

**HB 1605-S - DIGEST**

(SUBSTITUTED FOR - SEE 2ND SUB)

Finds that emissions from metal smelters, the use of lead arsenate pesticides, the combustion of leaded gasoline, and other sources have contributed to arsenic and lead soil contamination covering dispersed areas in the state.

Finds it in the public interest to expedite measures to protect children's health by increasing awareness of the potential for elevated levels of arsenic and lead contamination, conduct soil testing at schools and child care facilities, and provide technical and financial assistance to implement mitigation measures that reduce the risk of exposure.

Directs the department, in cooperation with the department of social and health services and the department of health, to assist schools and child care facilities within child use prioritization areas to reduce the potential for children's exposure to area-wide soil contamination.

Requires the department to: (1) Define child use prioritization areas based on available information;

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

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

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

Provides that, if a school or a child care facility with area-wide soil contamination does not implement a property specific public health plan within six months of receiving written notification from the department, the superintendent or board of directors of a school or the owner or operator of a child care facility must notify parents and guardians in writing of the results of soil tests. The written notice shall be prepared by the department.

Directs the department to assist schools and owners and operators of child care facilities in area-wide soil contamination zones.

Authorizes the department, within available funds, to provide grants to schools and child care facilities for the purpose of implementing property specific public health plans using best management practices.

Authorizes the department, within available funds, to provide financial assistance to the department of health and the department of social and health services to implement this act.