

SENATE BILL REPORT

ESHB 1554

As of March 13, 2023

Title: An act relating to reducing public health and environmental impacts from lead.

Brief Description: Reducing public health and environmental impacts from lead.

Sponsors: House Committee on Environment & Energy (originally sponsored by Representatives Doglio, Pollet, Fitzgibbon, Berry, Ramel, Orwall, Ryu, Fosse, Kloba, Macri and Duerr).

Brief History: Passed House: 3/6/23, 67-28.

Committee Activity: Environment, Energy & Technology: 3/15/23.

Brief Summary of Bill

- Directs the Department of Transportation to carry out activities related to reducing lead emissions and exposures associated with leaded aviation fuel use at airports.
- Directs the Department of Health to update its blood lead testing guidance for health care providers related to children living near airports at which aviation gasoline is used.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

Staff: Gregory Vogel (786-7413)

Background: State Regulations and Programs Related to Lead. State law restricts lead in various consumer products:

- under the Children's Safe Products Act, lead is restricted in children's products at a level of 40 parts per million (ppm);
- lead wheel weights must be replaced with environmentally preferred wheel weights whenever tires are replaced or rebalanced; and

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- concentrations of lead, cadmium, mercury, and hexavalent chromium must not exceed a sum of 100 ppm in any package or packaging component.

Other state programs related to lead in the environment include provisions related to the recycling of lead-acid vehicle batteries, certification programs for persons performing lead-based paint abatement, and programs to limit the presence of lead in drinking water.

Leaded Gasoline. Under the federal Clean Air Act (CAA), leaded motor vehicle gasoline was phased out between the 1970s and 1990s. In October 2022, the United States Environmental Protection Agency (EPA) issued a proposed determination that lead emissions from aircraft that operate on leaded fuel cause or contribute to air pollution that may reasonably be anticipated to endanger public health and welfare under the CAA. EPA plans to issue any final endangerment finding in 2023.

If the proposed finding is finalized, EPA would propose regulatory standards for lead emissions from aircraft engines. The Federal Aviation Administration (FAA) would be required to prescribe regulations to ensure compliance with these emissions standards.

In 2022, the FAA and industry partners announced an Eliminate Aviation Gasoline Lead Emissions (EAGLE) initiative to eliminate the use of leaded aviation fuel by the end of 2030. Under the EAGLE initiative, the FAA has published recommendations related to short-term measures that airports may take to reduce or minimize potential exposures to aircraft lead emissions.

Under a 2018 federal budget proviso, the National Academies of Sciences, Engineering, and Medicine (NASEM) published a 2021 assessment of leaded aviation gasoline, including existing non-leaded fuel alternatives, ambient lead concentrations near airports where piston-powered general aviation aircraft are used, and mitigation measures to reduce ambient lead concentrations. NASEM report included recommendations related to increasing the size of run-up areas used at general aviation airports, relocating run-up areas, and making other operational changes at airports to reduce lead exposures.

The FAA has approved the safe use of unleaded fuel that can be used in a large number of piston-engine aircraft, along with other unleaded fuels for specific aircraft.

Department of Health Blood Lead Testing Guidance. The Department of Health (DOH) recommends that healthcare providers screen children at 12 and 24 months of age to assess levels of lead in their blood, based on specified risk factors, including if a child lives in a house built before 1950, is known to have a sibling or frequent playmate with an elevated blood lead level, or has a parent or caregiver who works professionally or recreationally with lead. DOH additionally recommends that healthcare providers consider blood lead testing on children per the healthcare provider's clinical judgment, based on factors including whether the child lives within a kilometer of an airport or lead emitting industry.

Summary of Bill: The Washington State Department of Transportation must carry out activities related to reducing emissions from leaded aviation gasoline used by piston-engine aircraft, including:

- carrying out an education and outreach campaign targeted to airport operators and piston-engine aircraft pilots on the topic of lead emissions from aircraft and the disposal of fuel samples;
- developing a bulletin, in coordination with the FAA and an airport managers association, to offer best practices to airport operators to build awareness related to the issue of lead emissions from piston-engine aircraft among airport users and neighboring communities;
- developing and communicating to the FAA a written recommendation to update its advisory circular on airport master plans to include evaluation of aircraft runup locations to limit lead exposures;
- submitting a formal request to the FAA and working with airport associations to prioritize eliminating leaded aviation gasoline emissions as part of the FAA congressional reauthorization act processes; and
- submitting recommendations to the appropriate committees of the Legislature by December 2023, regarding financial incentives to be provided by the state for leaded aviation fuel reduction, and management strategies for airports and airport users to reduce lead emissions from piston-engine aircraft and reduce public health impacts from lead exposures.

DOH must update its blood lead testing guidance for health care providers related to children living near airports at which aviation gasoline is used. The update must include children at risk of lead exposure due to airport operations among the high-risk populations broadly recommended for a blood lead test. DOH must provide outreach to healthcare providers about the updated guidance.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.