

---

HOUSE BILL 1757

---

State of Washington                      65th Legislature                      2017 Regular Session

By Representatives Hayes and Pellicciotti

Read first time 01/27/17. Referred to Committee on Environment.

1            AN ACT Relating to transient accommodations contaminated by  
2 methamphetamine; and amending RCW 64.44.005, 64.44.010, and  
3 64.44.060.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            **Sec. 1.** RCW 64.44.005 and 1990 c 213 s 1 are each amended to  
6 read as follows:

7            The legislature finds that some properties are being contaminated  
8 by hazardous chemicals used in unsafe or illegal ways in the  
9 manufacture of illegal drugs or by hazardous drugs contaminating  
10 transient accommodations regulated by the department. Innocent  
11 members of the public may be harmed by the residue left by these  
12 chemicals when the properties are subsequently rented or sold without  
13 having been decontaminated.

14            **Sec. 2.** RCW 64.44.010 and 2013 c 19 s 49 are each amended to  
15 read as follows:

16            The words and phrases defined in this section shall have the  
17 following meanings when used in this chapter unless the context  
18 clearly indicates otherwise.

19            (1) "Authorized contractor" means a person who decontaminates,  
20 demolishes, or disposes of contaminated property as required by this

1 chapter who is certified by the department as provided for in RCW  
2 64.44.060.

3 (2) "Contaminated" or "contamination" means polluted by hazardous  
4 chemicals so that the property is unfit for human habitation or use  
5 due to immediate or long-term hazards. Property that at one time was  
6 contaminated but has been satisfactorily decontaminated according to  
7 procedures established by the state board of health is not  
8 "contaminated."

9 (3) "Department" means the department of health.

10 (4) "Hazardous chemicals" means:

11 (a) Methamphetamine in amounts exceeding the decontamination  
12 standards set by the department when found in transient  
13 accommodations such as hotels, motels, bed and breakfasts, resorts,  
14 inns, crisis shelters, hostels, and retreats that are regulated by  
15 the department; and

16 (b) The following substances associated with the illegal  
17 manufacture of controlled substances: ((+a)) (i) Hazardous  
18 substances as defined in RCW 70.105D.020; ((+b)) (ii) precursor  
19 substances as defined in RCW 69.43.010 which the state board of  
20 health, in consultation with the pharmacy quality assurance  
21 commission, has determined present an immediate or long-term health  
22 hazard to humans; and ((+c)) (iii) the controlled substance or  
23 substances being manufactured, as defined in RCW 69.50.101.

24 (5) "Officer" means a local health officer authorized under  
25 chapters 70.05, 70.08, and 70.46 RCW.

26 (6) "Property" means any real or personal property, or segregable  
27 part thereof, that is involved in or affected by the unauthorized  
28 manufacture, distribution, ((+d)) storage, or use of hazardous  
29 chemicals. This includes but is not limited to single-family  
30 residences, units of multiplexes, condominiums, apartment buildings,  
31 transient accommodations, boats, motor vehicles, trailers,  
32 manufactured housing, any shop, booth, garden, or storage shed, and  
33 all contents of the items referenced in this subsection.

34 **Sec. 3.** RCW 64.44.060 and 2013 c 251 s 6 are each amended to  
35 read as follows:

36 (1) A contractor, supervisor, or worker may not perform  
37 decontamination, demolition, or disposal work unless issued a  
38 certificate by the state department of health. The department shall  
39 establish performance standards for contractors, supervisors, and

1 workers by rule in accordance with chapter 34.05 RCW, the  
2 administrative procedure act. The department shall train and test, or  
3 may approve courses to train and test, contractors, supervisors, and  
4 workers on the essential elements in assessing contaminated transient  
5 accommodations or property used as an illegal controlled substances  
6 manufacturing or storage site to determine hazard reduction measures  
7 needed, techniques for adequately reducing contaminants, use of  
8 personal protective equipment, methods for proper decontamination,  
9 demolition, removal, and disposal of contaminated property, and  
10 relevant federal and state regulations. Upon successful completion of  
11 the training, and after a background check, the contractor,  
12 supervisor, or worker shall be certified.

13 (2) The department may require the successful completion of  
14 annual refresher courses provided or approved by the department for  
15 the continued certification of the contractor or employee.

16 (3) The department shall provide for reciprocal certification of  
17 any individual trained to engage in decontamination, demolition, or  
18 disposal work in another state when the prior training is shown to be  
19 substantially similar to the training required by the department. The  
20 department may require such individuals to take an examination or  
21 refresher course before certification.

22 (4) The department may deny, suspend, revoke, or place  
23 restrictions on a certificate for failure to comply with the  
24 requirements of this chapter or any rule adopted pursuant to this  
25 chapter. A certificate may be denied, suspended, revoked, or have  
26 restrictions placed on it on any of the following grounds:

27 (a) Failing to perform decontamination, demolition, or disposal  
28 work under the supervision of trained personnel;

29 (b) Failing to perform decontamination, demolition, or disposal  
30 work using department of health certified decontamination personnel;

31 (c) Failing to file a work plan;

32 (d) Failing to perform work pursuant to the work plan;

33 (e) Failing to perform work that meets the requirements of the  
34 department and the requirements of the local health officers;

35 (f) Failing to properly dispose of contaminated property;

36 (g) Committing fraud or misrepresentation in: (i) Applying for or  
37 obtaining a certification, recertification, or reinstatement; (ii)  
38 seeking approval of a work plan; and (iii) documenting completion of  
39 work to the department or local health officer;

1 (h) Failing the evaluation and inspection of decontamination  
2 projects pursuant to RCW 64.44.075; or

3 (i) If the person has been certified pursuant to RCW 74.20A.320  
4 by the department of social and health services as a person who is  
5 not in compliance with a support order or a residential or visitation  
6 order. If the person has continued to meet all other requirements for  
7 reinstatement during the suspension, reissuance of the license or  
8 certificate shall be automatic upon the department's receipt of a  
9 release issued by the department of social and health services  
10 stating that the person is in compliance with the order.

11 (5) A contractor, supervisor, or worker who violates any  
12 provision of this chapter may be assessed a fine not to exceed five  
13 hundred dollars for each violation.

14 (6) The department of health shall prescribe fees as provided for  
15 in RCW 43.70.250 for: The issuance and renewal of certificates,  
16 conducting background checks of applicants, the administration of  
17 examinations, and the review of training courses.

--- END ---