



**Department of Commerce**  
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# Washington Lead-Based Paint Program

*Report on Performance and Outcomes  
2013-2015 Biennium*

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Report to the Legislature  
Brian Bonlender, Director

## Acknowledgements

### **Washington State Department of Commerce**

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# Introduction

## Background

The Lead-Based Paint Program ensures that work performed on homes containing lead-based paint is completed in a safe and healthy manner. Lead-based paint is the leading environmental hazard to children under the age of six, and exposure can result in permanent learning disabilities. The primary purpose of Commerce's enforcement program is making sure children are safe from lead exposure. Our first priority is education and training – informing contractors that the methods they are using may unnecessarily expose children to the dangers of lead.

Most lead-based paint hazards are found in housing built before 1960. However, the U.S. Environmental Protection Agency (EPA) and state rules apply to all housing built before 1978. The Lead-Based Paint Program consists of two programs: the Lead Paint Abatement Program and the Renovation, Repair, and Painting Program.

This report provides updates on program status, costs, and the number of persons certified per legislative direction in [RCW 70.103.050](#).

## Lead Paint Abatement Program

In 2003, the Washington State Legislature established the Lead Paint Abatement Program in the Department of Commerce. The program's statutory authority protects the public from exposure to lead hazards and ensures the availability of a trained and qualified work force to identify and address lead-based paint hazards ([RCW 70.103.010](#)).

The abatement program accredits lead-based paint training programs and certifies contractors who perform lead-based paint remediation work. We process certification and accreditation applications, track licensees, review training and program effectiveness, provide technical assistance, investigate potential violators, enforce rules, conduct outreach, maintain website information, and represent the agency regarding all lead issues.

## Renovation, Repair, and Painting Program

In 2010, the Legislature created the Renovation, Repair, and Painting Program, which the lead-based paint unit now runs alongside the abatement program. The renovation program essentially performs the same functions as the abatement program but the renovation program rule applies to anyone who performs work for compensation on a pre-1978 residence when that work disturbs more than 20 square feet of paint exterior and six square feet interior.

# Program Status, Costs, and Certifications Issued

## Program Status

### Statewide Outreach Plan

In the spring of this year, the program implemented a statewide outreach plan with three main goals.

- The first goal is to increase certification by 10 percent by the end of 2015. The program exceeded this goal substantially.
- The second goal is to notify contractors of the need to get lead renovation-certified through a postcard outreach campaign. Work towards this goal will begin soon, and will be completed before the end of the year.
- The final goal is to strengthen communication and dialog throughout the state by visiting targeted areas. The program is on track to meet this goal.

The program exceeded the goal of increasing certifications by 10 percent during the second half of 2015. During the 2013-2015 Biennium, the unit certified an average of 156 firms in lead-based paint practices per month. From July through October 2015, certifications averaged 240 certifications per month, a 65 percent increase.

This large increase is due to several factors, not all of which are attributable to the efforts of the program. One of the largest factors may be an increased focus by the EPA to get contractors certified. An increase in tips and complaints, possibly because of the EPA's efforts, has resulted in more citations, which can be avoided by becoming certified.

However, the program has made efforts that likely contributed to this increase as well. The program recently started pulling permits from local governments to check for certifications, which has resulted in more contacts with uncertified firms, who usually opt to avoid or reduce penalties by becoming certified.

Increased communication with the departments of Ecology and Labor and Industries has also yielded more requests for certifications. Field actions by program staff in underserved regions of the state have led to enforcement actions that eventually result in certifications. Meetings with the Washington Landlord Association and Building Industry Association of Washington likely also contributed to an increase in the demand for lead-based paint certifications.

The program is on track to complete the third goal of making six trips to different regions of the state to make field contact with contractors. To date, five of the six planned visits are complete, averaging four contractor contacts each visit. Staff educated the 24 contractors about the importance of certification and the consequences of disregarding safe lead-based paint practices.

## **Citations**

The program issued 35 violation citations between October 1, 2013 and June 30, 2015. Fines averaged \$2,000 per site. The amount actually collected was much lower because many first-time offenders take the training and become certified, which significantly reduces the fine.

## **LeadLines Newsletter**

The Lead-Based Paint Program publishes an e-newsletter, *LeadLines*, which is distributed to all certified individuals and firms. *LeadLines* is a forum for staff to discuss compliance, and legislative and regulatory issues with interested parties.

## **Certification Credentials**

Lead-Based Paint Program staff attended a tri-regional lead training in Denver in August 2014. All staff are up to date on certification credentials.

## **Costs**

The Lead-Based Paint Program is funded through an annual operating grant from the EPA. Program income, generated from certification fees, offsets federal funds and must be spent first.

In the 2014 federal fiscal year (October 1, 2013 to September 30, 2014), the program:

- Received \$353,391 in federal grant funds.
- Generated \$54,586 in fees.
- Spent \$76,031 of program income.

In the 2015 federal fiscal year (October 1, 2014 to September 30, 2015), the program:

- Received \$348,631 in federal grant funds.
- Generated \$72,000 in fees.
- Spent \$15,409 of program income.

## **Number of Persons and Firms Certified**

From July 1, 2013, through June 30, 2015, Commerce issued lead-based paint certifications to:

- 165 lead-based paint firms.
- 167 lead-based paint individuals.
- 3,751 renovation, repair, and painting firms.
- 11,377 renovation, repair, and painting individuals.

## Recommendations

### **Abatement Certification Fees**

Commerce currently collects a \$25 fee for a three-year abatement certification or five-year renovation certification. EPA provides a yearly grant that funds both Lead-Based Paint Unit programs with the long-term goal that the programs will be financially self-sustaining. Our certification fees are the lowest in the nation and keep both programs financially dependent on EPA grant money. No other state has certification fees under \$125.

The Lead-Based Paint Unit recommends raising the certification fees, and is in the process of beginning a stakeholder engagement process to explore the possibility of developing a proposal to increase the fees for the three-year abatement certification from the current \$25 to a higher amount to make the program self-sustaining.