

# HOUSE BILL REPORT

## HB 1163

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### As Reported By House Committee On:

Agriculture & Ecology

**Title:** An act relating to the authority of local health jurisdictions regarding properties contaminated by toxic chemicals used in the manufacture of illegal drugs.

**Brief Description:** Providing for the safe decontamination or destruction of residential property used for illegal drug manufacturing or storage.

**Sponsors:** Representatives Cooper, Schoesler, Linville, G. Chandler, Keiser, Rockefeller and Conway; by request of Department of Health.

### Brief History:

#### Committee Activity:

Agriculture & Ecology: 2/4/99, 2/19/99 [DPS].

### Brief Summary of Substitute Bill

- Local health officers may determine when a certified contractor must be used to decontaminate property that has been contaminated by hazardous chemicals associated with the manufacture of illegal drugs.

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## HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 14 members: Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Cooper, Democratic Vice Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen; Sump and Wood.

**Staff:** Bill Lynch (786-7092).

### Background:

In 1990 the Legislature enacted provisions to ensure that properties, that are contaminated with toxic residues left by chemicals used to manufacture illegal drugs, are

decontaminated before they can be used or re-occupied. An owner of contaminated property who wishes to have the property decontaminated must use the services of a contractor who is certified by the Department of Health to perform decontamination. If the decontamination is completed and the property is retested according to a work plan approved by the local health officer, a notice is recorded in the real property records indicating that the property has been decontaminated. The department is required to develop guidelines for the decontamination of property.

A city or county may condemn or demolish contaminated property, or require the contaminated property to be vacated or the contents removed from the property. The city or county must use a contractor certified by the Department of Health to demolish or remove contaminated property.

If a local health officer is notified that property has been contaminated by hazardous chemicals, the local health officer must post a notice on the premises immediately upon being notified of the contamination.

The services of a certified contractor may not always be necessary to decontaminate, demolish, or remove contaminated property.

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### **Summary of Substitute Bill:**

When property becomes contaminated by hazardous chemicals associated with the manufacture of illegal drugs, the local health officer may determine when the services of a contractor certified by the Department of Health to perform decontamination is necessary. A city or county may use a certified contractor if contaminated property is demolished, decontaminated, or removed.

The guidelines developed by the Department of Health for the decontamination of property must include standards for hazardous chemicals, including hazardous substances, under the Model Toxics Control Act, precursor substances determined to present a health hazard to humans, and methamphetamine, lead, mercury, and total volatile organic compounds.

A local health officer must post a warning on the premises within one working day of receiving notice that property is contaminated by hazardous chemicals. Definitions are provided for an "order" and for a "warning". Other technical changes are made.

### **Substitute Bill Compared to Original Bill:**

The Department of Health must include standards for hazardous chemicals in the guidelines for decontamination of property.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** (Original bill) This will lower the costs of clean-up without affecting public health. Many of the substances currently used to manufacture illegal drugs are not as toxic as previously used substances. This provides the necessary discretion to local health officers. Clean-ups will occur much more quickly and cheaply, and lessen the likelihood of vacant buildings attracting crime in the community. The state and local governments collaborate well.

**Testimony Against:** None.

**Testified:** (In support) Mary Selecky, Acting Secretary Department of Health; Lt. Jim Cromey, WA State Patrol Incident Response Team; Sally Toteff, Thurston County Health Department; Linda Oesterich, Executive Director, Rental Housing Association; Lew Kittle, Department of Health.