

**SB 5125-S2 - DIGEST**

(DIGEST OF PROPOSED 2ND SUBSTITUTE)

Declares it is the purpose of this act to create the safe playground soils program, through which technical and financial assistance will be provided by state and local health jurisdictions to the owners and operators of facilities having child use areas that may contain soils with elevated levels of heavy metals. It is further the purpose of this act to encourage testing of soils in such areas, and to require testing in geographic zones at higher risk of soil contamination.

Declares that the objective of this program is to obtain comprehensive information on the presence of heavy metals in child use areas, and to ensure that such information is made available to, and in some circumstances specifically provided to, the parents of children attending or using the facility, and the staff that work at the facility. It is the underlying premise of this program that comprehensive and quality data and analysis, shared with all interested persons, will be the basis for timely and effective response measures to protect the health of children.

Provides that the department shall make grants to owners of facilities with child use areas for the purpose of testing soils within those areas for the presence of heavy metals. The department shall actively publicize the grant program and solicit applications for grants with the objective of obtaining soil test results expeditiously and implementing best management practices where action level exceedances are found.

Provides that, to encourage early testing, for the period from the effective date of this section through June 30, 2007, the amount of the nonstate match required for the grant shall be limited to ten percent of the grant amount. From and after July 1, 2007, the nonstate match shall be no less than fifty percent of the grant amount.

Declares that the following geographic areas are designated higher risk zones for potential soil contamination by heavy metals:

(1) The area of potential heavy metal deposition to soils from the Tacoma smelter, generally encompassing portions of King, Pierce, Kitsap, and Thurston counties, and referred to as the Asarco smelter plume zone. The department shall define this zone based upon existing information no later than October 1, 2005;

(2) Any other geographic area that is defined by a local health jurisdiction as having a high probability of encompassing child use areas with the presence of heavy metals in playground soils exceeding action levels.

Directs the department to establish an enforcement forbearance policy regarding owners of facilities implementing best management practices at child use areas under chapter 70.-- RCW (sections 1 through 9 of this act).

Provides that, by July 1, 2007, the department shall adopt as a condition of licensing day-care centers and family day-care providers that the facility is in compliance with applicable testing requirements and implementation of best management practices under chapter 70.-- RCW (sections 1 through 9 of this

act).

Appropriates the sum of one million dollars, or as much thereof as may be necessary, from the state toxics control account to the department of ecology for the biennium ending June 30, 2007, to carry out the purposes of this act.