

HOUSE BILL REPORT

HB 1873

As Reported by House Committee On: Appropriations

Title: An act relating to lead-based paint certification fees.

Brief Description: Concerning lead-based paint certification fees.

Sponsors: Representatives Hudgins, Fey, McBride and Peterson; by request of Department of Commerce.

Brief History:

Committee Activity:

Appropriations: 2/13/17, 2/21/17 [DP].

Brief Summary of Bill

- Increases lead-based paint certification and recertification fees for lead paint firms, inspectors, project developers, risk assessors, supervisors, abatement workers, renovators, and dust-sampling technicians from \$25 to \$30.
- Requires lead-based paint recertification fees to be paid annually.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 18 members: Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist, Cody, Fitzgibbon, Hansen, Hudgins, Jinkins, Kagi, Lytton, Pettigrew, Pollet, Sawyer, Senn, Springer, Stanford, Sullivan and Tharinger.

Minority Report: Do not pass. Signed by 14 members: Representatives Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Buys, Caldier, Condotta, Haler, Harris, Nealey, Schmick, Taylor, Vick, Volz and Wilcox.

Minority Report: Without recommendation. Signed by 1 member: Representative Manweller.

Staff: Meghan Morris (786-7119).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

Lead was commonly used in paint until it was banned for residential use in 1978. Exposure to lead can be highly toxic, especially to children ages 6 and younger. Ingesting or breathing dust from lead-based paint is the most common form of lead exposure. Dust is released by the deterioration of paint and can occur during remodeling activities.

In 1992 Congress passed the Residential Lead-Based Paint Hazard Reduction Act (Act). Under the Act, the United States Environmental Protection Agency (EPA) and other federal agencies developed a national program to prevent and reduce lead-based paint exposures and hazards. The Act allows states to provide for the accreditation of lead-based paint activities programs, the certification of persons completing such training programs, and the licensing of contractors for lead-based paint activities under standards developed by the EPA. States that undertake these activities are eligible for federal grants to support the state program.

Lead-based paint activities include inspections to identify lead-based paint, risk assessments to find lead-based paint hazards, and abatement activity designed to permanently remove lead-based paint hazards.

Lead-Based Paint Abatement Program.

In 2003 the Legislature created the state Lead-Based Paint Abatement Program (LBP) within the Department of Commerce (Department). The program accredits lead-based paint training programs and certifies contractors who perform lead-based paint remediation work. The Department processes certification and accreditation applications, tracks licensees, provides technical assistance, enforces rules, and reviews training and program effectiveness.

Renovation, Repair, and Painting Program.

In April 2008 the EPA adopted a rule that requires contractors performing renovation, repair, and painting projects that disturb lead-based paint in homes, child care facilities, and schools, built before 1978, to be certified and follow specific work practices to prevent lead contamination. To comply with federal laws and rules, the Legislature created the state Renovation, Repair, and Painting Program (RRP), which the Department manages alongside the LBP. The RRP certification requirements and rules apply to anyone performing work for compensation on a pre-1978 residence when that work disturbs more than 20 square feet of paint exterior and 6 square feet of interior.

Lead Paint Account.

The LBP and RRP are funded through the Lead Paint Account. Revenues into the account include federal awards, certification and accreditation fees, and penalties for violating lead-based paint rules. Certification and recertification fees for lead paint firms, inspectors, project developers, risk assessors, supervisors, abatement workers, renovators, and dust-sampling technicians are established in statute as follows:

- \$25 for a five-year renovation certification; and
- \$25 for a three-year abatement certification.

Summary of Bill:

Lead-based paint certification and recertification fees are increased from \$25 to \$30. Lead-based paint recertification fees must be paid annually.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The bill is important to protect Washington residents, especially children, from the hazards of lead-based paint. The Lead-Based Paint Abatement Program (LBP) performs three primary duties: (1) accredits LBP abatement and renovation trainers to certify workers in the state to work on homes with lead-based paint; (2) certifies workers to perform lead-based activities; and (3) enforces rules and regulations to ensure compliance across the state. The LBP is funded by a grant from the Environmental Protection Agency (EPA) and through certification fees and penalties. Funding supports three staff: one program manager, one certification specialist, and one enforcement officer. One enforcement officer is not adequate to enforce the rules in our state. There was a recent performance audit of the LBP done by the EPA, which recommended an additional two full-time employees, which the fee increase would help fund. Washington would go from the lowest fee in the nation to the lowest fee in the nation. It is a modest and reasonable fee increase compared to similar certifications across the nation and industry.

(Opposed) None.

Persons Testifying: Tony Hanson and Cynthia Sanderson, Department of Commerce.

Persons Signed In To Testify But Not Testifying: None.