

# SENATE BILL REPORT

## SB 5931

---

---

As Reported By Senate Committee On:  
Water, Energy & Environment, February 23, 2005

**Title:** An act relating to protecting human health and the environment.

**Brief Description:** Requiring removal of hazardous materials in accordance with state and federal laws before conducting planned structure fires for fire fighter training.

**Sponsors:** Senator Fraser.

**Brief History:**

**Committee Activity:** Water, Energy & Environment: 2/22/05, 2/23/05 [DPS, DNP].

---

### SENATE COMMITTEE ON WATER, ENERGY & ENVIRONMENT

**Majority Report:** That Substitute Senate Bill No. 5931 be substituted therefor, and the substitute bill do pass.

Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala.

**Minority Report:** Do not pass.

Signed by Senators Morton, Ranking Minority Member; Hewitt, Honeyford, and Mulliken.

**Staff:** Richard Rodger (786-7461)

**Background:** Under limited conditions fire protection district fire fighters may set fire to structures, for instruction in methods of fire fighting, without obtaining a permit. The following conditions apply to such burnings:

- 1) the structure is located outside of urban growth areas and outside of any city with a population of ten thousand;
- 2) it will not cause air pollution in areas of sensitivity;
- 3) it is not in an area under an air pollution episode or any stage of impaired air quality;
- 4) it will not cause a nuisance;
- 5) notice of the fire is provided to those who will potentially be impacted;
- 6) each structure to be set on fire is to be identified; and
- 7) a good-faith inspection is conducted to determine if materials containing asbestos are present, and if present, removed.

The good-faith inspection must be documented in writing and forwarded to the appropriate local air authority or the Department of Ecology (DOE) if there is no local air authority.

**Summary of Substitute Bill:** The DOE, in consultation with local air pollution control agencies, the State Fire Protection Policy Board, and the Department of Health, must develop a list, as guidance, of hazardous materials commonly found in structures, that would pose a risk

of a carcinogenic, toxic, or any other adverse health or environmental effect, if not removed from a structure before the structure's intentional destruction.

In developing the list, consideration must be given to the quantity or concentration of the materials generally found in such structures, and may include such items as asphalt shingles, tar paper, insulation, paints, chemicals, plastics, petroleum-based products, and carpeting or other flooring materials.

The fire fighters' existing good-faith inspection is expanded to include a determination of whether other hazardous materials are present in the structure, based on the list prepared by DOE. If hazardous materials are present, in a quantity or concentration that pose a significant or potential adverse risk to human health or the environment, the material must be removed prior to conducting the burn.

**Substitute Bill Compared to Original Bill:** The substitute clarifies that rulemaking is not required by the bill. Technical corrections are also made.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Testimony For:** This bill will help protect fire fighters, the public, and the environment from unnecessary exposure to toxins and carcinogens generated by the intentional destruction of structures by fire. This bill is in response to reading about a local fire fighter who died from cancer induced by on-the-job exposures to toxics. Exposure to training-fire toxics is largely preventable and this bill makes the safe practices utilized in some areas of the state, a statewide protocol to protect everyone.

**Testimony Against:** None.

**Who Testified:** PRO: Bill Yake, citizen.