AN ACT Relating to protecting children from area-wide soil contamination; and adding a new chapter to Title 70 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. The legislature finds that emissions from metal smelters, the use of lead arsenate pesticides, the combustion of leaded gasoline, and other sources have contributed to arsenic and lead soil contamination covering dispersed areas in the state. The legislature therefore finds it in the public interest to expedite measures to protect children's health by conducting soil testing at certain schools and child care facilities, and providing technical and financial assistance to implement mitigation measures that reduce the risk of exposure.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise. (1) "Area-wide soil contamination" means low to moderate arsenic and lead soil contamination dispersed over a large geographic area. (2) "Child care facility" means a child day-care center or a family day-care provider as those terms are defined under RCW 74.15.020.
(3) "Child use prioritization area" means an area in which the department has determined a potential exists for a child to be routinely exposed to area-wide soil contamination.

(4) "Department" means the department of ecology.

(5) "Director" means the director of the department of ecology.

(6) "Low to moderate soil contamination" means low level arsenic or lead concentrations where a child's exposure to soil contamination at a school or a child care facility may be reduced through the implementation of a property-specific public health plan.

(7) "Property-specific public health plan" means measures developed by the department for a school or a child care facility including individual protective measures, site-specific mitigation, and other remedial actions to protect public health on sites containing area-wide soil contamination.

(8) "School" means a public or private kindergarten, elementary, or secondary school.

NEW SECTION. Sec. 3. (1) The department, in cooperation with the department of social and health services and the department of health, shall assist schools and child care facilities within child use prioritization areas to reduce the potential for children's exposure to area-wide soil contamination.

(2) The department shall:

(a) Define child use prioritization areas based on available information;

(b) Conduct qualitative evaluations to determine the potential for children's exposure to area-wide soil contamination by December 31, 2006;

(c) If the qualitative evaluation determines that children may be routinely exposed to area-wide soil contamination at a property, conduct soil samples at that property by December 31, 2008; and

(d) If soil sample results confirm the presence of area-wide soil contamination, notify schools and child care facilities regarding the test results and the steps necessary for implementing a property specific public health plan.

(3) If a school or a child care facility with area-wide soil contamination does not implement a property specific public health plan within six months of receiving written notification from the
department, the superintendent or board of directors of a school or the
owner or operator of a child care facility must notify parents and
guardians in writing of the results of soil tests. The written notice
shall be prepared by the department.

(4) The department shall recognize schools and child care
facilities that successfully implement property specific public health
plans with a voluntary certification program demonstrating the facility
has successfully completed measures to help provide a healthy
environment for children.

(5) Schools and child care facilities must work with the department
to provide the department with site access for soil sampling at times
that are the most convenient for all parties.

NEW SECTION.  Sec. 4. (1) The department shall assist schools and
owners and operators of child care facilities in area-wide soil
contamination zones. Such assistance may include the following:

(a) Technical assistance in conducting qualitative evaluations to
determine where area-wide soil contamination exposures could occur;

(b) Technical and financial assistance in testing soils where
evaluations indicate potential for contamination; and

(c) Technical and financial assistance to implement property-
specific public health plans.

(2) The department shall develop best management practice
guidelines for schools and day care facilities with area-wide soil
contamination. The guidelines shall recommend cost-effective methods
for reducing exposure to contaminated soil.

(3) The department shall develop a grant program to assist schools
and child care facilities with implementing property specific public
health plans.

(4) The department, within available funds, may provide grants to
schools and child care facilities for the purpose of implementing
property specific public health plans using best management practices.

(5) The department, within available funds, may provide financial
assistance to the department of health and the department of social and
health services to implement this chapter.

NEW SECTION.  Sec. 5. The department of health shall assist the
department in developing and implementing the area-wide soil
contamination school and child care facility program including but not limited to developing best management practices and guidelines for property-specific public health plans.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act constitute a new chapter in Title 70 RCW.

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