

---

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 legislature finds that emissions from  
6 metal smelters, the use of lead arsenate pesticides, the combustion of  
7 leaded gasoline, and other sources have contributed to arsenic and lead  
8 soil contamination covering dispersed areas in the state. The  
9 legislature therefore finds it in the public interest to expedite  
10 measures to protect children's health by conducting soil testing at  
11 certain schools and child care facilities, and providing technical and  
12 financial assistance to implement mitigation measures that reduce the  
13 risk of exposure.

14 NEW SECTION. **Sec. 2.** The definitions in this section apply  
15 throughout this chapter unless the context clearly requires otherwise.  
16 (1) "Area-wide soil contamination" means low to moderate arsenic  
17 and lead soil contamination dispersed over a large geographic area.

1 (2) "Child care facility" means a child day-care center or a family  
2 day-care provider as those terms are defined under RCW 74.15.020.

3 (3) "Child use prioritization area" means an area in which the  
4 department has determined a potential exists for a child to be  
5 routinely exposed to area-wide soil contamination.

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

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

8 (6) "Low to moderate soil contamination" means low level arsenic or  
9 lead concentrations where a child's exposure to soil contamination at  
10 a school or a child care facility may be reduced through best  
11 management practices.

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

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

19 NEW SECTION. **Sec. 3.** (1) The department, in cooperation with the  
20 department of social and health services, the department of health, the  
21 office of the superintendent of public instruction, and local health  
22 districts, shall assist schools and child care facilities within child  
23 use prioritization areas to reduce the potential for children's  
24 exposure to area-wide soil contamination.

25 (2) The department shall:

26 (a) Define child use prioritization areas based on available  
27 information;

28 (b) Conduct qualitative evaluations to determine the potential for  
29 children's exposure to area-wide soil contamination by December 31,  
30 2006;

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

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

1 (3) 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 (4) 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. 4.** (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. 5.** 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. 6.** 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. 7.** Sections 1 through 6 of this act constitute  
10 a new chapter in Title 70 RCW.

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

--- END ---