

# WASHINGTON STATE BOARD OF HEALTH

## ENVIRONMENTAL HEALTH COMMITTEE SPECIAL MEETING SUMMARY NOTES

**What:** Environmental Health Committee

**When:** December 15, 2023

**Participating:** Board of Health (Board) members Patty Hayes, Kate Dean, Mindy Flores, and Paj Nandi; Board staff Michelle Davis, Andrew Kamali, Stuart Glasoe, Molly Dinardo, Michelle Larson, Ashley Bell, and Melanie Hisaw; Department of Health (Department) staff Joe Laxson, Jeremy Simmons, Jocelyn Jones, Juan Gamez Briceño, Todd Phillips, and Katitza Holthaus. Other Department staff and members of the public attended the meeting.

### Summary Notes:

#### Committee Chair Selection

- Participating Members unanimously selected Member Kate Dean as Chair of the Environmental Health Committee.

#### General Updates

- Andrew Kamali, Board staff, facilitated discussion of the Committee's tentative 2024 meeting schedule:
  - Thursday, February 8, 2:00 - 4:00 p.m.
  - Thursday, May 9, 10:00 a.m. - 12:00 p.m.
  - Thursday, September 12, 10:00 a.m. - 12:00 p.m.
  - Wednesday, December 11, 10:00 a.m. - 12:00 p.m.Members agreed to revisit plans for the December meeting later in the year.
- Joe Laxson, Department staff, gave an overview of the upcoming supplemental legislative session and noted numerous issues where there could be bills of interest to the Board and Department. Pre-filed bills are beginning to appear. The first day of the session is Monday, January 8, 2024. Member Dean asked about the school rules relative to the session and the Environmental Justice Council. Joe and Michelle Davis shared perspectives on the status of the issues and work.

#### Preview January Board Meeting

- Stuart Glasoe, Board staff, introduced the two agenda items related to on-site sewage systems (OSS) and chapter 246-272A WAC. Regarding the public hearing on the proposed OSS rules, Stuart noted that the staff is actively  
(Continued on the next page)

Environmental Health Committee  
Special Meeting Summary Notes

processing public comments and readying meeting material. Regarding the sixth OSS emergency rule, Stuart noted that Board action would again be needed to avoid a break in this policy before the permanent rules are adopted and take effect. Jeremy Simmons, Department staff, briefly previewed the draft hearing presentation, focusing mainly on key issues and recommended changes to the rule language. Stuart noted that all recommended rule language changes are non-substantive. Member Patty Hayes voiced support for property transfer inspections and advised staff to carefully describe the requirement and how it would work. Member Dean asked for confirmation that members would see the summary of comments and recommended changes. Stuart said the meeting materials will include both a PDF of all comments and a summary of comments and staff recommendations.

- Andrew described the status of the water recreation rulemaking and updated members on the formerly accepted rulemaking petition about barrier height at pools and compliance with the Americans with Disabilities Act (ADA). Andrew explained that Department staff have worked to resolve matters at the facility where the concerns originated. Member Hayes commented that it's a bigger issue than this one facility and our rules need to align with the ADA. Andrew agreed and briefly spoke about applying a lens of equity and accessibility to rulemaking.
- Andrew described the status of work organizing a five-person panel on indoor air quality and its importance to public health for mitigating respiratory illness. Andrew outlined the panel, said it will parallel the panel on climate change at the Board's November meeting, and added that it will likely be a more technical discussion.
- Andrew gave a brief update and said the agency decided to hold off on addressing the school environmental health and safety rules, chapters 246-366 and 366A WAC, at the Board's January meeting. Member Dean asked about limitations and strategies for keeping momentum on the topic. Michelle Davis said staff continue to closely monitor things, the agency has years of recommendations to work from, and we will aim to provide more information on our approach in January.

### **Other Rulemaking Updates**

- Stuart discussed working with Jocelyn Jones of the Department to develop a timeline for the shellfish sanitation rulemaking, chapter 246-282 WAC, and possible completion in 2024. Target milestones include a Board update in March, a Board briefing and proposed rule filing in August, and a public hearing in November. Stuart noted that draft rules may be circulated by March.
- Andrew introduced the interrelated issues of chapter 246-205 WAC, Decontamination of Illegal Drug Sites, and chapter 246-360, Transient Accommodations, which transitioned to updates by Juan Games Briceño and

## Environmental Health Committee Special Meeting Summary Notes

Todd Phillips, Department staff, with a focus on the drug cleanup rules. The discussion reinforced the dated nature of the existing rules and their poor fit with current concerns and drug cleanup needs that involve transient accommodations and other situations. Staff explained that the Board and Department staff are completing and will soon discuss respective reviews of the existing rules, and the Department is helping to set up a technical committee to address various aspects of the issues. Member Hayes asked when it would make sense to do a baseline briefing for the Board. Andrew said one is tentatively scheduled for March. Member Hayes and others mentioned the Board's legislative statement and the possible need for legal changes to support the anticipated rulemaking.

- Joe Laxson and Katitza Holthaus, Department staff, discussed the Department's rulemaking to implement 2SHB 1470 regarding private detention facilities, which applies to one immigrant detention facility in Tacoma. Staff described efforts to visit the facility which have been denied due to ongoing litigation, efforts reaching out to interested parties and advocacy groups, and initial tactics framing up this unique and challenging rulemaking after filing the CR-101 in November. Member Dean asked if rulemaking might assist in accessing and inspecting the facility. Joe replied that the rules will help establish standards for different issues and inspections, but access may need to rely more on the law.
- Molly Dinardo, Board staff, updated the Committee on plans to produce the next State Health Report. The next report is due to the Governor's Office by July 1, 2024, which means the Board will have to adopt an updated report by its June meeting. Molly will brief the Board at its January meeting. Member Paj Nandi asked how the report is used. Molly said it helps serve as a platform for policy advocacy on select issues and Michelle Davis, Board Executive Director, added that the report goes to the legislature and Governor's office. Member Hayes mentioned substance use and behavioral health as priority issues and voiced support showcasing the American Indian Health Commission's approach with these issues. Member Mindy Flores offered to serve as the sponsor for the project.

### **Committee Member Comments, Questions, and Next Steps**

- The next committee meeting is tentatively scheduled for February 2024.

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