**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”.

**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

**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
☐ Federal Court Decision
☐ State Court Decision

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

☐ Private
☐ Public
☒ Governmental

Name of agency personnel responsible for:

<table>
<thead>
<tr>
<th>Name</th>
<th>Office Location</th>
<th>Phone</th>
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<tbody>
<tr>
<td>Drafting:</td>
<td>Cynthia Sanderson</td>
<td>1011 Plum Street SE, Olympia WA 98504-2525</td>
</tr>
<tr>
<td>Implementation:</td>
<td>Cynthia Sanderson</td>
<td>1011 Plum Street SE, Olympia WA 98504-2525</td>
</tr>
<tr>
<td>Enforcement:</td>
<td>Cynthia Sanderson</td>
<td>1011 Plum Street SE, Olympia WA 98504-2525</td>
</tr>
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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
☐ No

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 ______.

**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:

<table>
<thead>
<tr>
<th>Date: July 7, 2021</th>
<th>Signature:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name: Amber Siefer</td>
<td></td>
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<tr>
<td>Title: Rules Coordinator</td>
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