include those program elements necessary to assume responsibility for federal requirements for a program as set forth in Title IV of the toxic substances control act (15 U.S.C. Sec. 2601 et seq.), the residential lead-based paint hazard reduction act of 1992 (42 U.S.C. Sec. 4851 et seq.), 40 C.F.R. Part 745, Subparts L and Q (1996), and Title X of the housing and community development act of 1992 (P.L. 102-550).

Provides that the department may delegate or enter into a memorandum of understanding with local governments or private entities for implementation of components of the state program.

Requires the department to establish a program for certification of persons involved in lead-based paint activities and for accreditation of training providers in compliance with federal laws and rules.

Authorizes the director or the director's designee to inspect at reasonable times and, when feasible, with at least twenty-four hours prior notification: (1) Premises or facilities where those engaged in training for lead-based paint activities conduct business; and

(2) The business records of, and take samples at, the businesses accredited or certified under this chapter to conduct lead-based paint training or activities.

Provides that any person convicted of violating any of the provisions of this act is guilty of a misdemeanor.

Declares that the department's duties under this act are subject to authorization of the state program from the federal government within two years of the effective date of this section. This act expires if the federal environmental protection agency

does not authorize a state program within two years of the effective date of this act.

Declares that the department's duties under this act are subject to the availability of sufficient funding from the federal government for this purpose. The director or his or her designee shall seek funding of the department's efforts under this act from the federal government. By October 15th of each year, the director shall determine if sufficient federal funding has been provided or guaranteed by the federal government. If the director determines sufficient funding has not been provided, the department shall cease efforts under this act due to the lack of federal funding.