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

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 best
management practices.
(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, the department of health, the
office of the superintendent of public instruction, and local health
districts, 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) 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.

(4) 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 a range of methods for reducing exposure to contaminated soil, considering the concentration, extent, and location of contamination and the nature and frequency of child use of the area.

(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.

(6) The department may, through an interagency agreement, authorize a local health jurisdiction to administer any activity in this chapter that is otherwise not assigned to a local health jurisdiction by 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. The department of social and health services shall assist the department by providing information on the location of child care facilities and contacts for these facilities.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 8. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2005, in the omnibus appropriations act, this act is null and void.

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