



STATE OF WASHINGTON  
**WASHINGTON STATE BOARD OF HEALTH**

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November 14, 2007

**TO:** Washington State Board of Health Members

**FROM:** Environmental Health Committee, State Board of Health—  
Keith Higman and Karen VanDusen

**SUBJECT: SUMMARY OF COMMENTS, SECOND DISCUSSION DRAFT,  
CHAPTER 246-366 WAC, PRIMARY AND SECONDARY  
SCHOOLS**

**Background and Summary**

The Board has authority to: “*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...schools...*” [RCW 43.20.050 (2) (c)]

Between 1998 and 2003, the Board received much testimony about environmental health problems, particularly indoor air quality, in schools. Board staff conducted a review of chapter 246-366 WAC, Primary and Secondary Schools, and reported that a stakeholder workgroup recommended updating the rules. At its July 2003 meeting, the Board asked its executive director to initiate the rule making process by July 2004. The Department of Health (DOH) convened a more extensive workgroup of stakeholders between November 2004 and July 2005, called the School Rule Development Committee (SRDC), to develop recommendations for a rule revision. The SRDC was divided on many issues. During this time, Carl Osaki was Chair of the Board’s Environmental Health Committee. Mr. Osaki is here today to provide some comments about the history and public health significance of the Board’s school environmental health and safety rules.

In March 2006, the Department of Health (DOH) released a discussion draft of possible revisions to chapter 246-366 WAC. DOH received many comments on that draft, both positive and negative. During 2006, the State Board of Health heard more testimony about environmental health and safety issues in schools during public comment periods and during planned work sessions. In December 2006, it adopted this Committee’s recommendations regarding next steps and asked DOH to develop another discussion draft, building on the good work already done by DOH and the SRDC. DOH released a second discussion draft and briefed the Board in August 2007. DOH asked that the public submit comments by October 12 so that a summary could be reported to the Board today.

At its March 2007 meeting, the Board reviewed a rule development timeline that anticipated a March 2008 public hearing. This Committee has met with DOH staff many times since March to review progress and provide advice. It has found these meetings useful and would like to continue this process as DOH develops the next draft and the cost-benefit analysis. These meetings add time to the process, however, and DOH and the Board continue to receive input from stakeholders. DOH has workshops scheduled for late November to gather cost estimates for implementing new provisions in the draft. DOH expects that it will not complete a next draft and the cost-benefit analysis until March 2008. This committee recommends revising the timeline to tentatively schedule a public hearing at the June 2008 meeting, proposed for Tacoma.

Also here today is Mark Soltman, DOH Office of Environmental Health and Safety, to summarize comments received on the second draft rule revision proposal. Please refer to materials behind Tab 13 in your packets, which include a summary of comments sorted by rule section number and a listing of complete comments.

### **Recommended Board Action**

This is an opportunity to discuss future directions and timing and to provide guidance and suggestions to the Environmental Health Committee and DOH and Board staff. Depending on the nature of the discussion, this could take the form of a motion or just a sense of the Board on general direction. No specific motion is recommended.