

SENATE BILL REPORT

ESHB 1554

As of March 30, 2023

Title: An act relating to reducing public health and environmental impacts from lead.

Brief Description: Reducing public health and environmental impacts from lead.

Sponsors: House Committee on Environment & Energy (originally sponsored by Representatives Doglio, Pollet, Fitzgibbon, Berry, Ramel, Orwall, Ryu, Fosse, Kloba, Macri and Duerr).

Brief History: Passed House: 3/6/23, 67-28.

Committee Activity: Environment, Energy & Technology: 3/15/23, 3/28/23 [DPA-TRAN, DNP].

Transportation: 3/30/23.

Brief Summary of Amended Bill

- Directs the Department of Transportation to carry out activities related to reducing lead emissions and exposures associated with leaded aviation fuel use at airports.
- Directs the Department of Health to update its blood lead testing guidance for health care providers related to children living near airports at which aviation gasoline is used.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

Majority Report: Do pass as amended and be referred to Committee on Transportation.
Signed by Senators Nguyen, Chair; Lovelett, Vice Chair; Lovick, Trudeau and Wellman.

Minority Report: Do not pass.
Signed by Senators MacEwen, Ranking Member; Boehnke and Short.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Staff: Gregory Vogel (786-7413)

SENATE COMMITTEE ON TRANSPORTATION

Staff: Jenna Forty (786-7755)

Background: State Regulations and Programs Related to Lead. State law restricts lead in various consumer products:

- under the Children's Safe Products Act, lead is restricted in children's products at a level of 40 parts per million (ppm);
- lead wheel weights must be replaced with environmentally preferred wheel weights whenever tires are replaced or rebalanced; and
- concentrations of lead, cadmium, mercury, and hexavalent chromium must not exceed a sum of 100 ppm in any package or packaging component.

Other state programs related to lead in the environment include provisions related to the recycling of lead-acid vehicle batteries, certification programs for persons performing lead-based paint abatement, and programs to limit the presence of lead in drinking water.

Leaded Gasoline. Under the federal Clean Air Act (CAA), leaded motor vehicle gasoline was phased out between the 1970s and 1990s. In October 2022, the United States Environmental Protection Agency (EPA) issued a proposed determination that lead emissions from aircraft that operate on leaded fuel cause or contribute to air pollution that may reasonably be anticipated to endanger public health and welfare under the CAA. EPA plans to issue any final endangerment finding in 2023.

If the proposed finding is finalized, EPA would propose regulatory standards for lead emissions from aircraft engines. The Federal Aviation Administration (FAA) would be required to prescribe regulations to ensure compliance with these emissions standards.

In 2022, the FAA and industry partners announced an Eliminate Aviation Gasoline Lead Emissions (EAGLE) initiative to eliminate the use of leaded aviation fuel by the end of 2030. Under the EAGLE initiative, the FAA has published recommendations related to short-term measures that airports may take to reduce or minimize potential exposures to aircraft lead emissions.

Under a 2018 federal budget proviso, the National Academies of Sciences, Engineering, and Medicine (NASEM) published a 2021 assessment of leaded aviation gasoline, including existing non-leaded fuel alternatives, ambient lead concentrations near airports where piston-powered general aviation aircraft are used, and mitigation measures to reduce ambient lead concentrations. NASEM report included recommendations related to increasing the size of run-up areas used at general aviation airports, relocating run-up areas, and making other operational changes at airports to reduce lead exposures.

The FAA has approved the safe use of unleaded fuel that can be used in a large number of piston-engine aircraft, along with other unleaded fuels for specific aircraft.

Department of Health Blood Lead Testing Guidance. The Department of Health (DOH) recommends that healthcare providers screen children at 12 and 24 months of age to assess levels of lead in their blood, based on specified risk factors, including if a child lives in a house built before 1950, is known to have a sibling or frequent playmate with an elevated blood lead level, or has a parent or caregiver who works professionally or recreationally with lead. DOH additionally recommends that healthcare providers consider blood lead testing on children per the healthcare provider's clinical judgment, based on factors including whether the child lives within a kilometer of an airport or lead emitting industry.

Summary of Amended Bill: The Washington State Department of Transportation (WSDOT) must carry out activities related to reducing emissions from leaded aviation gasoline used by piston-engine aircraft, including:

- carrying out an education and outreach campaign targeted to airport operators and piston-engine aircraft pilots on the topic of lead emissions from aircraft and the disposal of fuel samples;
- developing a bulletin, in coordination with the FAA and an airport managers association, to offer best practices to airport operators to build awareness related to the issue of lead emissions from piston-engine aircraft among airport users and neighboring communities;
- developing and communicating to the FAA a written recommendation to update its advisory circular on airport master plans to include evaluation of aircraft runup locations to limit lead exposures;
- submitting a formal request to the FAA and working with airport associations to prioritize eliminating leaded aviation gasoline emissions as part of the FAA congressional reauthorization act processes; and
- submitting recommendations to the appropriate committees of the Legislature by September 15, 2024, regarding financial incentives to be provided by the state for leaded aviation fuel reduction, and management strategies for airports and airport users to reduce lead emissions from piston-engine aircraft and reduce public health impacts from lead exposures.

DOH must update its blood lead testing guidance for health care providers related to children living near airports at which leaded aviation gasoline is used. The update must include children at risk of lead exposure due to proximity to operations at airports among the high-risk populations broadly recommended for a blood lead test. DOH must provide outreach to healthcare providers about the updated guidance.

EFFECT OF ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE AMENDMENT(S):

- Specifies that the bulletin developed by WSDOT must offer best practices to build

- awareness with communities surrounding airports at which leaded aviation gas is used, rather than general aviation airports at which leaded aviation gas is used.
- Delays the date for WSDOT to submit recommendations on financial incentives and management strategies to reduce leaded aviation fuel emissions to September 15, 2024.
 - Specifies that DOH's blood lead testing guidance update relates to exposure due to leaded aviation gas and proximity to operations at airports, and must consider including children living or attending school within one kilometer of an airport that uses leaded fuel, for purposes of determining which children are at highest risk of lead exposure.
 - Makes changes to the intent section.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony on Engrossed Substitute House Bill (Environment, Energy & Technology): *The committee recommended a different version of the bill than what was heard.* PRO: Lead is unsafe for public health, in particular for children, which is why we have unleaded gas today. At the same time, there are still piston-engine planes that are able to use leaded gas. There are other countries that use unleaded fuel in these planes, but we've had delays in bringing it to scale in the U.S. Santa Clara County has an airport located in an overburdened community, and blood lead levels in children living in that area were high.

Lead in gas has been phased out decades ago while leaded aviation gas continues to affect children and communities of color. We don't know the timeline of federal action but this bill provides much needed guidance for blood level testing. Even low levels can affect behavioral development in children.

There is no safe level for lead. For families living near airports, it's an added stress to know that the air and soil can be contaminated with lead that we cannot control. Failing to act now will lead to another generation of children being exposed to lead. Living or going to school near an airport should not be a risk for lead poisoning. Communities are inequitably exposed to emissions of leaded gas, as King County airport continues to allow exposures in communities.

CON: We are thankful for efforts to amend the bill but opposition is still there regarding consensus on lead exposure impacts. There currently are no such studies. EPA's monitoring levels indicate exposure levels near airports are well below air standards for lead.

OTHER: We applaud improvement of the bill through the house process but we do have concerns with clarification. Airports want to see lead removed from aviation fuel but want to see it done safely and responsibly. The bill makes assumptions about lead exposure but does not discuss other sources other than aviation fuel.

The bill discusses the EAGLE initiative and the efforts in process. There may not be an appropriate role for the state at this time, other than informing the public on sources of lead exposure. These aircraft are not just recreational but also used to train commercial pilots.

It is important to address all exposures of lead, including aviation fuel, since there is no safe level of exposure for lead. Exposure can lead to higher cardiovascular impacts for adults and development issues for children.

Persons Testifying (Environment, Energy & Technology): PRO: Representative Beth Doglio, Prime Sponsor; Ashley Bullock, Public Health - Seattle & King County; Eric Gonzalez Alfaro, Earthjustice; Velma Veloria, King County International Airport Community Coalition; Tiffany Sevilla; Ali Lee; Maria Batayola, Beacon Hill Council.

CON: John Dobson, WA State Aviation Alliance.

OTHER: Erich Ebel, Spokane International Airport & Felts Field; Brandon Rakes, The Washington Airport Management Association; Warren Hendrickson, Washington State Aviation Alliance; Holly Davies, Washington State Department of Health.

Persons Signed In To Testify But Not Testifying (Environment, Energy & Technology): No one.

Staff Summary of Public Testimony on Bill as Amended by Environment, Energy & Technology (Transportation): PRO: Exposure to lead at any level is not safe, especially for children. There is an unleaded aircraft fuel that is made, but is not being made at scale. This bill makes sure we avoid lead exposure as much as we can.

The bill has been narrowed and does not establish any penalties. The bill focuses on public awareness which is much needed. Lead can be stored in teeth and bones and released during pregnancy, harming children before they are even born. Lead has life long impacts on people exposed as children.

General aviation is the largest source of airborne lead emissions and there is no safe level of exposure. The Duwamish valley has disproportionate health impacts from air pollution. It addresses the public health concerns without imposing restrictions.

Racism is a public health crisis. This is an opportunity for airport coalitions to help those impacted by airport emissions.

CON: The premise behind the bill is well intentioned, but this is a national issue not a state issue. The bill does not strike the right balance, there is variation from airport to airport. The piston-engine aircraft, not the airports are users of leaded fuel. This bill needs more time to develop.

The striking amendment is based off of incorrect information and is duplicative of work of the FAA. There are already efforts underway to transition leaded aviation fuel.

OTHER: Lead can be hazardous and should be removed from aviation fuel. The aviation industry is taking steps to reduce lead in aviation fuel along with EPA and FAA, but cannot be rushed.

There are some important action items in the bill such as encouraging the FAA to hasten the lead fuel transition. However, this bill is poorly worded and ineffective. Children around aviation are inspired to pursue STEM education.

Persons Testifying (Transportation): PRO: Representative Beth Doglio, Prime Sponsor; Eric Gonzalez Alfaro, Earthjustice; Christian Poulsen, King County International Airport Community Coalition; Chris Covert-Bowlds, WA Physicians for Social Responsibility; Paula Sardinias, WBBA (WA Build Back Alliance); Jeff Ketchel, Washington State Public Health Association.

CON: Larry Krauter, Spokane Airports; John Dobson, WA State Aviation Alliance.

OTHER: Ben Hoppe, Washington Airport Management Association; Rich Mueller, Washington Airport Management Association.

Persons Signed In To Testify But Not Testifying (Transportation): No one.