
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1605

State of Washington

59th Legislature

2005 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Upthegrove, Dickerson, Schual-Berke, Cody, McDermott, Hunter, B. Sullivan, Simpson, Morrell, Murray, Chase, Roberts, Kenney and Santos)

READ FIRST TIME 03/07/05.

1 AN ACT Relating to protecting children from area-wide soil
2 contamination; adding a new chapter to Title 70 RCW; and creating a new
3 section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The definitions in this section apply
6 throughout this chapter unless the context clearly requires otherwise.

7 (1) "Area-wide soil contamination" means low to moderate arsenic
8 and lead soil contamination dispersed over a large geographic area.

9 (2) "Child care facility" means a child day-care center or a family
10 day-care provider as those terms are defined under RCW 74.15.020 except
11 for family day-care providers on properties in agricultural areas.

12 (3) "Child use prioritization area" means an area west of the crest
13 of the Cascade mountains, except for agricultural lands, in which the
14 department has determined a potential exists for a child to be
15 routinely exposed to area-wide soil contamination.

16 (4) "Department" means the department of ecology.

17 (5) "Director" means the director of the department of ecology.

18 (6) "Low to moderate soil contamination" means low level arsenic or

1 lead concentrations where a child's exposure to soil contamination at
2 a school or a child care facility may be reduced through best
3 management practices.

4 (7) "Property-specific public health plan" means measures developed
5 by the department for a school or a child care facility including
6 individual protective measures, site-specific mitigation, and other
7 remedial actions to protect public health on sites containing area-wide
8 soil contamination.

9 (8) "School" means a public or private kindergarten, elementary, or
10 secondary school.

11 NEW SECTION. **Sec. 2.** (1) The department, in cooperation with the
12 department of social and health services, the department of health, the
13 office of the superintendent of public instruction, and local health
14 districts, shall assist schools and child care facilities within child
15 use prioritization areas to reduce the potential for children's
16 exposure to area-wide soil contamination.

17 (2) The department shall:

18 (a) Define child use prioritization areas west of the crest of the
19 Cascade mountains based on available information;

20 (b) Conduct qualitative evaluations to determine the potential for
21 children's exposure to area-wide soil contamination by December 31,
22 2006;

23 (c) If the qualitative evaluation determines that children may be
24 routinely exposed to area-wide soil contamination at a property,
25 conduct soil samples at that property by December 31, 2008; and

26 (d) If soil sample results confirm the presence of area-wide soil
27 contamination, notify schools and child care facilities regarding the
28 test results and the steps necessary for implementing a property-
29 specific public health plan.

30 (3) If a school or a child care facility with area-wide soil
31 contamination does not implement a property-specific public health plan
32 within six months of receiving written notification from the
33 department, the superintendent or board of directors of a school or the
34 owner or operator of a child care facility must notify parents and
35 guardians in writing of the results of soil tests. The written notice
36 shall be prepared by the department.

1 (4) The department shall recognize schools and child care
2 facilities that successfully implement property-specific public health
3 plans with a voluntary certification program demonstrating the facility
4 has successfully completed measures to help provide a healthy
5 environment for children.

6 (5) Schools and child care facilities must work with the department
7 to provide the department with site access for soil sampling at times
8 that are the most convenient for all parties.

9 NEW SECTION. **Sec. 3.** (1) The department shall assist schools and
10 owners and operators of child care facilities in area-wide soil
11 contamination zones. Such assistance may include the following:

12 (a) Technical assistance in conducting qualitative evaluations to
13 determine where area-wide soil contamination exposures could occur;

14 (b) Technical and financial assistance in testing soils where
15 evaluations indicate potential for contamination; and

16 (c) Technical and financial assistance to implement property-
17 specific public health plans.

18 (2) The department shall develop best management practice
19 guidelines for schools and day care facilities with area-wide soil
20 contamination. The guidelines shall recommend a range of methods for
21 reducing exposure to contaminated soil, considering the concentration,
22 extent, and location of contamination and the nature and frequency of
23 child use of the area.

24 (3) The department shall develop a grant program to assist schools
25 and child care facilities with implementing property-specific public
26 health plans.

27 (4) The department, within available funds, may provide grants to
28 schools and child care facilities for the purpose of implementing
29 property-specific public health plans using best management practices.

30 (5) The department, within available funds, may provide financial
31 assistance to the department of health and the department of social and
32 health services to implement this chapter.

33 (6) The department may, through an interagency agreement, authorize
34 a local health jurisdiction to administer any activity in this chapter
35 that is otherwise not assigned to a local health jurisdiction by this
36 chapter.

1 NEW SECTION. **Sec. 4.** The department of health shall assist the
2 department in developing and implementing the area-wide soil
3 contamination school and child care facility program including but not
4 limited to developing best management practices and guidelines for
5 property-specific public health plans.

6 NEW SECTION. **Sec. 5.** The department of social and health services
7 shall assist the department by providing information on the location of
8 child care facilities and contacts for these facilities.

9 NEW SECTION. **Sec. 6.** This chapter does not apply to agricultural
10 lands.

11 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act constitute
12 a new chapter in Title 70 RCW.

13 NEW SECTION. **Sec. 8.** If specific funding for the purposes of this
14 act, referencing this act by bill or chapter number, is not provided by
15 June 30, 2005, in the omnibus appropriations act, this act is null and
16 void.

--- END ---