



Washington Lead-based Paint Programs

Biennial report submitted pursuant to RCW 70A.420.050

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Report to the Legislature

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Acknowledgments

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Executive summary

Lead-based paint and lead-contaminated dust are the most widespread and hazardous sources of lead exposure for young children in the United States.¹ Even low levels of lead exposure in children can cause kidney damage, learning disabilities, brain and nervous system damage, poor muscle coordination, reduced muscle and bone growth, hearing impairment, and speech, language and behavioral problems. Federal and state lead-based paint rules apply to work performed on homes built before 1978, although housing built before 1960 contains the majority of lead-based paint hazards. The Lead-Based Paint Program's operational costs have risen due to increased costs for supplies and the need for advanced technology to ensure efficiency. Aligning our fees with those of peer states and federal agencies ensures financial viability, consistency, and fairness, making our programs competitive and equitable.

This report satisfies [RCW 70A.420.050](#), which requires the Department of Commerce to "establish procedures and requirements for the accreditation of lead-based paint activities training program..." and "...prepare and submit a biennial report to the legislature regarding the program's status, its costs, and the number of persons certified."

Program highlights

Program status

- Spanish speaking training: One training provider added a Spanish-only course to their class selection. So far, about 50 individuals utilized this class. Our communities have a significant need for training in languages other than English, including Russian and Vietnamese. However, finding training providers who can offer the information in the other languages is a barrier.
- Staffing: The program currently employs three FTEs, including a program manager, one compliance and enforcement specialist, and one certification and accreditation specialist.

Costs and funding

Program funding comes from federal and state sources and program revenue. In the last biennium funding sources and amounts were:

- \$954,539 in federal funding paid for program staffing, education and travel costs.
- \$112,981 in program revenue earned from certification and accreditation payments. Program certification fees are the lowest in the nation (see [Table 5](#)) and are a small share of program revenue.

Persons and firms certified

- Firm certifications stayed level, from 2,081 in 2022 to 2,083 in 2023.
- Persons certified increased from 6,827 in 2022 to 7,458 individuals in 2023.

Recommendations

- Allow rulemaking authority for the Department of Commerce to assess and set certification fees.
- Upgrade the digital system of certification and training.

¹ Centers for Disease Control, "Lead in Paint," <https://www.cdc.gov/nceh/lead/prevention/sources/paint.htm>

- This will increase access, reliability and efficiency of certification processes.
- Promote lead training and certification programs to eligible individuals and firms.
- To increase certification rates, the program needs enhanced collaboration with local jurisdictions and communications strategies in both English and Spanish.

Overview of Washington's Lead-Based Paint Programs

Commerce's Lead-Based Paint Programs aim to ensure contractors and homeowners work safely in buildings containing lead-based paint. The programs' priority is education and training about work methods that protect children from lead hazards. Two programs work to reduce lead hazards to the public:

1. The **Lead Paint Activities Program** for firms performing lead activities work, including abatement
2. The **Renovation, Repair and Painting Program** for firms and individuals performing work that could disturb lead in buildings built before 1978

Lead Paint Activities Program

The 2003 Legislature established the Lead Paint Abatement Program. For clarity, the program was renamed the Lead Paint Activities Program. The program protects the public from exposure to lead hazards. We do this by ensuring the availability of a trained and qualified workforce who can identify and address lead-based paint hazards. The Lead Paint Activities Program accredits lead-based paint training providers, certified lead-abatement firms and individual workers who perform lead-based paint remediation work. The program processes certification and accreditation applications, tracks licensees, reviews training for provider and program effectiveness, provides technical assistance, investigates potential violators, enforces rules, conducts outreach, maintains website information, and represents Commerce regarding all lead paint issues.

Renovation, Repair and Painting Program

The 2010 Legislature created the Renovation, Repair and Painting (RRP) Program, which focuses on contractors performing work, such as home remodeling or painting, which may disturb lead-based paint. The RRP Program rule applies to anyone who works for compensation on a pre-1978 residence or child-occupied facility. Rules apply to work that disturbs more than 20 square feet of exterior paint and six square feet of interior paint.

Staffing

Program manager: 1 FTE

The program manager provides overall administration and oversight of program components to ensure the completion of goals and objectives. In addition, the program manager supervises program staff and manages the program budget. The program manager also coordinates and implements administrative activities, including program statutes and rules, funding proposals, data requests, and quarterly reports.

Compliance and enforcement specialist: 1 FTE

The compliance and enforcement specialist is responsible for compliance assistance and enforcement actions. They develop and implement enforcement strategies to ensure compliance with lead-based paint regulations requiring certification of individuals and firms. This position also designs and evaluates program policies, procedures, forms, statutes and administrative rules to ensure program effectiveness. They are responsible for entering and tracking enforcement actions in Lead-Based Paint Programs.

Certification and accreditation specialist: 1 FTE

The certification and accreditation specialist is responsible for maintaining data including: accreditation of trainers, pre- and post-training information and certification of trainees. This role also coordinates testing,

grading, and document submission. In addition, this position coordinates state certification testing, grades the tests, enters pre- and post-training data and ensures that the accredited training providers submit required training documentation.

Enforcement actions

Penalties

The compliance and enforcement specialist works to ensure people follow the rules about lead paint and keep everyone safe. The specialist visits sites and talks to contractors, giving tips on how to handle lead paint safely. The specialist also educates building owners, contractors, and families with young children about why it is important to get the right certifications and how to obtain them.

Enforcement actions include issuing letters requiring firms to correct non-compliance issues. If firms fail to come into compliance, they may face financial penalties ranging from \$500 to \$2,500. These penalties are referred to as "fines" under RCW 70A.420.080. If fines are not paid, cases may be referred to the Environmental Protection Agency (EPA) for collection. These proactive measures help prevent lead exposure, promote safe work practices, and support the overall goal of protecting public health.

Other enforcement actions

The compliance and enforcement specialist engages in various enforcement actions to ensure adherence to lead-based paint regulations and promote public safety. This specialist performs outreach and site visits, providing guidance and recommendations to contractors on the best methods to contain lead under specific site conditions. Additionally, the compliance and enforcement specialist educates building owners, contractors, and residents, including families with young children, about the importance of certifications and provides information on how to obtain the necessary certifications to ensure compliance with state and federal regulations. These proactive measures help prevent lead exposure, promote safe work practices, and support the overall goal of protecting public health.

Program funding and costs

Washington's Lead-Based Paint Programs receive funding from the EPA, state appropriations and program revenue.

Table 1: Program funding by source - 2020 to 2023

Fund source	2020	2021	2022	2023
Federal funds	\$466,744	\$495,085	\$459,454	\$390,742
Program income	\$60,075	\$56,500	\$56,581	\$56,400
State appropriations	\$272,000	\$272,000	\$0	\$0
Totals	\$798,819	\$823,585	\$516,035	\$447,142

Note: federal funds are presented by federal fiscal year, which runs from October 1 to September 30. State appropriations and program income figures are presented by state fiscal year, which runs from July 1 to June 30.

Overall costs

EPA funding and costs

A State and Tribal Assistance Grant (STAG) from the EPA has funded the Lead-Based Paint Programs since 2004. In past years, the funding allocation from EPA varied from year to year. STAG funding covers the costs for three full-time employees.

Program revenue and costs

The program charges individuals, firms and training providers for certifications. The individual and firm certification costs are the lowest in the nation. See [Table 5](#) for more information about certification fees.

Individual and firm certification

Program revenue supplements federal funding.

Training provider certification

The program charges training providers \$200 for each discipline and course type (initial and refresher for renovator, inspector, risk assessor, supervisor and worker) they are accredited to teach.

Certifications

The program tracks businesses that work in lead-related industries and individuals associated with that business and their certifications. Businesses obtain firm certifications, while individuals obtain a worker, supervisor, inspector, risk assessor or renovator certification. Lead Paint Activities certifications last for three years. Renovation, Repair and Painting certifications last for five years. Each certificate costs \$25.

Active enforcement helps drive certification. For example, certifications increased after Commerce hired the enforcement officer in Eastern Washington.

Firm certifications

Commerce uses an online database to track firms and individuals performing lead activities, including associated certifications. The database allows us to issue electronically generated certifications and collect payment from training providers electronically. The goal is for contractors to upload applications electronically, thus reducing the staff hours required to process applications.

The Secure Access Washington (SAW) system is required for contractors to upload items to the database; however, contractors find SAW challenging to use. As a result, contractors are not currently required to submit certifications electronically. We recommend a better digital solution.

Individual certifications

Commerce issues individual certifications to lead professionals. Each certified firm must employ at least one lead professional. A renovator is the most common lead certification.

Certification data (includes new and re-certifications)

Table 3: Renovation, Repair and Painting Program certifications

State fiscal year	Firms	Individuals
July 1, 2021 - June 30, 2022	1994	6584
July 1, 2022 - June 30, 2023	2027	7214

Table 4: New Lead Paint Activities Program certifications

State fiscal year	Firms	Individuals
July 1, 2021 - June 30, 2022	87	233
July 1, 2022- June 30, 2023	76	244

Recommendations

1. Allow rulemaking authority to assess and set certification fees

We recommend agency rulemaking authority to set the certification fees for both Renovation, Repair, and Painting and Lead-based paint activities programs:

- Set program certifications fee by rule. Current statute sets the rate for certification. The agency recommends a rulemaking process to engage stakeholders to set fees at an amount that meets needs of the program and agencies.
- This request would allow the state to align more with what other states, such as Oregon, and federal agencies, like the EPA, charge for certifications, and set fees in the future. The Lead-Based Paint Program's operational costs for maintaining certifications have risen due to increased costs for supplies and the need for advanced technology to ensure efficiency. Aligning our fees with those of peer states and federal agencies ensures financial viability and allows for consistency and fairness, making our programs competitive and equitable. This alignment also provides a flexible framework for future adjustments, enabling the programs to adapt to changing economic conditions without compromising service quality. See [Table 5](#) for a comparison of certification fees.

2. Upgrade the digital system of certification and training

- **Upgrade the digital system for certification and training, to increase reliability and timely certification granting.**
- A database upgrade will allow for timely issuance of certification and payment and better program access to records for recertification.

3. Promote lead training and certification programs to eligible contractors

- Enhance collaboration with city and county permit offices to increase the number of jurisdictions who provide information about lead paint requirements on their documents.

- Develop a statewide communications plan and strategy to increase awareness about lead training and certification programs in both English and Spanish.

Justification for recommendations

The programs help prevent lead poisoning of children under six from lead-based paint hazards by ensuring that contractors who work on pre-1978 housing and child-occupied properties are trained and certified and in compliance with the program requirements, such as educating occupants of potential lead hazards, using lead-safe work practices while performing these projects and keeping records. When an enforcement officer visits an area to make records requests, pull permits, conduct site visits and speak to contractors, the program typically sees a spike in applications for that area.

Comparison of RRP fees by state

Other states' Renovation, Repair and Painting (RRP) programs average \$150 per year for firm certification and \$71 per year for individual certification. Table 2 shows states with RRP authority and the costs for certification in those states.

Table 5: Comparison of RRP fees by state

State	Firms	Individuals
Alabama	\$300	\$100
Delaware	\$50	\$50
Georgia	\$100	\$150
Iowa	NA	\$60
Kansas	\$100	N/A
Massachusetts	\$375	N/A
Mississippi	\$350	\$75 (for up to two individuals)
North Carolina	\$300	N/A
Oklahoma	\$60	N/A
Oregon	\$100 Central Contractors Board + Oregon Health Authority	N/A
Rhode Island	\$8	\$8
Utah	\$200	\$150
Washington	\$5	\$5
Wisconsin	\$90	\$37.50
U.S. EPA (all other states)	\$60	N/A
Average fee	\$150	\$71