

HOUSE BILL REPORT

HB 2400

*As Reported By House Committee on:
Commerce & Labor*

Title: An act relating to the education, testing, and licensing of paint or coating applicators.

Brief Description: Requiring the licensing of paint or coating applicators.

Sponsor(s): Representatives Heavey, Day, O'Brien, Wilson and Vance.

Brief History:

Reported by House Committee on:
Commerce & Labor, January 31, 1992, DPS.

**HOUSE COMMITTEE ON
COMMERCE & LABOR**

Majority Report: *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 7 members: Representatives Heavey, Chair; G. Cole, Vice Chair; Franklin; Jones; R. King; O'Brien; and Prentice.

Minority Report: *Do not pass.* Signed by 4 members: Representatives Fuhrman, Ranking Minority Member; Lisk, Assistant Ranking Minority Member; Vance; and Wilson.

Staff: Jim Kelley (786-7166).

Background: Paint or coating applicators are not licensed by the state. If they are contractors, they are required to be registered with the Department of Labor and Industries.

To the extent that the paints or coatings used are classified as hazardous substances, employers must meet the requirements of Washington's worker and community right to know act. Under this law, employers must keep material data training sheets on file and provide their employees with safety training.

Summary of Substitute Bill: Paint or coating applicators are required to obtain a license from the Department of Labor and Industries. A paint or coating applicator is a person directly engaged in painting or coating application, removal, or treatment of painted or coated surfaces for

compensation. To obtain a license, a paint or coating applicator must complete required education, testing, and licensing programs.

The director of the department shall appoint a commission composed of nine members: three from employer organizations; three from employee organizations; two representing the industry at large; and one representing the consumers and the environmental community. The commission shall guide the department in developing a licensing form, licensing standards, rules for revoking a license, and a definition of the relationship of the training program to the licensing program. The commission will also recommend education, testing, and licensing programs to the director.

The director is required to set fees to cover the full cost of administering the program.

Authorized representatives of the department shall investigate alleged or apparent violations of this act and, upon presentation of credentials, may inspect a worksite. The department shall also investigate complaints from an interested party.

Each day and each worksite in which a paint or coatings applicator works without a valid license is a separate infraction. Each day that an employer employs an unlicensed person is a separate violation. Minimum penalties for employee and employer infractions are set in statute. For the first offense, the minimum penalty is \$250.

An employer who knowingly or repeatedly employs an unlicensed paint or coatings applicator is in violation of the consumer protection act.

Substitute Bill Compared to Original Bill: The substitute bill requires that the training include training in the safe removal and disposal of lead and requires that the consumer representative on the commission represent the environmental community.

Fiscal Note: Requested January 24, 1992.

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

Testimony For: Paint is extremely toxic. The World Health Organization considers this the primary environmental health issue we are currently facing. This will give the industry credibility and responsibility. This is a safety issue.

Testimony Against: This is a bad idea and it is poorly executed. Other laws and regulations deal with all of the problems this bill is supposed to address. There is no legislative oversight. The commission has too much power and is too loaded with industry people.

Witnesses: Frank Warnke, Larry Fuchs, and Robert Matson, Painting Industry (in favor); Dick Ducharme and Jim Halstrom, Building Industry Association of Washington and Masters Builders Association (opposed); and Kathleen Garrity, Association of Builders and Contractors (opposed).