

Appendix O—Summary of Task Force Recommendations

Summary of Task Force Recommendations

Activity	Recommended Actions
UNDERSTANDING NATURE AND EXTENT OF AREA-WIDE CONTAMINATION	
Individual Property Evaluations and Mapping Areas Where Elevated Levels of Arsenic and Lead are Most Likely	<ul style="list-style-type: none"> • Qualitative evaluations and soil sampling are the only ways to know with certainty whether a property is affected by area-wide soil contamination. • Information on how to carry out a qualitative evaluation and soil sampling should be distributed. • In addition, information on where area-wide soil contamination may be located should be mapped. Two tiers of maps are recommended: tier 1 maps show at a state level information on the potential for area-wide soil contamination from historical emissions from smelters and past use of lead arsenate pesticides. Tier 2 maps show information on the potential for area-wide soil contamination at a more local level. • Maps include explanations about how they were developed and emphasize that current maps do not show areas that have been found to be contaminated; they reflect potential for area-wide soil contamination. • Agencies rely on maps developed by the Task Force as a starting point for mapping efforts • Agencies maintain & update State maps and coordinate with local governments to update local maps based on new info (protecting data confidentiality for residents) • Agencies provide funding & assistance to local governments to identify historical orchard locations and develop smaller scale maps of areas potentially affected by lead arsenate
BROAD-BASED EDUCATION AND AWARENESS BUILDING	
Develop Broad-Based Education Materials	<ul style="list-style-type: none"> • Agencies develop “<u>toolbox</u>” of educational materials for general audiences. Toolbox includes: <ul style="list-style-type: none"> ○ 2 tiers of maps ○ Information describing variability of nature and distribution of area-wide contamination ○ Checklist/guidance on conducting qualitative evaluations of the potential for exposure and/or contamination at a property ○ Sampling guidance for different land-use scenarios ○ Information on health risks ○ Information on individual protection measures for targeted audiences ○ Information on actions that can be taken that go beyond individual protection measures (e.g., maintaining good cover in play areas) ○ Information about organizations available to answer questions, provide additional help ○ Materials in several languages

Activity	Recommended Actions
	<ul style="list-style-type: none"> • Agencies tailor materials for <u>audiences of concern</u>, including: <ul style="list-style-type: none"> ○ Parents of young children ○ Childcare providers and preschool operators ○ School officials and operations, maintenance and grounds keeping staff ○ Park officials and operations, maintenance and grounds keeping staff ○ Gardeners ○ Real estate professionals ○ Construction, utility and other workers who have routine contact with soil ○ Healthcare providers ○ Homebuilders associations ○ Local planning and zoning officials ○ Agricultural workers and landlords with farm unit rentals and picker camps
Distribution of Broad-based Educational Materials	<ul style="list-style-type: none"> • Agencies develop and maintain website • Agencies distribute information to libraries, Ecology regional/field offices, other public information repositories
Conduct Focused Outreach, Education where Area-wide Contamination is Likely	<ul style="list-style-type: none"> • Agencies provide trainings for and distribute information to local health and land-use planning/permitting departments, school districts, and parks districts • Local health and planning/permitting departments, school districts, and parks districts distribute information to residents, community groups, other end users
Monitor Education, Outreach Program Effectiveness	<ul style="list-style-type: none"> • Agencies monitor & evaluate effectiveness of education at increasing implementation of individual protection measures
CHILD-USE AREAS—SCHOOLS, PLAYGROUNDS, PLAYFIELDS, CAMPS	
Measures to Increase Awareness of School Officials, Teachers, Parents and Children Where Area-Wide Soil Contamination is Likely	<ul style="list-style-type: none"> • Chartering agencies work with and through local governments, particularly local health departments, to increase knowledge of area-wide soil contamination through targeted education and awareness building (see above)
Recommended Responses at Schools and Other Public Play Areas Where Area-Wide Soil Contamination is Likely	<ul style="list-style-type: none"> • School districts, parks, others implement individual protection measures • Schools, parks, property owners maintain good soil cover, for example implement CPSC playground surfacing recommendations PLUS install geotextile fabric (where contamination likely)--at existing playgrounds • School districts, parks, others conduct qualitative evaluations of potential for exposure • Where exposure likely, school districts, parks, others conduct soil sampling • Agencies assist local jurisdictions, other organizations, and individuals to select and implement additional appropriate protection measures where soil contamination is found

Activity	Recommended Actions
Required Responses at New Public Child-Use Areas and Renovation of Existing Child-Use Areas Where Area-Wide Soil Contamination is Likely	<ul style="list-style-type: none"> School / park districts, others doing construction/renovation test soils during site design/selection If sampling confirms that elevated levels are present, school / park districts, others implement additional protective measures; Agencies provide assistance Agencies update maps with data from sampling at public child-use areas
CHILD-USE AREAS: CHILDCARE CENTERS AND FAMILY HOME CHILDCARES	
Measures to Increase Awareness of Childcare Providers, Parents and Children Where Area-Wide Soil Contamination is Likely	<ul style="list-style-type: none"> Agencies work with and through local governments, particularly local health departments, to increase knowledge of area-wide soil contamination through a targeted education and awareness building campaign (see above)
Recommended Responses at Childcare Facilities Where Area-Wide Soil Contamination is Likely	<ul style="list-style-type: none"> Childcare providers implement individual protection measures Childcare providers implement maintain good soil cover (e.g., wood chips or other cover in play areas) Childcare providers conduct qualitative evaluations of the potential for exposure Where qualitative evaluations indicates that exposure likely, childcare providers conduct soil sampling Childcare providers implement additional protective measures, if contamination found; Agencies assist
Voluntary Environmental Certification Program for Childcare Centers and Family Home Childcares Where Area-Wide Soil Contamination is Likely	<ul style="list-style-type: none"> Agencies and DSHS conduct targeted education and outreach to childcare providers, including integration of outreach in existing training, licensing processes DSHS, in conjunction with the Department of Health, establish and administer a voluntary certification program <ul style="list-style-type: none"> Step 1: received, reviewed information/training; Step 2: sought help of local health districts; Step 3: sampled soil, no elevated levels present or present but additional protective measures are in place
Recommended Responses During Construction or Renovation of Childcare Facilities Where Area-Wide Soil Contamination is Likely	<ul style="list-style-type: none"> Site owner/builder tests soils during site design/selection If sampling confirms that elevated levels are present, implement additional protective measures Agencies assist local jurisdictions, other organizations, and individuals to select and implement additional appropriate protection measures where soil contamination is found
RESIDENTIAL AREAS	
Measures to Increase Awareness of Property owners, Residents Where Area-Wide Soil Contamination is Likely	<ul style="list-style-type: none"> Chartering agencies work with and through local governments, particularly local health departments, to increase knowledge of area-wide soil contamination through a targeted education and awareness building campaign for parents, home gardeners and adults who work in soil (see above)
Recommended Responses at Residences Where Area-Wide Soil Contamination is Likely	<ul style="list-style-type: none"> Residents implement individual protection measures Residents maintain good soil cover in areas where children play

Activity	Recommended Actions
	<ul style="list-style-type: none"> • Residents conduct qualitative evaluations of potential exposure • Property owners conduct soil screening/testing, if there is potential for exposure to contaminated soil • Property owners implement additional protective measures, if contamination found (e.g., bring in clean soil for gardens)
Assistance and Support for Residents Where Area-Wide Soil Contamination is Likely	<ul style="list-style-type: none"> • Agencies, local health district officers help residents sample properly and interpret results <ul style="list-style-type: none"> • Do-it-yourself sampling kits • Subsidized monitoring costs or mobile XRF testing ▪ Agencies protect confidentiality of residents' sampling data by not recording address, property name in written records (only section, township, and range), unless residents request that info be used to update maps, request a No Further Action letter, or results show high levels of contaminants • Agencies, local health districts provide guidance on selection, implementation of additional protection measures • Agencies help residents locate sources of soil that meet cleanup standards and provide information on how to dispose of contaminated soil
COMMERCIAL AREAS	
Measures to Increase Awareness of Owners of Commercial Properties Where Area-Wide Soil Contamination is Likely	<ul style="list-style-type: none"> • Agencies work with and through local governments, particularly local health and planning departments, to increase knowledge of area-wide soil contamination through a targeted education and awareness building campaign for business owners (see above)
Recommended Responses at Commercial Properties Where Area-Wide Soil Contamination is Likely	<ul style="list-style-type: none"> • Maintain cover (e.g., landscaping bark or gravel) and other impervious surfaces
OPEN LAND—Being Developed	
Measures to Increase Awareness of Developers, Workers, Nearby Residents Where Area-Wide Soil Contamination is Likely	<ul style="list-style-type: none"> • Chartering agencies work with and through local governments, particularly local health and planning departments, to increase knowledge of area-wide soil contamination through a targeted education and awareness building campaign for parents, home gardeners, adults who work in soil (see above)
Recommended Responses at Sites Proposed for Development Where Area-Wide Soil Contamination is Likely	<ul style="list-style-type: none"> • Developers conduct soil testing prior to construction • If sampling confirms elevated levels, developers incorporate protective measures into site construction budget/plan • Construction workers implement individual protection measures to limit exposure, including WISHA/OSHA requirements for construction at sites with hazardous substances • Agencies work with appropriate local authorities to ensure dust is limited during construction and there is no off-site movement of contaminated soils in stormwater or sediments • Property owners use plat/other notices to record information on property status (whether sampled and/or whether protection measures in place)

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	<ul style="list-style-type: none"> Agencies set an example by testing soils and incorporating the appropriate protective measures into the design, construction, and renovation of their facilities
Local Governments Provide Information as Part of Permitting and SEPA Review Processes	<ul style="list-style-type: none"> A question is added to the State Environmental Policy Act (SEPA) checklist about whether property in area-wide zone Local agencies tie implementation of, education about activities to SEPA and other land-use planning/permitting processes
OPEN LAND—NOT proposed for development	
Measures to Increase Awareness of Nearby Homeowners, Residents Where Area-Wide Soil Contamination is Likely	<ul style="list-style-type: none"> Chartering agencies work with and through local governments, particularly local health and planning departments, to increase knowledge of area-wide soil contamination through a targeted education and awareness building campaign for parents, home gardeners and adults who work in soil (see above)
Recommended Responses at Sites NOT Proposed for Development (but that are in/near residential areas) Where Area-Wide Soil Contamination is Likely	<ul style="list-style-type: none"> Property owners take practical steps to limit trespassing and control dust
ROOT VEGETABLES	
Consider NWFPA Recommendations as a Potential Model	<ul style="list-style-type: none"> The Northwest Food Processors Association has published interim recommendations to notify commercial growers and processors about the possibility of risk from lead uptake in root vegetables. This approach may be a model for voluntary, privately initiated, market-based efforts. The effectiveness of this program should be surveyed with an eye towards considering it as a model.
Provide Education to Home and Market Gardeners	<ul style="list-style-type: none"> Home and market gardeners likely do not receive information from the NWFPA. They should be provided with educational materials about potential risks and ways to minimize the potential for exposure, and the potential for root vegetables to uptake lead from contaminated soil.
REAL ESTATE DISCLOSURE	
Expand Real Estate Disclosure Practices	<ul style="list-style-type: none"> Create legislation for a mandatory real property transfer disclosure statement for vacant land and encourage the voluntary use of the existing seller's property condition report for vacant land until this legislation is adopted. Use the lead-based paint disclosure form and EPA lead pamphlet for all transactions (not only sales of homes built before 1978) or use similar documentation for the potential presence of contaminated soils where area-wide soil contamination is likely.

Activity	Recommended Actions
Educate Real Estate Agents about Area-Wide Soil Contamination and Recommended Responses	<ul style="list-style-type: none"> • Create an education course for real estate agents about area-wide soil contamination or incorporate information on the findings and recommendations of the Task Force into existing course materials. • Include an article in the <i>Washington Realtor</i> on the Task Force's findings and recommendations and describe key elements of individual protection measures.
APPLICATION OF THE MODEL TOXICS CONTROL ACT	
Have a Bias for Regulatory Approaches	<ul style="list-style-type: none"> • Regulatory approaches provide a greater degree of certainty and have the benefit of a public, administrative process.
Avoid Listing Individual Properties	<ul style="list-style-type: none"> • Ecology modifies MTCA regulations and policies to establish alternative to traditional site listing process so that area-wide soil contamination zones can be established. • Zones are identified and described using maps, narrative, regulatory definition of area-wide soil contamination or by other means.
Enforcement Forbearance is Available within Zones	<ul style="list-style-type: none"> • Ecology establishes in regulation a new enforcement forbearance policy available at residential and commercial properties within zones where property owners implement Task Force recommendations. • To complement the enforcement forbearance, Ecology establishes a standard checklist that property owners can use to document that they are implementing Task Force recommendations. • The enforcement forbearance and checklist are announced at the same time that zones are first identified and described.
Property Owners Can Choose Not to Implement Task Force Recommendations	<ul style="list-style-type: none"> • Where property owners choose not to implement Task Force recommendations, they remain under existing MTCA regulations and Ecology's current policies and practices related to enforcement forbearance, which include a forbearance policy for residential properties.
Streamlined System to Reflect that Sites are Clean	<ul style="list-style-type: none"> • Where properties are sampled and concentrations of arsenic and lead are below cleanup levels, Ecology should establish a streamlined system to reflect that properties are clean.
Traditional MTCA approach remains available	<ul style="list-style-type: none"> • Traditional MTCA approach applies when property owner desires it or site-specific conditions (e.g., ground water contamination, other contaminants, high As/Pb levels) warrant it
RECOMMENDATIONS FOR ADDITIONAL DATA GATHERING	
Expand Information Base on Health of Washington State Residents	<ul style="list-style-type: none"> • Chartering agencies gather information on the health of Washington residents, particularly children, who may be exposed to elevated levels of arsenic and lead in soil (through blood-lead testing, fluoroscopy, or other appropriate techniques)

Activity	Recommended Actions
Increase Understanding of Potential Contamination from Leaded Gasoline	<ul style="list-style-type: none"> • The Agencies conduct research to characterize the location and extent of elevated soil lead levels from past use of leaded gasoline in Washington, focus research on public child-use areas in areas where concentrations are likely to be the greatest (i.e., near older, more heavily used roads)
Study Potential Ecological Impacts of Area-Wide Soil Contamination	<ul style="list-style-type: none"> • Ecology conducts study to evaluate potential ecological impacts of low-to-moderate level arsenic and lead soil contamination • Identify where measures beyond the Task Force's recommendations are needed to protect plants and animals
FUNDING RECOMMENDATIONS	
Seek Funding from Broad Array of Possible Funding Sources	<ul style="list-style-type: none"> • Agencies expand use of State and Local Toxics Accounts to support actions to address area-wide soil contamination • Agencies seek funding from potentially liable parties such as pesticide manufacturers and smelter operators • Agencies work with the Office of the Superintendent of Public Instruction to use funding for school construction to provide priority for area-wide soil contamination responses • Agencies seek supplementary funding for area-wide soil contamination from private foundations, federal grant programs, and other federal, state, and private sources