



Frequently Asked Questions about Tacoma Smelter Plume

The state law creating the Soil Safety Program

Working together to protect children from area-wide soil contamination

The Soil Safety Program partners are:

- **Washington Department of Ecology, Toxics Cleanup Program**
- **Public Health - Seattle & King County**
- **Tacoma-Pierce County Health Department**
- **Washington Department of Social and Health Services**
- **Washington Department of Health**
- **Washington Office of the Superintendent of Public Instruction**
- **Washington Childcare Resource & Referral Network**

Chapter 70.140 Revised Code of Washington

The Washington State Legislature passed a new law in 2005 that affects schools and childcares in the Tacoma Smelter Plume area. The law (Chapter 70.140 of the Revised Code of Washington – Area-wide soil contamination) directs the Washington Department of Ecology (Ecology) to assist schools and childcares in reducing children's exposure to smelter arsenic and lead. The law also requires schools and childcares to let Ecology test play area soils for arsenic and lead, and to take actions that reduce exposure of children to polluted soils.

Why did the Legislature pass this law?

The new law stems from recommendations of a broad-based Area-wide Soil Contamination Task force sponsored by Ecology. The task force provided advice on reducing exposure to low-to-moderate levels of arsenic and lead statewide, including the Tacoma Smelter Plume area. The task force looked carefully at where arsenic and lead levels are high in the state, and how children are affected. Ecology and local health departments have found soil arsenic and lead at some schools and childcares in the Tacoma Smelter Plume area.

The state has cleanup standards for arsenic and lead. These standards define how much arsenic or lead is allowed in soil before actions must be taken to reduce the amount of arsenic and lead. For schools and childcares participating in the Soil Safety Program, these standards are 20 parts of arsenic per a million parts of soil (ppm), and 250 parts of lead per a million parts of soil (ppm). About 10 percent of the schools and childcares already tested have had arsenic and lead levels that do not meet state standards.

Concern about children coming into frequent contact with polluted soils spurred the Legislature to take action. The Legislature passed the law almost unanimously. The law took effect July 24, 2005.



What does the law require?

Ecology has based its interpretation of the law and the resulting Soil Safety Program on input from school and childcare stakeholders, and state agencies with responsibility for child health and safety. For a full report that contains Ecology's reasoning behind the program design, please visit Ecology's Web site: http://www.ecy.wa.gov/programs/tcp/sites/tacoma_smelter/ts_hp.htm.

Below is a summary of the law's requirements and notes on Ecology's interpretation of the law.

- Ecology must work with the Washington Department of Health, the Department of Social and Health Services, the Office of the Superintendent of Public Instruction, and local health departments in providing assistance.
Ecology convened an interagency team and held three stakeholder meetings to design the Soil Safety Program. Ecology has worked closely with the local health departments for several years on a voluntary soil testing program, and will continue to work with these partners to evaluate and modify the program as needed.
- Ecology must identify schools and childcares located in the Tacoma Smelter Plume based on current available information.
Ecology has identified schools and childcares based on several sources of information. Sources include known private and public schools, the local health departments' first-hand knowledge of schools and childcares they have already tested or worked with, DSHS's list of licensed childcares, and DSHS licenser first-hand knowledge of childcares.
- Ecology must conduct qualitative assessments at schools and childcares within the area to determine if the potential exists for children to be exposed to polluted soil.
The program team has defined "qualitative assessment" as a personal visit by experienced local health department staff. The staff will interview owners/operators and staff, and visually inspect child play areas to determine if soil sampling is needed. The local health departments will do the assessments for Ecology. The health departments have already done such assessments in the area, and have valuable knowledge about their local community.
- Ecology must test soil at those schools and childcares where children may routinely be exposed to polluted soil by December 31, 2009.
The health departments will start in areas closest to the Tacoma smelter site in 2006, where the highest potential for exposure exists, then will work outward (north and south) to areas with lower potential for exposure exists. All schools and childcares will be offered soil testing by December 2009.
- Schools and childcares must provide access for the assessment and soil testing.
Schools and childcares will need to provide written permission to the health departments for property access to conduct soil testing. The health departments will provide a permission form to the schools and childcares for signature.



What does the law require? (Continued)

- Ecology must notify schools and childcares of test results and actions needed to reduce exposure.
If a school's or childcare's soil has arsenic and lead levels at safe levels (below state standards), the health department will provide a letter explaining the test results. If the soils have arsenic or lead levels that do not meet state standards, Ecology will meet with them in person to discuss their results and actions needed to reduce exposure.
- If a school or childcare does not take action to reduce children's exposure to lead and arsenic (e.g. implement best management practices) within six months of receiving their soil test results, they must notify the children's parents or guardians in writing of the results.
Ecology will offer free design assistance, labor and funding to put actions in place. A school or childcare can use Ecology's assistance, or use its own resources to put actions in place. If a school or childcare doesn't take action, either with Ecology's assistance or on their own, it must notify parents and families in writing about the test results.
- Ecology will recognize schools and childcares that successfully put an action plan in place with a voluntary certification letter.
Ecology will provide certificates and window decals to schools and childcares that complete the program. Ecology will also report to the Legislature on program results.
- Ecology must assist schools and childcares by providing technical and financial assistance for assessments, soil testing and action plans. Ecology must establish a grant program to assist schools and childcares with actions.
Based on the strong advice of school and childcare stakeholders and state agency partners, Ecology will manage all the design and labor for putting actions in place for schools and childcares, with an option for public schools to manage the work themselves through an intergovernmental agreement. This will reduce the paperwork that would be required of a grant program, speed up getting actions in place, and encourage voluntary participation in the program.
- Ecology may enter into an interagency agreement with local health departments to implement the program.
Public Health – Seattle & King County and the Tacoma-Pierce County Health Department have already provided soil testing and education services to the Tacoma Smelter Plume area using state Site Hazard Assessment grants. Ecology and the health departments have adjusted these grants to include tasks required by the new law.
- Ecology and the state Department of Health must develop guidelines for actions that reduce exposure to smelter arsenic and lead.
Ecology and Health staff are working together to develop action guidelines. Ecology will provide the guidelines to schools or childcares wishing to put actions in place without Ecology's assistance. Ecology will encourage such schools and childcares to use the guidelines in creating a healthy and safer environment for children.



For more information:

You may view a full version of the law on the state's Revised Code of Washington website:

<http://apps.leg.wa.gov/RCW/default.aspx?cite=70.140>

Ecology's website contains details about the Soil Safety Program.

http://www.ecy.wa.gov/programs/tcp/sites/tacoma_smelter/ts_hp.htm

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