

RCW 70A.420.080 Certification required to perform lead-based paint activities—Renovation activities—Certificate revocation—Penalties. (1) The department is designated as the official agency of this state for purposes of cooperating with, and implementing the state lead-based paint activities program and renovation, repair, and painting program under the jurisdiction of the United States environmental protection agency.

(2) No individual or firm can perform, offer, or claim to perform lead-based paint activities or renovation activities without certification from the department to conduct these activities.

(3) The department may deny, suspend, or revoke a certificate for failure to comply with the requirements of this chapter or any rule adopted under this chapter. No person whose certificate is revoked under this chapter shall be eligible to apply for a certificate for one year from the effective date of the final order of revocation. A certificate may be denied, suspended, or revoked on any of the following grounds:

(a) A risk assessor, inspector, contractor, project designer, worker, dust sampling technician, or renovator violates work practice standards established by the United States environmental protection agency or the United States department of housing and urban development governing work practices and procedures;

(b) The certificate was obtained by error, misrepresentation, or fraud; or

(c) Failure to maintain the required qualifications of the certificate for the duration of the certification.

(4) Any person found to commit fraud, such as falsifying documents, or intentionally violating any of the provisions of this chapter, may be convicted of a misdemeanor. A conviction is an unvacated forfeiture of bail or collateral deposited to secure the defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt on a violation of this chapter, regardless of whether imposition of sentence is deferred or the penalty is suspended, and shall be treated as a violation conviction for purposes of certification forfeiture under this chapter.

Violations of this chapter include:

(a) Failure to comply with any requirement of this chapter;

(b) Failure or refusal to establish, maintain, provide, copy, or permit access to records or reports as required;

(c) Obtaining certification through fraud or misrepresentation;

(d) Failure to obtain certification from the department and performing work requiring certification at a jobsite; or

(e) Fraudulently obtaining certification and engaging in any lead-based paint activities or renovation activities requiring certification.

(5) The department may not issue a penalty if the environmental protection agency has already taken enforcement action for the same violation. [2025 c 180 s 7; 2010 c 158 s 6; 2003 c 322 s 8. Formerly RCW 70.103.080.]