

HOUSE BILL REPORT

HB 1653

As Reported by House Committee On:

Housing
Appropriations

Title: An act relating to environmental lead paint hazards.

Brief Description: Assessing environmental lead paint hazards.

Sponsors: Representatives O'Brien, Moeller, Lovick, Clibborn, Roberts, B. Sullivan, Murray, Morrell, Ericks, Campbell, Chase and Santos.

Brief History:

Committee Activity:

Housing: 2/8/05, 2/22/05 [DPA];

Appropriations: 3/3/05 [DPS(APP)].

Brief Summary of Substitute Bill

- Directs the Department of Community, Trade, and Economic Development (DCTED) and the Department of Health (DOH) to jointly assess housing stock in Washington to identify geographic areas of potentially high risk for child lead exposure.
- Requires the DCTED, the DOH, and the Department of Ecology to establish a lead paint hazard education and awareness strategy for residential property owners and tenants.

HOUSE COMMITTEE ON HOUSING

Majority Report: Do pass as amended. Signed by 8 members: Representatives Miloscia, Chair; Springer, Vice Chair; Holmquist, Ranking Minority Member; Dunn, Assistant Ranking Minority Member; McCune, Ormsby, Pettigrew and Sells.

Minority Report: Do not pass. Signed by 1 member: Representative Schindler.

Staff: Robyn Dupuis (786-7166).

Background:

Lead exposure poses a very serious health threat to young children. Lead poisoning in children can cause irreversible learning difficulties, mental retardation, and delayed neurological and physical development. According to the United States Department of

Housing and Urban Development, the greatest risk occurs in older units with lead-based paint hazards that either will be, or are, currently occupied by families with children under 6 years of age, and are low-income, and are undergoing renovation or maintenance that disturbs lead-based paint. Census data show that more than 1,500,000 homes in Washington were built prior to 1978 when the sale of residential lead-based paint was banned.

In 2004, 52 children in Washington, ages 0-6, were reported by the Department of Health (DOH) to have an elevated blood lead level. The DOH estimates that only about 5 percent of Washington children are actually tested for lead poisoning, and that there are likely to exist between 1,000 and 3,000 children, ages 0-6, in Washington with elevated blood lead levels. A 1999 statewide survey concluded that approximately .9 percent of all 1 and 2 year-old children had elevated blood lead levels, and that 3.7 percent of Hispanic children of the same ages had elevated blood lead levels. Surveys before 1999, as well as the 1999 statewide survey, found that the percentage of children with lead poisoning was higher in central Washington than in the rest of the state.

Current Lead Related Activities in Washington

Department of Community, Trade and Economic Development (DCTED)

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 activity contractors. In the State of Washington, the DCTED operates the Lead-Based Paint Program which focuses on accreditation and licensing, but which also includes consumer outreach, education and awareness activities.

Department of Health (DOH)

The DOH operates a Childhood Lead Poisoning Surveillance program through its Epidemiology Office. The results of all clinical blood lead tests administered to Washington residents are reported to the DOH which has maintained a computer registry of all children with elevated blood levels since 1993 (the Childhood Blood Lead Registry). The adult registry is maintained at the Department of Labor and Industries. If a child's test results show elevated blood lead levels between 10 and 14 micrograms per deciliter, the DOH notifies the appropriate local health jurisdiction which initiates follow-up activities, including having the child retested at appropriate intervals and counseling the family on how to avoid lead exposure. If blood levels are above 15 micrograms per deciliter, in addition to notifying the local health jurisdiction, the DOH contracts with a licensed Lead-Based Paint Risk Assessor to conduct an environmental investigation into the conditions of the child's home (except in the case of King County which has dedicated staff to conduct investigations).

Through registry data, the DOH is able to identify geographic areas of the state which experience proportionately high cases of childhood elevated blood lead levels. The DOH has used past funding streams in order to implement programs specifically to address lead issues in those areas.

In addition to lead poisoning surveillance, the DOH also produces a brochure which outlines the risks of lead poisoning for children. This brochure is distributed statewide to all new Washington parents through the Child Profile Program.

Department of Ecology (DOE)

In addition to lead-based paint exposure in homes, children face exposure through contact with soil that, in some Washington areas, contains low-to-moderate levels of lead from three main historical sources: emissions from metal smelters, use of arsenical pesticides, and combustion of leaded gasoline. The DOE produces a Child Use Area Soil Sampling Guidance document to help homeowners, businesses, developers, and local governments characterize lead concentrations in soil for the purposes of reducing exposure to these common soil contaminants. Through the DOE Area Wide Soil Contamination Project, individuals and organizations can determine whether there is the potential for exposure to elevated levels of lead in soil at specific properties, and identify actions they can use to reduce exposure. There have been specific efforts to educate residents in particular high risk areas of the state, through the distribution of lead awareness literature.

Local Efforts

Local lead hazard control and education programs exist in several local communities, including Spokane, which was awarded a Lead Hazard Control Grant (\$2,290,954) in 2004, and Seattle, which is currently operating a 2003 Healthy Homes Demonstration Grant (\$850,000). Seattle also has a "ClearCorps" program: an AmeriCorps program which includes outreach and education activities regarding lead-based paint risks, among other activities.

Summary of Amended Bill:

The DCTED and the DOH will jointly assess housing stock in Washington to identify areas of potentially high risk for child lead exposure and will report on their findings to the Legislature by December 31, 2005. Any testing of buildings and land shall be limited to areas inside and immediately surrounding residential dwellings. Testing of commercial and industrial buildings is not an eligible activity of this program.

The DCTED will collaborate with the DOH and the DOE to establish a lead paint hazard education and awareness strategy to notify and educate owners of affected residential properties and tenants.

Amended Bill Compared to Original Bill:

Clarifies that the lead assessment and education program is only focused on residential housing stock and on the residents of such dwellings and that the scope of this program does not include commercial nor industrial establishments.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: Lead paint is a severe hazard for children. Thus far the state has addressed the issue in a piecemeal fashion; it's time to really address the problem and an assessment is at least a place to start. Other states have passed legislation to give incentives to landlords to mitigate lead paint in their properties. In Washington, we need to identify the problem, find out what the real need is for lead paint mitigation and make sure that the population is educated about the dangers of lead poisoning.

Testimony Against: None.

Persons Testifying: Representative O'Brien, prime sponsor; Ruth Schearer; and John Woodring, Pacific Northwest Paint Council.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Appropriations be substituted therefor and the substitute bill do pass. Signed by 16 members: Representatives Sommers, Chair; Fromhold, Vice Chair; McDonald, Assistant Ranking Minority Member; Clements, Cody, Conway, Darneille, Dunshee, Haigh, Hunter, Kagi, Kenney, Kessler, McDermott, McIntire and Schual-Berke.

Minority Report: Do not pass. Signed by 8 members: Representatives Alexander, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Armstrong, Bailey, Buri, Hinkle, Pearson and Walsh.

Staff: Nona Snell (786-7153).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Housing:

The substitute bill added a null and void clause, making the bill null and void unless funded in the budget.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget.

Testimony For: Lead paint is a pollutant known to cause learning difficulties and delayed development in children. It's time to remove lead paint from homes. It was banned in 1978 but is still left in older homes. Children in those homes are generally low-income. Do not

delay and endanger children's health. The bill is aimed at finding lead paint in older, poorly maintained housing stock. The purpose is to reduce the risk that it poses to children. The bill requires the Department of Health, Department of Ecology, and CTED to report the results of their findings back to the Legislature by December 31, 2005. The bill is supported by the Pacific Northwest Paint Council, which makes, distributes, and sells paint. The council is concerned about the possibility of lead-based paint in older homes and want to know the significance of the problem. The message behind the bill is that every child counts. The amendment narrows the bill to housing.

Testimony Against: None.

Persons Testifying: Representative O'Brien, prime sponsor; and Ruth Shearer, PhD.

Persons Signed In To Testify But Not Testifying: None.