

# SENATE BILL REPORT

## SB 5643

---

As Reported by Senate Committee On:  
Energy, Environment & Telecommunications, February 16, 2017  
Ways & Means, February 24, 2017  
Energy, Environment & Technology, January 18, 2018

**Title:** An act relating to lead-based paint certification fees.

**Brief Description:** Concerning lead-based paint certification fees.

**Sponsors:** Senators Wellman, Hobbs and Saldaña; by request of Department of Commerce.

**Brief History:**

**Committee Activity:** Energy, Environment & Telecommunications: 2/07/17, 2/16/17 [DP-WM, DNP].  
Ways & Means: 2/21/17, 2/24/17 [DPS, DNP, w/oRec].  
Energy, Environment & Technology: 1/10/18, 1/18/18 [DP, DNP].

<p><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Changes the lead-based paint (LBP) certification fee to a \$30 annual fee.</li></ul>
--



---

### SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TELECOMMUNICATIONS

**Majority Report:** Do pass and be referred to Committee on Ways & Means.

Signed by Senators Sheldon, Vice Chair; Carlyle, Ranking Minority Member; Hobbs, Ranker and Wellman.

**Minority Report:** Do not pass.

Signed by Senators Brown, Honeyford and Short.

**Staff:** Kelsey Morfitt (786-7407)

---

### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** That Substitute Senate Bill No. 5643 be substituted therefor, and the substitute bill do pass.

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Signed by Senators Braun, Chair; Ranker, Ranking Minority Member; Rolfes, Assistant Ranking Minority Member, Operating Budget; Frockt, Assistant Ranking Minority Member, Capital Budget; Billig, Conway, Darneille, Fain, Hasegawa, Keiser, Miloscia, Pedersen, Rivers, Warnick and Zeiger.

**Minority Report:** Do not pass.

Signed by Senators Becker and Schoesler.

**Minority Report:** That it be referred without recommendation.

Signed by Senators Brown, Vice Chair; Honeyford, Vice Chair, Capital Budget ; Bailey.

**Staff:** Daniel Masterson (786-7454)

---

## SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TECHNOLOGY

**Majority Report:** Do pass.

Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Hawkins, Hobbs, McCoy, Ranker, Sheldon and Wellman.

**Minority Report:** Do not pass.

Signed by Senators Ericksen, Ranking Member; Brown.

**Staff:** Angela Kleis (786-7469)

**Background:** LBP. Lead was commonly used in paint until it was banned for residential use in 1978. Exposure to lead can be highly toxic, especially to children. Ingesting or breathing dust from LBP is the most common form of lead exposure. Dust is released by the deterioration of paint as well as during remodeling activities.

Federal LBP Regulations. Congress passed the Residential Lead-Based Paint Hazard Reduction Act, also known as Title X, in 1992. Under Title X, the Environmental Protection Agency and other federal agencies developed a national strategy to prevent and reduce LBP exposure and hazards. Title X sets requirements for LBP training programs and certification standards.

State LBP Regulations. The Department of Commerce (department) is authorized to implement the state LBP program consistent with federal requirements. The department must establish requirements for certification, accreditation, enforcement, and compliance for firms and individuals who must use lead-safe work practices when working on pre-1978 homes or child-occupied facilities.

The department issues two types of certifications for LBP firms and individuals:

- renovation certification that is valid for five years; and
- abatement certification that is valid for three years.

The department collects a \$25 fee for an initial LBP certification and at the time of recertification.

**Summary of Bill:** The LBP certification and recertification fee for firms and individuals is changed to a \$30 annual fee.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony on Original Bill (Energy, Environment & Telecommunications):** *Testimony from 2017 Regular Session.* PRO: Lead paint is in about 500,000 homes in the state, and it is particularly hazardous to children during renovations. The Department of Commerce only has enough funds to staff one enforcement officer. This bill helps the Department of Commerce enforce compliance of lead paint regulations.

**Persons Testifying (Energy, Environment & Telecommunications):** PRO: Senator Lisa Wellman, Prime Sponsor; Tony Hanson, Department of Commerce; Cynthia Sanderson, Department of Commerce.

**Persons Signed In To Testify But Not Testifying (Energy, Environment & Telecommunications):** No one.

**Staff Summary of Public Testimony on Original Bill (Ways & Means):** *Testimony from 2017 Regular Session. The committee recommended a different version of the bill than what was heard.* PRO: Washington has the lowest LBP certification fee in the country. This bill would raise the fee significantly, but Washington would still have the lowest fee in the country. The program currently only has one person to inspect abatement across the state.

**Persons Testifying (Ways & Means):** PRO: Alexandre Chateaubriand, Washington State Department of Commerce, Legislative Director.

**Persons Signed In To Testify But Not Testifying (Ways & Means):** No one.

**Staff Summary of Public Testimony (Energy, Environment & Technology):** Both the agency and industry support this bill. This bill will help improve the LBP program and compliance with state and federal lead-safe work requirements. The certifications will still be valid for the same amount of time.

**Persons Testifying (Energy, Environment & Technology):** PRO: Senator Lisa Wellman, Prime Sponsor; Lauren Jenks, Washington State Department of Health; Jaime Rossman, Policy Advisor, Washington State Department of Commerce.

**Persons Signed In To Testify But Not Testifying (Energy, Environment & Technology):** No one.