

WSR 24-15-147
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF COMMERCE
[Filed July 24, 2024, 9:09 a.m.]

Subject of Possible Rule Making: Updates to chapter 365-230 WAC to ensure alignment with United States Environmental Protection Agency (EPA) regulation 40 C.F.R. [Part] 745 to allow for assumption of lead presence in homes built before 1978 without testing, to clarify differences between renovation repair and painting (RRP) and lead-based paint activities (LBPA) programs, and to support program implementation.

Possible rule-making topics include, but are not limited to, updates to chapter 365-230 WAC to:

- Remove old rules about dust clearance standards.
- Define "compensation."
- Remove the ability to pass firm certifications to others.
- Separate the rules about suspension, revocation, and penalties for RRP, LBPA, and accreditation.
- Include criteria for the approval or denial of applications.
- Add additional enforcement options.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 70A.420.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The department of commerce (commerce) needs to amend rules to ensure alignment with EPA's 40 C.F.R. [Part] 745, to reflect current lead-safe work best practices and improve program efficiencies.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: EPA.

Process for Developing New Rule: Standard rule-making process.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Hyeun Park, 2001 6th Avenue, Suite 2600, Seattle, WA 98121, phone 564-669-8141, email hyeun.park@commerce.wa.gov, website <https://www.commerce.wa.gov/building-infrastructure/housing/lead-based-paint/>.

Additional comments: Commerce maintains an email distribution list for communication with stakeholders. Interested parties may add their names to the distribution list by visiting the web page listed above.

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