

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]; 1/18/18, 1/22/18 [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 17 members: Representatives Ormsby, Chair; Robinson, Vice Chair; Bergquist, Cody, Fitzgibbon, Hansen, Hudgins, Jinkins, Kagi, Lytton, Pettigrew, Pollet, Sawyer, 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, Graves, Haler, Manweller, Schmick, Taylor, Vick, Volz and Wilcox.

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

Staff: Meghan Morris (786-7119).

Background:

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.

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 (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 Legislature has implemented policies over the years to fight lead, which is bad for people. Lead in paint is actually a greater exposure hazard to children than lead in drinking water. This bill is a critical investment in preventing childhood lead poisoning and helping our children reach their full potential. During a renovation or repainting, large amounts of toxic lead dust can be created in a very short time if workers are not using lead-safe work practices. This dust can end up on the floor, in the dirt outside, on kids' toys, on hands, and in children's mouths. This is why the Department of Commerce (Department) ensures that contractors working on buildings containing lead-based paint are certified and appropriately trained on lead-safe practices. This also helps the Department of Health prevent and respond to cases of lead poisoning.

Washington ranks fourteenth in the United States for the number of homes built before 1950, when lead paint was more likely to be used. However, resources are limited to make sure lead-based paint is dealt with safely. Presently the fee is \$25 for a three to five year certification. This fee is by far the lowest fee in the nation. This bill raises the fee to \$30 annually, but people could still apply on the three to five year cycle. The national average for these fees is \$40-\$60 per year. Washington would go from having the lowest fee in the nation to having the lowest fee in the nation, but at a level that allows for meaningful statewide enforcement. The Department only has one enforcement officer statewide. House Bill 1873 is an opportunity to increase the state's enforcement, education, and training; and make sure people are doing lead-based paint projects correctly.

(Opposed) None.

Persons Testifying: Representative Hudgins, prime sponsor; Jaime Rossman, Washington State Department of Commerce; and Lauren Jenks, Washington State Department of Health.

Persons Signed In To Testify But Not Testifying: None.