SENATE BILL REPORT
SB 5494

As of February 10, 2025

Title: An act relating to lead-based paint program capacity improvements.

Brief Description: Protecting Washington communities from lead-based paint.

Sponsors: Senators Kauffman, Nobles, Saldaña, Salomon, Shewmake, Stanford, Trudeau and Valdez; by request of Department of Commerce.

Brief History:
Committee Activity: Environment, Energy & Technology: 2/11/25.

Brief Summary of Bill

- Authorizes the Department of Commerce to administer and enforce a state Renovation, Repair, and Painting Program for lead-based paint.
- Modifies fee authority for the Renovation, Repair, and Painting Program to allow fees to be established by rule.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

Staff: Alicia Kinne-Clawson (786-7407)

Background: 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 lead-based paint is the most common form of lead exposure. Dust is released by the deterioration of paint and can occur during remodeling activities.

In 1992, Congress passed the Residential Lead-Based Paint Hazard Reduction Act. Under this law, the U.S. Environmental Protection Agency (EPA) and other federal agencies developed a national program to prevent and reduce lead-based paint exposure and hazards. This law allows states and tribal governments to operate the Lead-Based Paint Activities

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(LBPA) and Renovation, Repair, and Painting (RPP) programs with authorization from the EPA and receive federal funding.

In 2004, the state implemented the LBPA Program. In 2011, the state implemented the RPP Program. The Department of Commerce (Commerce) administers and enforces the state-based RRP Program, and the RPP Program receives federal funding.

The LBPA and RPP Programs provides work practice standards for lead-based paint activities; requires certification and training of paint professionals and firms working with lead-based paint; and provides accreditation of trainers who offer training courses that lead to certification. Lead-based paint activities include inspections to identify lead-based paint, risk assessments to find lead-based paint hazards, and abatement activity designed to permanently remove lead-based paint hazards. Renovation activities include renovation, repair, and painting work on pre-1978 homes or child-occupied facilities where lead-based paint may be present and disturbed.

Commerce collects a flat fee of $30 for a five-year renovation, and a three-year abatement, certification, and recertification. Commerce certifies lead paint firms, inspectors, project developers, risk assessors, supervisors, abatement workers, renovators, and dust sampling technicians. Commerce also collects a $200 fee or the accreditation of lead-based paint training programs.

Summary of Bill: Commerce must administer and enforce a state RRP Program, as authorized by the Toxic Substances Control Act. The state RRP Program requires that all renovation activities on pre-1978 residential or child-occupied facilities must be performed by certified renovation firms using certified renovators or individuals trained by certified renovators. All renovation firms must meet the minimum practice standards established by Commerce.

Commerce is required to administer and enforce a state RPP Program for training and certification, and training program accreditation as authorized by the EPA. Commerce may delegate or enter into agreements with other state agencies, local governments, or private entities for implementation of the RPP Program.

Statutory authority for adopting rules to administer the Lead-Based Paint Activities Program is expanded to include renovation activities consistent with administration of the RRP Program. The state RRP Program must be at least as protective as federal requirements.

Commerce must prescribe and adopt by rule fees sufficient to cover the costs of implementing the RRP Program.

Consistent with the Administrative Procedures Act, Commerce must establish an appeals process for violations of this act.

The requirement that Commerce administer and enforce a state program for worker training and certification, and training program accreditation and instead codifies many of those provisions under the RRP Program is repealed. The statutory established fees of $25 for certification and recertification of lead paint firms, inspectors, project developers, risk assessors, supervisors abatement workers, renovators, and dust sampling technicians is repealed. The $200 fee for accreditation of lead paint training programs is repealed.

Appropriation: None.

Fiscal Note: Requested on February 5, 2025.

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

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