

SENATE BILL REPORT

SHB 2745

As Reported by Senate Committee On:
Environment, Water & Energy, February 19, 2010

Title: An act relating to including renovation activities as defined in the environmental protection agency's renovation, repair, and painting rule in the lead-based paint program.

Brief Description: Concerning compliance with the environmental protection agency's renovation, repair, and painting rule in the lead-based paint program.

Sponsors: House Committee on Environmental Health (originally sponsored by Representatives Hudgins, Campbell and Upthegrove; by request of Washington State Department of Commerce).

Brief History: Passed House: 2/12/10, 95-0.

Committee Activity: Environment, Water & Energy: 2/19/10 [DP, w/oRec].

SENATE COMMITTEE ON ENVIRONMENT, WATER & ENERGY

Majority Report: Do pass.

Signed by Senators Rockefeller, Chair; Pridemore, Vice Chair; Honeyford, Ranking Minority Member; Delvin, Fraser, Marr, Oemig and Ranker.

Minority Report: That it be referred without recommendation.

Signed by Senators Holmquist and Morton.

Staff: Jan Odano (786-7486)

Background: Lead-based paint is the most common source of lead poisoning. Until 1978, lead pigments were added to paint to make it last longer and cling to surfaces better. Over 80 percent of all housing in the U.S. built before 1978 contains some lead-based paint on the interior or exterior. Without proper precautions, renovations of surfaces with lead-based paint release lead dust. Children under the age of six are especially vulnerable to the effects of lead because they are rapidly growing and they tend to put things in their mouths. Children exposed to lead in low levels may suffer serious permanent effects that include: nervous system and kidney damage, learning disability, attention deficit disorder, decreased intelligence, speech, language and behavior problems, poor muscle coordination, and decreased muscle and bone growth. Exposure to high levels of lead in adults can harm the

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developing fetus and can cause fertility problems for men and women, high blood pressure, and memory and concentration problems.

In 1992 Congress passed legislation to create a national Lead-Based Paint Program. The national Lead-Based Paint Program went into effect in 1998 to allow states and Indian tribes to apply for and receive authorization to run their own Environmental Protection Agency (EPA) approved lead-based paint programs. Under this program, only certified lead-based paint abatement contractors can do lead-based paint abatement activities in residential dwellings and child-occupied facilities built before 1978. Also, after March 1, 1999, only EPA accredited training programs may provide training or refresher training for lead-based paint activities. Lead-based paint activities include inspections for determining lead in paint, risk assessments to find lead-based paint hazards, and abatement, which is designed to permanently remove lead-based paint hazards.

In 2003 the Washington State Legislature required the Department of Commerce (department) to seek authorization from EPA to establish a lead-based paint program. The department established a state lead-based paint program on June 10, 2004. As of October 15, 2004, all contractors providing professional lead-based paint training or activities in Washington are required to be certified by the Lead-Based Paint Program located within the department.

EPA adopted the Lead-Based Paint: Renovation, Repair and Painting Program rule in April 2008. The rule is designed to reduce the risk of exposure from lead-based paints during remodeling projects. The rule requires implementing lead-safe work practices, certification and training for paid contractors and maintenance professionals working in pre-1978 housing, child-care facilities, and schools. The rule covers all rental housing and nonrental homes where children under six and pregnant mothers reside. The rule takes effect in April 2010.

Summary of Bill: The state lead-based paint activities program requirements apply to renovators and dust sampling technicians. Persons involved in renovating homes, child care facilities, and schools built before 1978, must meet training and certification requirements similar to those individuals involved in lead-based paint activities such as inspections, risk-assessments, and abatement work.

The department may require renovators and dust sampling technicians to apply for a certification badge to meet federal certification requirements. The application must include a photograph of the applicant and include the fee amount assessed by the department.

The department must inform the Code Reviser when it has ceased implementation of the program due to lack of federal funding.

Appropriation: None.

Fiscal Note: Available.

[OFM requested ten-year cost projection pursuant to I-960.]

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill will provide a one stop shop for certifying and training painters and renovators working on projects that involve lead-based paint. The EPA covers the cost for the state to implement the program. If the state does not run the program, EPA will. The cost through the state program is per person is \$25; however, the EPA program will charge an individual \$200. Lead based paint is the single largest point of exposure to lead for children. This is a good step to prevent lead exposure to kids. It prevents exposure to children through lead-safe work practices.

Persons Testifying: PRO: Will Graham, Department of Commerce; Holly Davies, Department of Ecology.