



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: July 07, 2021

TIME: 4:53 PM

WSR 21-15-007

Agency: Washington State Department of Commerce

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 21-07-029 published March 9, 2021 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) Lead-Based Paint - Lowering dust wipe clearance standards for floors and window sills, amending certain requirements including clarifying language for firms and employees, and adding definitions for "landlord" and "property manager".

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
September 9, 2021	11 a.m.	This will be a remote only public hearing due to the pandemic. Please use this Zoom link to attend.	You can also call into the meeting by using a number that best suits your location +1 253 215 8782 US (Tacoma) +1 971 247 1195 US (Portland) +1 213 338 8477 US (Los Angeles) Meeting ID: 826 6102 9563 Passcode: 699686

Date of intended adoption: Oct. 1, 2021 (Note: This is NOT the effective date)

Submit written comments to:

Name: Devin Proctor

Address:

Email: Devin.Proctor@commerce.wa.gov

Fax:

Other: [Submit Comments Online](#)

By (date) September 10, 2021

Assistance for persons with disabilities:

Contact Devin Proctor

Phone: 360-725-2999

Fax: 360-586-8440

TTY:

Email: Devin.Proctor@commerce.wa.gov

Other:

By (date) September 3, 2021

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The Department is lowering dust wipe clearance standards for floors and window sills to bring the rule into alignment with the Environmental Protection Agency's updated clearance standards effective January 6, 2020, and existing definitions for "landlord" and "property manager"; amending training, certification and recertification requirements to reflect routine programmatic changes in how the Department's Lead-Based Paint Programs are currently administered; and clarifying language for firms and employees to make the rule easier to use.

Reasons supporting proposal: The Environmental Protection Agency increased the federal requirement for clearance standards effective January 6, 2020. The department is required to implement these rule changes to be at least as effective as the federal requirements. Proposed amendments to training, certification and recertification requirements, and clarifying language for firms and employees bring the rule into conformance with routine programmatic updates. Adding definitions for "landlord" and "property manager" bring the rule into alignment with existing EPA definitions.

Statutory authority for adoption: Chapter 70A.420 RCW)

Statute being implemented: Lead-Based Paint Requirements

Is rule necessary because of a:

Federal Law?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization) Department of Commerce

<input type="checkbox"/> Private
<input type="checkbox"/> Public
<input checked="" type="checkbox"/> Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Cynthia Sanderson	1011 Plum Street SE, Olympia WA 98504-2525	360-725-2941
Implementation:	Cynthia Sanderson	1011 Plum Street SE, Olympia WA 98504-2525	360-725-2941
Enforcement:	Cynthia Sanderson	1011 Plum Street SE, Olympia WA 98504-2525	360-725-2941

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under RCW 34.05.328?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

No: Please explain: RCW 34.05.328 does not apply to department rules unless requested by the joint administrative rules review committee or applied voluntarily.

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- RCW 34.05.310 (4)(b) (Internal government operations)
- RCW 34.05.310 (4)(c) (Incorporation by reference)
- RCW 34.05.310 (4)(d) (Correct or clarify language)
- RCW 34.05.310 (4)(e) (Dictated by statute)
- RCW 34.05.310 (4)(f) (Set or adjust fees)
- RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW ____.

Explanation of exemptions, if necessary:


COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's analysis showing how costs were calculated.
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

Date: July 7, 2021	Signature: 
Name: Amber Siefer	
Title: Rules Coordinator	