RCW 70A.420.020 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards.

(a) Abatement includes, but is not limited to:

(i) The removal of paint and dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of painted surfaces or fixtures, or the removal or permanent covering of soil, when lead-based paint hazards are present in such paint, dust, or soil; and

(ii) All preparation, cleanup, disposal, and postabatement clearance testing activities associated with such measures.

(b) Specifically, abatement includes, but is not limited to:

(i) Projects for which there is a written contract or other documentation, which provides that an individual or firm will be conducting activities in or to a residential dwelling or child-occupied facility that:

(A) Shall result in the permanent elimination of lead-based paint hazards; or

(B) Are designed to permanently eliminate lead-based paint hazards and are described in (a)(i) and (ii) of this subsection;

(ii) Projects resulting in the permanent elimination of lead-based paint hazards, conducted by certified firms or individuals, unless such projects are covered by (c) of this subsection;

(iii) Projects resulting in the permanent elimination of lead-based paint hazards, conducted by firms or individuals who, through their company name or promotional literature, represent, advertise, or hold themselves out to be in the business of performing lead-based paint activities as identified and defined by this section, unless such projects are covered by (c) of this subsection; or

(iv) Projects resulting in the permanent elimination of lead-based paint hazards, that are conducted in response to state or local abatement orders.

(c) Abatement does not include renovation, remodeling, landscaping, or other activities, when such activities are not designed to permanently eliminate lead-based paint hazards, but, instead, are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards. Furthermore, abatement does not include interim controls, operations and maintenance activities, or other measures and activities designed to temporarily, but not permanently, reduce lead-based paint hazards.

(2) "Accredited training program" means a training program that has been accredited by the department to provide training for individuals engaged in either lead-based paint activities or renovation activities, or both.

(3) "Certified abatement supervisor" means an individual who has been trained by an accredited training program for abatement supervisors, meets all the qualifications established by the department, and is certified by the department to supervise and conduct abatements, and to prepare occupant protection plans and abatement reports.

(4) "Certified abatement worker" means an individual who has been trained by an accredited training program, meets all the qualifications established by the department, and is certified by the department to perform abatements.

(5) "Certified dust sampling technician" means an individual who has been trained by an accredited training program for dust sampling technicians, meets all the qualifications established by the department, and is certified by the department to conduct dust sampling for renovation projects.

(6) "Certified firm" includes a company, partnership, corporation, sole proprietorship, association, agency, or other business entity that meets all the qualifications established by the department and performs lead-based paint activities or renovation activities to which the department has issued a certificate.

(7) "Certified inspector" means an individual who has been trained by an accredited training program for lead-based paint inspectors, meets all the qualifications established by the department, and is certified by the department to conduct inspections.

(8) "Certified project designer" means an individual who has been trained by an accredited training program, meets all the qualifications established by the department, and is certified by the department to prepare abatement project designs, occupant protection plans, and abatement reports.

(9) "Certified renovator" means an individual who has been trained by an accredited training program for renovators, meets all the qualifications established by the department, and is certified by the department to perform renovations or direct workers in the performance of renovation work.

(10) "Certified risk assessor" means an individual who has been trained by an accredited training program for lead-based paint risk assessors, meets all the qualifications established by the department, and is certified by the department to conduct risk assessments and sample for the presence of lead in dust and soil for the purposes of abatement clearance testing.

(11) "Department" means the Washington state department of commerce.

(12) "Director" means the director of the Washington state department of commerce.

(13) "Federal laws and rules" means:

(a) Title IV, toxic substances control act (15 U.S.C. Sec. 2681 et seq.) and the rules adopted by the United States environmental protection agency under that law for authorization of state programs;

(b) Any regulations or requirements adopted by the United States department of housing and urban development regarding eligibility for grants to states and local governments; and

(c) Any other requirements adopted by a federal agency with jurisdiction over lead-based paint hazards.

(14) "Lead-based paint" means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter, 0.5 percent by weight, or 5,000 parts per million.

(15) "Lead-based paint activity" includes inspection, testing, risk assessment, lead-based paint hazard reduction project design or planning, abatement, or clearance of lead-based paint hazards.

(16) "Lead-based paint hazard" means any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as identified by the administrator of the United States environmental protection agency under the toxic substances control act, section 403.

(17) "Person" includes an individual, corporation, firm, partnership, or association, an Indian tribe, state, or political subdivision of a state, and a state department or agency.

(18)(a) "Renovation" means the modification of any existing structure, or portion thereof, that results in the disturbance of painted surfaces, unless that activity is performed as part of an abatement as defined in this section. The term includes but is not limited to:

(i) The removal, modification, or repair of painted surfaces or painted components;

(ii) Modification of painted doors;

(iii) Surface restoration;

(iv) Window repair including, but not limited to, glazing;

(v) Surface preparation, such as sanding, scraping, pressure washing, or activities that generates paint chips or dust;

(vi) Removal of building components, such as walls, windows, or other like structures;

(vii) Weatherization projects, such as cutting holes in painted surfaces to install blown-in insulation;

(viii) Interim controls that disturb painted surfaces; or

(ix) A renovation performed for the purposes of converting a building or part of a building in target housing or a child-occupied facility.

(b) The term "renovation" as defined in this subsection does not include minor repair and maintenance activities.

(19) "Risk assessment" means:

(a) An on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards; and

(b) The provision of a report by the individual or the firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based paint hazards.

(20) "State program" means a state administered lead-based paint activities or renovation activities certification and training program that meets the federal environmental protection agency requirements. [2025 c 180 s 3; 2010 c 158 s 2; 2009 c 565 s 49; 2003 c 322 s 2. Formerly RCW 70.103.020.]

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2).