
**Fisheries, Ecology & Parks
Committee**

HB 1913

Brief Description: Granting authority to the department of community, trade, and economic development to address concerns with lead-based paint activities.

Sponsors: Representatives Darneille, Mastin, Schual-Berke, Campbell, Cody, Moeller, Grant, Edwards and Santos.

Brief Summary of Bill

- Establishes a state program for worker training, certification, and training program accreditation for lead-based paint activities at the Department of Community, Trade, and Economic Development (DCTED).
- Directs DCTED to adopt rules that are consistent with federal requirements necessary to implement a state lead-based activities program.
- Creates a lead-based paint advisory board to provide scientific input and the opportunity for involvement of state research facilities in the preparation, conduct, and evaluation of the training programs and the certification process.

Hearing Date: 2/27/03

Staff: Jeff Olsen (786-7157).

Background:

In the United States, deteriorated lead-based paint in older homes and high levels of lead-contaminated house dust are the most common sources of lead poisoning in children. Lead paint is present in an estimated 24 million U.S. homes where 4.4 million children younger than six years old live, according to the Centers for Disease Control and Prevention. Lead is highly toxic and is especially dangerous to young children because they are more likely to ingest lead dust.

In 1992, Congress passed the Residential Lead-Based Paint Hazard Reduction Act, also known as Title X. Under Title X, the Environmental Protection Agency (EPA) and other federal agencies developed a national program to prevent and reduce lead-based paint

exposures and hazards. Title X allows states to provide for the accreditation of lead-based paint activities programs, the certification of persons completing such training programs, and the licensing of lead-based paint activities contractors under standards developed by the EPA. States that undertake these activities are eligible for federal grants.

Summary of Bill:

The DCTED must administer and enforce a state program for worker training and certification, and training program accreditation for lead-based paint activities. The DCTED is authorized to adopt rules that are consistent with federal requirements necessary to implement a state program. The rules must establish minimum accreditation requirements for lead-based paint activities for training providers; establish work practice standards; establish certification requirements; require the use of certified personnel in all lead-based paint activities; be revised to comply with federal laws and rules; facilitate reciprocity with other states; provide for decertification, deaccreditation and financial assurance; and, be issued in accordance with the Administrative Procedures Act.

Lead-based paint activities includes inspection, testing, risk assessment, lead-based paint hazard reduction project design or planning, or abatement of lead-based paint hazards. Abatement of lead-based paint includes: (1) projects with written contracts for the permanent removal of lead-based paint; (2) projects conducted by certified individuals or firms; (3) projects conducted by individuals or firms that claim to be qualified to remove lead-based paint; or (4) projects conducted under state or local abatement orders. Abatement does not include renovation, remodeling, landscaping, or other activities not designed to permanently eliminate lead-based paint hazards, even though the activities may result in reduction or elimination of the hazard. Additionally, abatement does not include interim controls, operations and maintenance activities, or other measures designed to temporarily reduce lead-based paint hazards.

The DCTED must also adopt the following rules:

1. Establish procedures and requirements for the accreditation of lead-based paint activities training programs including the following: training curriculum; training hours; hands-on training; trainee competency and proficiency; procedures for reaccreditation of training programs; procedures for oversight of training programs; and procedures for suspension, revocation, or modification of training program accreditations;
2. establish procedures for certification and for the acceptance of training offered by an accredited training provider in a state or Indian tribe authorized by the EPA;
3. certify individuals involved in lead-based paint activities;
4. use laboratories accredited under the EPA's national lead laboratory accreditation program;
5. establish work practice standards for the conduct of lead-based activities;
6. establish an enforcement response policy including administrative or civil actions; and

authority to apply criminal sanctions under existing state laws.

7. prepare and submit a biennial report to the Legislature regarding the program's status, cost, and the number of persons certified by the program.

The DCTED is designated as the official agency for purposes of implementing the state lead-based paint activities program under the jurisdiction of the EPA. The DCTED is authorized to accept federal funds for the administration of the program. No individual or firm can perform, offer, or claim to perform lead-based paint activities without certification from the DCTED to conduct these activities. The DCTED may deny, suspend, or revoke a certification for failure to comply with rule requirements. Persons whose certificate is revoked are eligible to apply for a certificate one year from the effective date of the revocation.

Persons violating the following provisions are guilty of a misdemeanor: (1) Failure to comply with requirements of the law; (2) Failure or refusal to establish required records; (3) Obtaining certification through fraud; (4) Failure to obtain certification; or (5) Fraudulently obtaining certification and engaging in any lead-based paint activities.

The DCTED must appoint a lead-based paint activities advisory board (Board). The Board provides scientific input and the opportunity for involvement of state research facilities in the preparation, conduct, and evaluation of the specific training programs and the certification process. The board consists of at least five volunteer members experienced in one or more of the following activities: environmental health; medical or environmental science; industrial hygiene, construction; real estate; environmental regulatory oversight; property owners; parents of leaded children; or lead hazard identification. In addition, the following ex-officio members or their designees including: the Director of the Department of Labor and Industries; the Director of the Department of Ecology; the Secretary of the Department of Health; and the Director of the Department of Agriculture. At least one member shall serve as a representative of the medical community. Members of the board shall be reimbursed for travel expenses and meet not more often than quarterly.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.