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**SUBSTITUTE HOUSE BILL 2901**

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**State of Washington**

**59th Legislature**

**2006 Regular Session**

**By** House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives Morrell, Green, Campbell, Roberts, Wallace, Ericks, Lantz, Kilmer, Blake, Grant, Hudgins, Darneille, McDonald, Linville, McCune and Ormsby)

READ FIRST TIME 02/03/06.

1       AN ACT Relating to the clean up of properties contaminated by the  
2 manufacturing of illegal drugs; and amending RCW 64.44.010, 64.44.020,  
3 and 64.44.070.

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

5       **Sec. 1.** RCW 64.44.010 and 1999 c 292 s 2 are each amended to read  
6 as follows:

7       The words and phrases defined in this section shall have the  
8 following meanings when used in this chapter unless the context clearly  
9 indicates otherwise.

10       (1) "Authorized contractor" means a person who decontaminates,  
11 demolishes, or disposes of contaminated property as required by this  
12 chapter who is certified by the department as provided for in RCW  
13 64.44.060.

14       (2) "Contaminated" or "contamination" means polluted by hazardous  
15 chemicals so that the property is unfit for human habitation or use due  
16 to immediate or long-term hazards. Property that at one time was  
17 contaminated but has been satisfactorily decontaminated according to  
18 procedures established by the state board of health is not  
19 "contaminated."

1 (3) "Department" means the department of health.

2 (4) "Hazardous chemicals" means the following substances ((used  
3 in)) associated with the manufacture of illegal drugs: (a) Hazardous  
4 substances as defined in RCW 70.105D.020(~~, and~~); (b) precursor  
5 substances as defined in RCW 69.43.010 which the state board of health,  
6 in consultation with the state board of pharmacy, has determined  
7 present an immediate or long-term health hazard to humans; and (c) the  
8 controlled substance or substances being manufactured, as defined in  
9 RCW 69.50.101.

10 ((4)) (5) "Officer" means a local health officer authorized under  
11 chapters 70.05, 70.08, and 70.46 RCW.

12 ((5)) (6) "Property" means any real or personal property, ((site,  
13 structure, or part of a structure which)) or segregable part thereof,  
14 that is involved in or affected by the unauthorized manufacture or  
15 storage of hazardous chemicals. This includes but is not limited to  
16 single-family residences, units of multiplexes, condominiums, apartment  
17 buildings, boats, motor vehicles, trailers, manufactured housing,  
18 ((or)) any shop, booth, ((or)) garden, or storage shed, and all  
19 contents of the items referenced in this subsection.

20 **Sec. 2.** RCW 64.44.020 and 1999 c 292 s 3 are each amended to read  
21 as follows:

22 Whenever a law enforcement agency becomes aware that property has  
23 been contaminated by hazardous chemicals, that agency shall report the  
24 contamination to the local health officer. The local health officer  
25 shall ((post)) cause a posting of a written warning on the premises  
26 within one working day of notification of the contamination and shall  
27 inspect the property within fourteen days after receiving the notice of  
28 contamination. The warning shall inform the potential occupants that  
29 hazardous chemicals may exist on, or have been removed from, the  
30 premises and that entry is unsafe. If a property owner believes that  
31 a tenant has contaminated property that was being leased or rented, and  
32 the property is vacated or abandoned, then the property owner shall  
33 contact the local health officer about the possible contamination.  
34 Local health officers or boards may charge property owners reasonable  
35 fees for inspections of suspected contaminated property requested by  
36 property owners.

1 A local health officer may enter, inspect, and survey at reasonable  
2 times any properties for which there are reasonable grounds to believe  
3 that the property has become contaminated. If the property is  
4 contaminated, the local health officer shall post a written notice  
5 declaring that the officer intends to issue an order prohibiting use of  
6 the property as long as the property is contaminated.

7 If access to the property is denied, a local health officer in  
8 consultation with law enforcement may seek a warrant for the purpose of  
9 conducting administrative inspections and seizure of property as  
10 defined in RCW 69.50.505. A superior, district, or municipal court  
11 within the jurisdiction of the property may, based upon probable cause  
12 that the property is contaminated, issue warrants for the purpose of  
13 conducting administrative inspections and seizure of property as  
14 defined in RCW 69.50.505.

15 Local health officers must report all cases of contaminated  
16 property to the state department of health. The department may make  
17 the list of contaminated properties available to health associations,  
18 landlord and realtor organizations, prosecutors, and other interested  
19 groups. The department shall promptly update the list of contaminated  
20 properties to remove those which have been decontaminated according to  
21 provisions of this chapter.

22 The local health officer may determine when the services of an  
23 authorized contractor are necessary.

24 **Sec. 3.** RCW 64.44.070 and 1999 c 292 s 8 are each amended to read  
25 as follows:

26 (1) The state board of health shall promulgate rules and standards  
27 for carrying out the provisions in this chapter in accordance with  
28 chapter 34.05 RCW, the administrative procedure act. The local board  
29 of health and the local health officer are authorized to exercise such  
30 powers as may be necessary to carry out this chapter. The department  
31 shall provide technical assistance to local health boards and health  
32 officers to carry out their duties under this chapter.

33 (2) The department shall adopt rules for decontamination of a  
34 property used as an illegal drug laboratory and methods for the testing  
35 of ground water, surface water, soil, and septic tanks for  
36 contamination. The rules shall establish decontamination standards for  
37 hazardous chemicals, including but not limited to methamphetamine,

1 lead, mercury, and total volatile organic compounds. The department  
2 shall also adopt rules pertaining to independent third party sampling  
3 to verify satisfactory decontamination of property deemed contaminated  
4 and unfit for use. For the purposes of this section, an independent  
5 third party sampler is a person who is not an employee, agent,  
6 representative, partner, joint venturer, shareholder, or parent or  
7 subsidiary company of the clandestine drug laboratory decontamination  
8 contractor, the contractor's company, or property owner.

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