

Significant Revisions to Chapter 64.44 RCW Contaminated Properties

Effective Date: June 7, 2006

SECTION	REVISION	RESULT
64.44.010(4)(c)	Expands the definition of "Hazardous Chemicals" to include controlled substances and substances being manufactured	Clarifies that LHO can determine property contaminated due to the presence of controlled substances
64.44.010(6)	Expands the definition of "Property" to include "real or personal" property	Clarifies that the definition of property includes not only structures and land, but also all personal items such as clothes, furniture, household items etc. This clarifies that personal property can be determined contaminated.
64.44.020	Changes the wording from "shall post" to "shall cause a posting"	LHO may now allow the posting of the initial warning notice (commonly referred to as the "Mr. Yuk Notice") by another agency or individual.
64.44.020	New language: related to initial posting at hotels and motels	In hotels and motels, the initial warning notice shall be posted inside the contaminated room or on the door of the room and not in the lobby
64.44.020	New language: obtaining administrative search warrants	Allows LHO to obtain administrative search warrant when access to the property is denied
64.44.030(1)	Changes the wording from "shall post" to "shall cause the order to be posted"	LHO may allow the posting of the "unfit order" by another agency or individual.
64.44.030(2)	New language: issuing emergency LHO's orders	Allows LHO to issue emergency orders when there is an imminent public health danger
64.44.040(1)	New language: counties acting on LHO's orders	<ul style="list-style-type: none"> • Clarifies that counties can prohibit use, occupancy or removal of contaminated property. • Expands counties' authority to act on LHO's orders to counties with local health districts (as compared to counties with local health departments)
64.44.040(2)(a)(b)(c)	New language: unlawful entry and removal of property	It is now a misdemeanor for any person to unlawfully enter or remove property
64.44.050(2)	New language: establishing a decontamination timeline	The LHO has 30 days from issuance of unfit order to establish a decontamination timeline. LHJ's should begin developing criteria for timelines. DOH will assist by providing guidelines.
64.44.060	New language: certification of workers, supervisors and contractors	Expands the Department's ability to take disciplinary action on certified individuals and companies. Requires a background check as part of the application process.
64.44.070(2)	New language: adopting rules for testing methods for porous surfaces	Expands the scope of collecting samples to include porous surfaces. DOH will include sampling guidelines for currently available techniques and update them as more information becomes available.
64.44.070(3)	New language: third party sampling	Requires third party sampling for pre and post decontamination sampling. DOH will begin the process for rule writing and adoption and anticipates a completion date of December 2007
64.44.070(4)	New language: defines "independent third party sampler"	Specifically identifies what is mean by the term "independent third party sampler."
64.44.075	New language: department's evaluation of decontaminated properties	Allows the department to conduct audits and take action based on the results of the audit.