
SUBSTITUTE HOUSE BILL 1605

State of Washington

59th Legislature

2005 Regular Session

By House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives Upthegrove, Dickerson, Schual-Berke, Cody, McDermott, Hunter, B. Sullivan, Simpson, Morrell, Murray, Chase, Roberts, Kenney and Santos)

READ FIRST TIME 03/04/05.

1 AN ACT Relating to protecting children from area-wide soil
2 contamination; and adding a new chapter to Title 70 RCW.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that emissions from
5 metal smelters, the use of lead arsenate pesticides, the combustion of
6 leaded gasoline, and other sources have contributed to arsenic and lead
7 soil contamination covering dispersed areas in the state. The
8 legislature therefore finds it in the public interest to expedite
9 measures to protect children's health by conducting soil testing at
10 certain schools and child care facilities, and providing technical and
11 financial assistance to implement mitigation measures that reduce the
12 risk of exposure.

13 NEW SECTION. **Sec. 2.** The definitions in this section apply
14 throughout this chapter unless the context clearly requires otherwise.

15 (1) "Area-wide soil contamination" means low to moderate arsenic
16 and lead soil contamination dispersed over a large geographic area.

17 (2) "Child care facility" means a child day-care center or a family
18 day-care provider as those terms are defined under RCW 74.15.020.

1 (3) "Child use prioritization area" means an area in which the
2 department has determined a potential exists for a child to be
3 routinely exposed to area-wide soil contamination.

4 (4) "Department" means the department of ecology.

5 (5) "Director" means the director of the department of ecology.

6 (6) "Low to moderate soil contamination" means low level arsenic or
7 lead concentrations where a child's exposure to soil contamination at
8 a school or a child care facility may be reduced through the
9 implementation of a property-specific public health plan.

10 (7) "Property-specific public health plan" means measures developed
11 by the department for a school or a child care facility including
12 individual protective measures, site-specific mitigation, and other
13 remedial actions to protect public health on sites containing area-wide
14 soil contamination.

15 (8) "School" means a public or private kindergarten, elementary, or
16 secondary school.

17 NEW SECTION. **Sec. 3.** (1) The department, in cooperation with the
18 department of social and health services and the department of health,
19 shall assist schools and child care facilities within child use
20 prioritization areas to reduce the potential for children's exposure to
21 area-wide soil contamination.

22 (2) The department shall:

23 (a) Define child use prioritization areas based on available
24 information;

25 (b) Conduct qualitative evaluations to determine the potential for
26 children's exposure to area-wide soil contamination by December 31,
27 2006;

28 (c) If the qualitative evaluation determines that children may be
29 routinely exposed to area-wide soil contamination at a property,
30 conduct soil samples at that property by December 31, 2008; and

31 (d) If soil sample results confirm the presence of area-wide soil
32 contamination, notify schools and child care facilities regarding the
33 test results and the steps necessary for implementing a property
34 specific public health plan.

35 (3) If a school or a child care facility with area-wide soil
36 contamination does not implement a property specific public health plan
37 within six months of receiving written notification from the

1 department, the superintendent or board of directors of a school or the
2 owner or operator of a child care facility must notify parents and
3 guardians in writing of the results of soil tests. The written notice
4 shall be prepared by the department.

5 (4) The department shall recognize schools and child care
6 facilities that successfully implement property specific public health
7 plans with a voluntary certification program demonstrating the facility
8 has successfully completed measures to help provide a healthy
9 environment for children.

10 (5) Schools and child care facilities must work with the department
11 to provide the department with site access for soil sampling at times
12 that are the most convenient for all parties.

13 NEW SECTION. **Sec. 4.** (1) The department shall assist schools and
14 owners and operators of child care facilities in area-wide soil
15 contamination zones. Such assistance may include the following:

16 (a) Technical assistance in conducting qualitative evaluations to
17 determine where area-wide soil contamination exposures could occur;

18 (b) Technical and financial assistance in testing soils where
19 evaluations indicate potential for contamination; and

20 (c) Technical and financial assistance to implement property-
21 specific public health plans.

22 (2) The department shall develop best management practice
23 guidelines for schools and day care facilities with area-wide soil
24 contamination. The guidelines shall recommend cost-effective methods
25 for reducing exposure to contaminated soil.

26 (3) The department shall develop a grant program to assist schools
27 and child care facilities with implementing property specific public
28 health plans.

29 (4) The department, within available funds, may provide grants to
30 schools and child care facilities for the purpose of implementing
31 property specific public health plans using best management practices.

32 (5) The department, within available funds, may provide financial
33 assistance to the department of health and the department of social and
34 health services to implement this chapter.

35 NEW SECTION. **Sec. 5.** The department of health shall assist the
36 department in developing and implementing the area-wide soil

1 contamination school and child care facility program including but not
2 limited to developing best management practices and guidelines for
3 property-specific public health plans.

4 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act constitute
5 a new chapter in Title 70 RCW.

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