
SUBSTITUTE SENATE BILL 5643

State of Washington

65th Legislature

2017 Regular Session

By Senate Ways & Means (originally sponsored by Senators Wellman, Hobbs, and Saldaña; by request of Department of Commerce)

READ FIRST TIME 02/24/17.

1 AN ACT Relating to lead-based paint certification fees; and
2 amending RCW 70.103.030.

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

4 **Sec. 1.** RCW 70.103.030 and 2010 c 158 s 3 are each amended to
5 read as follows:

6 (1) The department shall administer and enforce a state program
7 for worker training and certification, and training program
8 accreditation, which shall include those program elements necessary
9 to assume responsibility for federal requirements for a program as
10 set forth in Title IV of the toxic substances control act (15 U.S.C.
11 Sec. 2601 et seq.), the residential lead-based paint hazard reduction
12 act of 1992 (42 U.S.C. Sec. 4851 et seq.), 40 C.F.R. Part 745,
13 Subparts L and Q (1996), and Title X of the housing and community
14 development act of 1992 (P.L. 102-550). The department may delegate
15 or enter into a memorandum of understanding with local governments or
16 private entities for implementation of components of the state
17 program.

18 (2) The department is authorized to adopt rules that are
19 consistent with federal requirements to implement a state program.
20 Rules adopted under this section shall:

1 (a) Establish minimum accreditation requirements for lead-based
2 paint activities for training providers;

3 (b) Establish work practice standards for conduct of lead-based
4 paint activities;

5 (c) Establish certification requirements for individuals and
6 firms engaged in lead-based paint activities including provisions for
7 recognizing certifications accomplished under existing certification
8 programs;

9 (d) Require the use of certified personnel in all lead-based
10 paint activities;

11 (e) Be revised as necessary to comply with federal law and rules
12 and to maintain eligibility for federal funding;

13 (f) Facilitate reciprocity and communication with other states
14 having a lead-based paint certification program;

15 (g) Provide for decertification, deaccreditation, and financial
16 assurance for a person certified by or a training provider accredited
17 by the department; and

18 (h) Be issued in accordance with the administrative procedure
19 act, chapter 34.05 RCW.

20 (3) The department may accept federal funds for the
21 administration of the program.

22 (4) This program shall equal, but not exceed, legislative
23 authority under federal requirements as set forth in Title IV of the
24 toxic substances control act (15 U.S.C. Sec. 2601 et seq.), the
25 residential lead-based paint hazard reduction act of 1992 (42 U.S.C.
26 Sec. 4851 et seq.), and Title X of the housing and community
27 development act of 1992 (P.L. 102-550).

28 (5) Any rules adopted by the department shall be consistent with
29 federal laws, regulations, and requirements relating to lead-based
30 paint activities specified by the residential lead-based paint hazard
31 reduction act of 1992 (42 U.S.C. Sec. 4851 et seq.) and Title X of
32 the housing and community development act of 1992 (P.L. 102-550), and
33 rules adopted pursuant to chapter 70.105D RCW, to ensure consistency
34 in regulatory action. The rules may not be more restrictive than
35 corresponding federal and state regulations unless such stringency is
36 specifically authorized by this chapter.

37 (6) The department shall collect a fee in the amount of (~~twenty-~~
38 ~~five~~) sixteen dollars per year for certification and recertification
39 of lead paint firms, inspectors, project developers, risk assessors,

1 supervisors, abatement workers, renovators, and dust sampling
2 technicians.

3 (7) The department shall collect a fee in the amount of two
4 hundred dollars for the accreditation of lead paint training
5 programs.

--- END ---