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**SENATE BILL 5494**

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**State of Washington****69th Legislature****2025 Regular Session**

**By** Senators Kauffman, Nobles, Saldaña, Salomon, Shewmake, Stanford, Trudeau, and Valdez; by request of Department of Commerce

Read first time 01/27/25. Referred to Committee on Environment, Energy & Technology.

1 AN ACT Relating to lead-based paint program capacity  
2 improvements; amending RCW 70A.420.010, 70A.420.020, 70A.420.040,  
3 70A.420.050, 70A.420.070, 70A.420.080, 70A.420.060, and 70A.420.090;  
4 adding a new section to chapter 70A.420 RCW; prescribing penalties;  
5 and repealing RCW 70A.420.030.

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

7 **Sec. 1.** RCW 70A.420.010 and 2010 c 158 s 1 are each amended to  
8 read as follows:

9 (1) The legislature finds that lead hazards associated with lead-  
10 based paint represent a significant and preventable environmental  
11 health problem. Lead-based paint is the most widespread of the  
12 various sources of lead exposure to the public. Census data show that  
13 (~~one million five hundred sixty thousand~~) 1,560,000 homes in  
14 Washington state were built prior to 1978 when the sale of  
15 residential lead-based paint was banned. These are homes that are  
16 believed to contain some lead-based paint.

17 Lead negatively affects every system of the body. It is harmful  
18 to individuals of all ages and is especially harmful to children,  
19 fetuses, and adults of childbearing age. The effects of lead on a  
20 child's cognitive, behavioral, and developmental abilities may  
21 necessitate large expenditures of public funds for health care and

1 special education. The irreversible damage to children and subsequent  
2 expenditures could be avoided if exposure to lead is reduced.

3 (2) The federal government regulates lead poisoning and lead  
4 hazard reduction through:

5 (a) (i) The lead-based paint poisoning prevention act;

6 (ii) The lead contamination control act;

7 (iii) The safe drinking water act;

8 (iv) The resource conservation and recovery act of 1976; and

9 (v) The residential lead-based paint hazard reduction act of  
10 1992; and

11 (b) Implementing regulations of:

12 (i) The environmental protection agency;

13 (ii) The department of housing and urban development;

14 (iii) The occupational safety and health administration; and

15 (iv) The centers for disease control and prevention.

16 (3) In 1992, congress passed the federal residential lead-based  
17 paint hazard reduction act, which allows states to provide for the  
18 accreditation of lead-based paint activities programs, the  
19 certification of persons completing such training programs, and the  
20 licensing of lead-based paint activities contractors under standards  
21 developed by the United States environmental protection agency.

22 (4) The legislature recognizes the state's need to protect the  
23 public from exposure to lead hazards. A qualified and properly  
24 trained workforce is needed to assist in the prevention, detection,  
25 reduction, and elimination of hazards associated with lead-based  
26 paint. The purpose of training workers, supervisors, inspectors, risk  
27 assessors, project designers, renovators, and dust sampling  
28 technicians engaged in lead-based paint activities is to protect  
29 building occupants, particularly children (~~ages six years and~~  
30 ~~younger~~) under the age of six years from potential lead-based paint  
31 hazards and exposures both during and after lead-based paint  
32 activities. Qualified and properly trained individuals and firms will  
33 help to ensure lead-based paint activities are conducted in a way  
34 that protects the health of the citizens of Washington state and  
35 safeguards the environment.

36 (5) The state lead-based paint activities program requires that  
37 all lead-based paint activities be performed by certified personnel  
38 trained by an accredited program, and that all lead-based paint  
39 activities meet minimum work practice standards established by the  
40 department of commerce. Therefore, the lead-based paint activities

1 accreditation, training, and certification program shall be  
2 established in accordance with this chapter. The lead-based paint  
3 activities accreditation, training, and certification program shall  
4 be administered by the department of commerce and shall be used as a  
5 means to assure the protection of the general public from exposure to  
6 lead hazards.

7 ~~((5))~~ (6) For the welfare of the people of the state of  
8 Washington, this chapter establishes a lead-based paint activities  
9 program within the department of commerce to protect the general  
10 public from exposure to lead hazards and to ensure the availability  
11 of a trained and qualified workforce to identify and address lead-  
12 based paint hazards. ~~((The legislature recognizes the department of  
13 commerce is not a regulatory agency and may delegate enforcement  
14 responsibilities under chapter 322, Laws of 2003 to local governments  
15 or private entities.))~~

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 70A.420  
17 RCW to read as follows:

18 The department shall administer and enforce a state program for  
19 training and certification, and accreditation as set forth in Title  
20 IV of the toxic substances control act (15 U.S.C. Sec. 2601 et seq.),  
21 the residential lead-based paint hazard reduction act of 1992 (42  
22 U.S.C. Sec. 4851 et seq.), 40 C.F.R. Part 745, Subparts D (2001), E  
23 (1998), L and Q (1996), and Title X of the housing and community  
24 development act of 1992 (P.L. 102-550). This program, as established  
25 in chapter 158, Laws of 2010 (state lead-based paint program—  
26 renovation activities) shall be known as the state renovation,  
27 repair, and painting program. The state renovation, repair, and  
28 painting program requires that all renovation activities on pre-1978  
29 residential or child-occupied facilities must be performed by  
30 certified renovation firms utilizing certified renovators or  
31 individuals trained by certified renovators and that renovation  
32 activities are directed by certified renovators. All renovation  
33 activities must meet minimum work practice standards established by  
34 the department. The department shall establish rules under this  
35 program as described in RCW 70A.420.040.

36 **Sec. 3.** RCW 70A.420.020 and 2010 c 158 s 2 are each amended to  
37 read as follows:

1 The definitions in this section apply throughout this chapter  
2 unless the context clearly requires otherwise.

3 (1) "Abatement" means any measure or set of measures designed to  
4 permanently eliminate lead-based paint hazards.

5 (a) Abatement includes, but is not limited to:

6 (i) The removal of paint and dust, the permanent enclosure or  
7 encapsulation of lead-based paint, the replacement of painted  
8 surfaces or fixtures, or the removal or permanent covering of soil,  
9 when lead-based paint hazards are present in such paint, dust, or  
10 soil; and

11 (ii) All preparation, cleanup, disposal, and postabatement  
12 clearance testing activities associated with such measures.

13 (b) Specifically, abatement includes, but is not limited to:

14 (i) Projects for which there is a written contract or other  
15 documentation, which provides that an individual or firm will be  
16 conducting activities in or to a residential dwelling or child-  
17 occupied facility that:

18 (A) Shall result in the permanent elimination of lead-based paint  
19 hazards; or

20 (B) Are designed to permanently eliminate lead-based paint  
21 hazards and are described in (a)(i) and (ii) of this subsection;

22 (ii) Projects resulting in the permanent elimination of lead-  
23 based paint hazards, conducted by certified firms or individuals,  
24 unless such projects are covered by (c) of this subsection;

25 (iii) Projects resulting in the permanent elimination of lead-  
26 based paint hazards, conducted by firms or individuals who, through  
27 their company name or promotional literature, represent, advertise,  
28 or hold themselves out to be in the business of performing lead-based  
29 paint activities as identified and defined by this section, unless  
30 such projects are covered by (c) of this subsection; or

31 (iv) Projects resulting in the permanent elimination of lead-  
32 based paint hazards, that are conducted in response to state or local  
33 abatement orders.

34 (c) Abatement does not include renovation, remodeling,  
35 landscaping, or other activities, when such activities are not  
36 designed to permanently eliminate lead-based paint hazards, but,  
37 instead, are designed to repair, restore, or remodel a given  
38 structure or dwelling, even though these activities may incidentally  
39 result in a reduction or elimination of lead-based paint hazards.  
40 Furthermore, abatement does not include interim controls, operations

1 and maintenance activities, or other measures and activities designed  
2 to temporarily, but not permanently, reduce lead-based paint hazards.

3 (2) "Accredited training program" means a training program that  
4 has been accredited by the department to provide training for  
5 individuals engaged in either lead-based paint activities or  
6 renovation activities, or both.

7 (3) "Certified abatement worker" means an individual who has been  
8 trained by an accredited training program, meets all the  
9 qualifications established by the department, and is certified by the  
10 department to perform abatements.

11 (4) "Certified dust sampling technician" means an individual who  
12 has been trained by an accredited training program for dust sampling  
13 technicians, meets all the qualifications established by the  
14 department, and is certified by the department to conduct dust  
15 sampling for renovation projects.

16 (5) "Certified firm" includes a company, partnership,  
17 corporation, sole proprietorship, association, agency, or other  
18 business entity that meets all the qualifications established by the  
19 department and performs lead-based paint activities or renovation  
20 activities to which the department has issued a certificate.

21 (6) "Certified inspector" means an individual who has been  
22 trained by an accredited training program for lead-based paint  
23 inspectors, meets all the qualifications established by the  
24 department, and is certified by the department to conduct  
25 inspections.

26 (7) "Certified project designer" means an individual who has been  
27 trained by an accredited training program, meets all the  
28 qualifications established by the department, and is certified by the  
29 department to prepare abatement project designs, occupant protection  
30 plans, and abatement reports.

31 (8) "Certified renovator" means an individual who has been  
32 trained by an accredited training program for renovators, meets all  
33 the qualifications established by the department, and is certified by  
34 the department to perform renovations or direct workers in the  
35 performance of renovation work.

36 (9) "Certified risk assessor" means an individual who has been  
37 trained by an accredited training program for lead-based paint risk  
38 assessors, meets all the qualifications established by the  
39 department, and is certified by the department to conduct risk

1 assessments and sample for the presence of lead in dust and soil for  
2 the purposes of abatement clearance testing.

3 (10) "Certified abatement supervisor" means an individual who has  
4 been trained by an accredited training program for abatement  
5 supervisors, meets all the qualifications established by the  
6 department, and is certified by the department to supervise and  
7 conduct abatements, and to prepare occupant protection plans and  
8 abatement reports.

9 (11) "Department" means the Washington state department of  
10 commerce.

11 (12) "Director" means the director of the Washington state  
12 department of commerce.

13 (13) "Federal laws and rules" means:

14 (a) Title IV, toxic substances control act (15 U.S.C. Sec. 2681  
15 et seq.) and the rules adopted by the United States environmental  
16 protection agency under that law for authorization of state programs;

17 (b) Any regulations or requirements adopted by the United States  
18 department of housing and urban development regarding eligibility for  
19 grants to states and local governments; and

20 (c) Any other requirements adopted by a federal agency with  
21 jurisdiction over lead-based paint hazards.

22 (14) "Lead-based paint" means paint or other surface coatings  
23 that contain lead equal to or in excess of 1.0 milligrams per square  
24 centimeter (~~or more than~~), 0.5 percent by weight, or 5,000 parts  
25 per million.

26 (15) "Lead-based paint activity" includes inspection, testing,  
27 risk assessment, lead-based paint hazard reduction project design or  
28 planning, abatement, or (~~renovation~~) clearance of lead-based paint  
29 hazards.

30 (16) "Lead-based paint hazard" means any condition that causes  
31 exposure to lead from lead-contaminated dust, lead-contaminated soil,  
32 or lead-contaminated paint that is deteriorated or present in  
33 accessible surfaces, friction surfaces, or impact surfaces that would  
34 result in adverse human health effects as identified by the  
35 administrator of the United States environmental protection agency  
36 under the toxic substances control act, section 403.

37 (17) "Person" includes an individual, corporation, firm,  
38 partnership, or association, an Indian tribe, state, or political  
39 subdivision of a state, and a state department or agency.

1 (18) (a) "Renovation" means the modification of any existing  
2 structure, or portion thereof, that results in the disturbance of  
3 painted surfaces, unless that activity is performed as part of an  
4 abatement as defined in this section. The term includes but is not  
5 limited to:

6 ~~((a))~~ (i) The removal, modification, or repair of painted  
7 surfaces or painted components;

8 ~~((b))~~ (ii) Modification of painted doors;

9 ~~((c))~~ (iii) Surface restoration;

10 ~~((d))~~ (iv) Window repair including, but not limited to,  
11 glazing;

12 ~~((e))~~ (v) Surface preparation, such as sanding, scraping,  
13 pressure washing, or activities that generates paint chips or dust;

14 ~~((f))~~ (vi) Removal of building components, such as walls,  
15 windows, or other like structures;

16 ~~((g))~~ (vii) Weatherization projects, such as cutting holes in  
17 painted surfaces to install blown-in insulation;

18 ~~((h))~~ (viii) Interim controls that disturb painted surfaces; or

19 ~~((i))~~ (ix) A renovation performed for the purposes of  
20 converting a building or part of a building in target housing or a  
21 child-occupied facility.

22 (b) The term "renovation" as defined in this subsection ~~((18))~~  
23 does not include minor repair and maintenance activities.

24 (19) "Risk assessment" means:

25 (a) An on-site investigation to determine the existence, nature,  
26 severity, and location of lead-based paint hazards; and

27 (b) The provision of a report by the individual or the firm  
28 conducting the risk assessment, explaining the results of the  
29 investigation and options for reducing lead-based paint hazards.

30 (20) "State program" means a state administered lead-based paint  
31 activities or renovation activities certification and training  
32 program that meets the federal environmental protection agency  
33 requirements.

34 **Sec. 4.** RCW 70A.420.040 and 2020 c 20 s 1273 are each amended to  
35 read as follows:

36 (1) The department shall administer and enforce a state program  
37 for training and certification, and training program accreditation,  
38 which must include those program elements necessary to assume  
39 responsibility for federal requirements for a program as set forth in

1 Title IV of the toxic substances control act (15 U.S.C. Sec. 2601 et  
2 seq.), the residential lead-based paint hazard reduction act of 1992  
3 (42 U.S.C. Sec. 4851 et seq.), 40 C.F.R. Part 745, Subparts D (2001),  
4 E (1998), L and Q (1996), and Title X of the housing and community  
5 development act of 1992 (P.L. 102-550). The department may delegate  
6 or enter into an agreement with other state agencies, local  
7 governments, or private entities for implementation of components of  
8 the state program.

9 (2) The department shall establish a program for certification of  
10 persons involved in lead-based paint activities and renovation  
11 activities.

12 (3) The department shall establish a program for accreditation of  
13 training providers in compliance with federal and state laws and  
14 rules.

15 ~~((2))~~ (4) Rules adopted under this section shall:

16 (a) Establish minimum accreditation requirements for lead-based  
17 paint activities and renovator activities for training providers;

18 (b) Establish work practice standards for conduct of lead-based  
19 paint activities and renovator activities;

20 (c) Establish certification requirements for individuals and  
21 firms engaged in lead-based paint activities and renovator activities  
22 including provisions for recognizing certifications accomplished  
23 under existing certification programs;

24 (d) Require the use of certified personnel in any lead-based  
25 paint hazard reduction activity or renovation activity;

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

28 (f) Be revised as necessary to comply with state law and rules;

29 (g) Facilitate reciprocity and communication with other states  
30 having a lead-based paint certification program;

31 ~~((g))~~ (h) Provide for decertification, deaccreditation, and  
32 financial assurance for a person certified or accredited by the  
33 department; and

34 ~~((h))~~ (i) Be issued in accordance with the administrative  
35 procedure act, chapter 34.05 RCW.

36 ~~((3))~~ (5) This program ~~((shall equal, but not exceed,~~  
37 ~~legislative authority under)) must be at least as protective as~~  
38 federal requirements as set forth in Title IV of the toxic substances  
39 control act (15 U.S.C. Sec. 2601 et seq.), the residential lead-based  
40 paint hazard reduction act of 1992 (42 U.S.C. Sec. 4851 et seq.), 40



1 C.F.R. Part 745 (1996), Subparts L and Q, and Title X of the housing  
2 and community development act of 1992 (P.L. 102-550).

3 ~~((4))~~ (6) Any rules adopted by the department shall be  
4 consistent with, or be more protective than, federal laws,  
5 regulations, and requirements relating to lead-based paint activities  
6 and renovation activities specified by the residential lead-based  
7 paint hazard reduction act of 1992 (42 U.S.C. Sec. 4851 et seq.) and  
8 Title X of the housing and community development act of 1992 (P.L.  
9 102-550), and rules adopted pursuant to chapter 70A.305 RCW, to  
10 ensure consistency in regulatory action. The rules ~~((may not be more  
11 restrictive than corresponding))~~ must be at least as protective as  
12 federal and state regulations ~~((unless such stringency is  
13 specifically authorized by this chapter))~~.

14 ~~((5))~~ (7) The department may accept federal funds for the  
15 administration of the program.

16 ~~((6))~~ (8) For the purposes of certification under the federal  
17 requirements as set forth in section 2682 of the toxic substances  
18 control act (15 U.S.C. Sec. 2682), the department may require  
19 renovators and dust sampling technicians to apply for a certification  
20 badge issued by the department. The department may impose a fee on  
21 the applicant for processing the application. The application shall  
22 include a photograph of the applicant and a fee in the amount imposed  
23 by the department.

24 (9) The department shall prescribe and adopt by rule fees  
25 sufficient to cover the implementation of this chapter.

26 **Sec. 5.** RCW 70A.420.050 and 2020 c 20 s 1274 are each amended to  
27 read as follows:

28 The department shall adopt rules to:

29 (1) Establish procedures and requirements for the accreditation  
30 of lead-based paint activities and renovation activities training  
31 programs including, but not limited to, the following:

32 (a) Training curriculum;

33 (b) Training hours;

34 (c) Hands-on training;

35 (d) Trainee competency and proficiency;

36 (e) Training program quality control;

37 (f) Procedures for the reaccreditation of training programs;

38 (g) Procedures for the oversight of training programs; and

1 (h) Procedures for the suspension, revocation, or modification of  
2 training program accreditations, or acceptance of training offered by  
3 an accredited training provider in another state or Indian tribe  
4 authorized by the environmental protection agency;

5 (2) Establish procedures for the purposes of certification, for  
6 the acceptance of training offered by an accredited training provider  
7 in a state or Indian tribe authorized by the environmental protection  
8 agency;

9 (3) Certify individuals and firms involved in lead-based paint  
10 activities and renovation activities to ensure that certified  
11 (~~individuals~~):

12 (a) Individuals are trained by an accredited training program and  
13 possess appropriate educational or experience qualifications for  
14 certification; and

15 (b) Firms meet the qualification requirements to offer work in  
16 the state and have at least one certified individual employed with  
17 the firm;

18 (4) Establish requirements for the administration of third-party  
19 certification exams for lead-based paint activities;

20 (5) Establish procedures for recertification;

21 (~~(5) Require the conduct of lead-based paint activities in~~  
22 ~~accordance with work practice standards;~~

23 ~~(6) Establish procedures for the suspension, revocation, or~~  
24 ~~modification of certifications;~~

25 ~~(7) Establish requirements for the administration of third-party~~  
26 ~~certification exams;~~

27 ~~(8) Use laboratories accredited under the environmental~~  
28 ~~protection agency's national lead laboratory accreditation program;~~

29 ~~(9) Establish work practice standards for the conduct of lead-~~  
30 ~~based paint activities, as defined in RCW 70A.420.020;~~

31 ~~(10))~~ (6) Establish work practices required for lead-based paint  
32 activities and renovation activities;

33 (7) Use laboratories accredited under the environmental  
34 protection agency's national lead laboratory accreditation program;

35 (8) Establish procedures for the suspension, revocation, or  
36 modification of certifications and accreditations;

37 (9) Establish an enforcement response policy that shall include:

38 (a) Warning letters, notices of noncompliance, notices of  
39 violation, or the equivalent;

1 (b) Administrative or civil actions, including penalty authority,  
2 including accreditation or certification suspension, revocation, or  
3 modification; and

4 (c) Authority to ~~((apply))~~ refer for possible imposition of  
5 criminal sanctions or exercise of other criminal or civil authority  
6 using existing state laws as applicable(~~(-~~

7 ~~The department shall prepare))~~;

8 (10) Prepare and submit a biennial report to the legislature  
9 regarding the program's status, its costs, and the number of persons  
10 certified by the program;

11 (11) In accordance with chapter 34.05 RCW, carry out the  
12 provisions of this chapter and establish an appeals process for  
13 violations of this chapter.

14 **Sec. 6.** RCW 70A.420.070 and 2020 c 20 s 1276 are each amended to  
15 read as follows:

16 (1) (a) The director or the director's designee is authorized to  
17 inspect at reasonable times ~~((and, when feasible, with at least~~  
18 ~~twenty-four hours prior notification))~~:

19 (i) Premises or facilities where those engaged in training for  
20 lead-based paint activities and renovation activities conduct  
21 business; and

22 (ii) The business records of, and take samples at, the businesses  
23 accredited ~~((or))~~, certified, or subject to regulation under this  
24 chapter to conduct lead-based paint training ~~((or activities))~~, lead-  
25 based paint activities, or renovation activities.

26 (b) Any accredited training program or any firm or individual  
27 certified under this chapter that denies access to the department for  
28 the purposes of (a) of this subsection is subject to deaccreditation  
29 or decertification under RCW 70A.420.040 and other enforcement  
30 actions.

31 (2) The director or the director's designee is authorized to  
32 inspect premises or facilities, with the consent of the owner or  
33 owner's agent, where violations may occur concerning lead-based paint  
34 activities or renovation activities, as defined under RCW  
35 70A.420.020, at reasonable times ~~((and))~~, when feasible ~~((, with at~~  
36 ~~least forty-eight hours prior notification of the inspection))~~.

37 ~~((3) Prior to receipt of federal lead-based paint abatement~~  
38 ~~funding, all premise or facility owners shall be notified by any~~  
39 ~~entity that receives and disburses the federal funds that an~~

1 ~~inspection may be conducted. If a premise or facility owner does not~~  
2 ~~wish to have an inspection conducted, that owner is not eligible to~~  
3 ~~receive lead-based paint abatement funding.))~~

4 **Sec. 7.** RCW 70A.420.080 and 2010 c 158 s 6 are each amended to  
5 read as follows:

6 (1) The department is designated as the official agency of this  
7 state for purposes of cooperating with, and implementing the state  
8 lead-based paint activities program and renovation, repair, and  
9 painting program under the jurisdiction of the United States  
10 environmental protection agency.

11 (2) No individual or firm can perform, offer, or claim to perform  
12 lead-based paint activities or renovation activities without  
13 certification from the department to conduct these activities.

14 (3) The department may deny, suspend, or revoke a certificate for  
15 failure to comply with the requirements of this chapter or any rule  
16 adopted under this chapter. No person whose certificate is revoked  
17 under this chapter shall be eligible to apply for a certificate for  
18 one year from the effective date of the final order of revocation. A  
19 certificate may be denied, suspended, or revoked on any of the  
20 following grounds:

21 (a) A risk assessor, inspector, contractor, project designer,  
22 worker, dust sampling technician, or renovator violates work practice  
23 standards established by the United States environmental protection  
24 agency or the United States department of housing and urban  
25 development governing work practices and procedures; ~~((or))~~

26 (b) The certificate was obtained by error, misrepresentation, or  
27 fraud; or

28 (c) Failure to maintain the required qualifications of the  
29 certificate for the duration of the certification.

30 (4) Any person ~~((convicted of))~~ found to commit fraud, such as  
31 falsifying documents, or intentionally violating any of the  
32 provisions of this chapter ~~((is guilty of))~~, may be convicted of a  
33 misdemeanor. A conviction is an unvacated forfeiture of bail or  
34 collateral deposited to secure the defendant's appearance in court,  
35 the payment of a fine, a plea of guilty, or a finding of guilt on a  
36 violation of this chapter, regardless of whether imposition of  
37 sentence is deferred or the penalty is suspended, and shall be  
38 treated as a violation conviction for purposes of certification  
39 forfeiture under this chapter. Violations of this chapter include:

- 1 (a) Failure to comply with any requirement of this chapter;  
2 (b) Failure or refusal to establish, maintain, provide, copy, or  
3 permit access to records or reports as required;  
4 (c) Obtaining certification through fraud or misrepresentation;  
5 (d) Failure to obtain certification from the department and  
6 performing work requiring certification at a jobsite; or  
7 (e) Fraudulently obtaining certification and engaging in any  
8 lead-based paint activities or renovation activities requiring  
9 certification.

10 **Sec. 8.** RCW 70A.420.060 and 2020 c 20 s 1275 are each amended to  
11 read as follows:

12 The lead paint account is created in the state treasury. All  
13 receipts from (~~RCW 70A.420.030 shall~~) fees collected under this  
14 chapter must be deposited into the account. All receipts from  
15 penalties and fines collected pursuant to enforcement actions or  
16 settlements under this chapter, including any fees or costs, must be  
17 deposited into the account. Moneys in the account may be spent only  
18 after appropriation. Expenditures from the account may be used only  
19 for the purposes of this chapter.

20 **Sec. 9.** RCW 70A.420.090 and 2010 c 158 s 7 are each amended to  
21 read as follows:

22 (1) The (~~department's duties under chapter 322, Laws of 2003 are~~  
23 ~~subject to authorization of the state program from the federal~~  
24 ~~government within two years of July 27, 2003. Chapter 322, Laws of~~  
25 ~~2003 expires if the federal environmental protection agency does not~~  
26 ~~authorize a state program within two years of July 27, 2003~~) United  
27 States environmental protection agency authorized the department of  
28 commerce to administer programs under 40 C.F.R. 745, subpart Q as  
29 codified under chapter 322, Laws of 2003 (lead-based paint) and  
30 chapter 158, Laws of 2010 (state lead-based paint program -  
31 renovation activities).

32 (2) The department's duties under chapter 322, Laws of 2003, and  
33 chapter 158, Laws of 2010, as amended, are subject to the  
34 availability of sufficient funding (~~from the federal government~~)  
35 for this purpose. The director or his or her designee shall seek  
36 funding of the department's efforts under this chapter from the  
37 federal government. By October 15th of each year, the director shall  
38 determine if sufficient (~~federal~~) funding has been provided (~~or~~

1 ~~guaranteed by the federal government~~). If the director determines  
2 sufficient funding has not been provided and the department cannot  
3 sustain the program with program funds, the department (~~shall~~) may:

4 (a) Cease efforts under this chapter due to (~~the lack of federal~~  
5 ~~funding~~) insufficient funds; and

6 (b) Inform the code reviser that it has ceased its efforts due to  
7 (~~the lack of federal funding~~) insufficient funds.

8 NEW SECTION. Sec. 10. RCW 70A.420.030 (Certification and  
9 training—Local governments—Rules) and 2020 c 20 s 1272, 2010 c 158 s  
10 3, & 2003 c 322 s 3 are each repealed.

--- END ---