



K-12 Environmental Health and Safety Rules WAC 246-366A

Revision Status

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HEALTHIER WASHINGTON

*Briefing of State Board of Health
May 14, 2008*

Ned Therien, State Board of Health



Statutory Authority

RCW 43.20.050(2)(c)

- The Board shall ... Adopt rules controlling public health related to environmental conditions including but not limited to heating, lighting, ventilation, sanitary facilities, cleanliness and space in all types of public facilities including but not limited to ... schools.



Rule Revision Process—Overview

ACTIVITY	DATES
Public testimony about school health and safety, staff conducts preliminary inquiry	2002-2003
SRDC advisory committee process (7 months)	2004-2005
DOH releases <i>FIRST DRAFT</i> proposed rule revision	March 2006
DOH holds workshops and receives comments on <i>FIRST DRAFT</i> ; SBOH holds study sessions	March – Nov 2006
DOH presents <i>SECOND DRAFT</i> proposal to SBOH	August 2007
Comments received, stakeholder review team process	Aug 2007- May 2008
Briefing of SBOH on <i>FINAL DRAFT</i> (Tentative Date)	June 2008
SBOH Public Hearing on <i>FINAL DRAFT</i> (Tentative Date)	August 2008



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Existing Rule vs. Working Draft

ACTIVITY	Existing	Draft
Site approval	✓	Phase 1 ESA
Plan review	✓	✓
Inspections	Periodic	Annual/Self?
Minimal construction standards	✓	✓
Plumbing, water and fixtures	✓	Pb & Cu sampling
Lighting	✓	✓
Heating, ventilation & temperature	✓	Added provisions
Noise standards	Updated 1991	✓
Safety	✓	Playgrounds, labs
Exemptions	SBOH exemption	LHO variance

View Second Draft at <http://www.doh.wa.gov/ehp/ts/School/s-rdc/wac-246-366-informaldraft.pdf>



New Sections

- Intent and applicability
- Responsibilities (DOH, local PH, schools)
- Water quality monitoring for lead
- Baseline monitoring for copper
- Moisture monitoring and mold remediation
- Lab and shop safety
- Playground safety
- Variances, appeals, and complaints



Review Team April – May 2008

- Stakeholder review team similar to SRDC
 - OSPI, WSSDA, WASBO, WAMOA, WASA, WFIS, IFMA, WEA, LHJs, WSALPHO, WSPTA, parent
 - 6 Meetings (four in April, one in May, one in June)
 - Facilitator hired by OSPI
 - No voting on issues
- House Capital Budget involved in formation
- Reach common understanding of intent, clarify language, and clearly articulate disagreements



Rule Revision Team Process

- Discussions around intent, clarity, unintended consequences and policy
- Policy issues placed in “Parking Lot”
 - Suggestions to strengthen rule
 - Other suggestions to make less stringent
- Policy issues for SBOH decision



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“Parking Lot” Examples

- Add subsection with SBOH responsibilities
 - e.g., securing funding
- SBOH authority regarding school boards
 - Annual reports to school boards
 - Requiring policies
- Mandatory training for LHJ inspectors
- Statewide advisory committee for consistency
- Grandfathering
- LHJ review & approval of sites and plans
 - Only allow LHJs to require mitigation measures
 - Threshold for review of activities on existing school sites



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“Parking Lot” Examples (cont.)

- Routine inspection frequency (1 or 2 years)
- Amount of mold that triggers mandatory notification
- Maximum temperature
- Showers in schools for 6th grade and above
- Prohibit warm-air hand dryers
- Lead sampling protocols
- Copper and other drinking water contaminants



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“Parking Lot” Examples (cont.)

- Mandate LHJ inspection of playground construction, rather than allow
- Variances
 - Allow more flexibility
 - Require public process through school board
- Appeals process beyond local level
- Complaint process
- Protections for staff as well as for students
 - e.g., daylighting, noise, complaints



Next Steps?

- DOH/SBOH staff consult with SBOH EH committee and other members and complete 3rd rule draft
- Stakeholder team review costs June 9
- Briefing of full Board on June 11
- Publish final rule proposal and cost-benefit analysis in July
- Comment period July – August
- SBOH public hearing in August 2008



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