



STATE OF WASHINGTON
WASHINGTON STATE BOARD OF HEALTH

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December 13, 2007

TO: Washington State Board of Health Members

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

**SUBJECT: CLANDESTINE DRUG LABORATORY RULE BRIEFING –
CHAPTER 246-205 WAC**

Summary

Under chapter 64.44 RCW, the State Board of Health and the Department of Health have joint authority for adopting rules for the clean up of properties contaminated by clandestine drug laboratories (CDL). The Department has specific authority for rules regarding the training, certification, and performance of cleanup contractors; cleanup standards; and testing. The Board has more general authority for rules regarding local health officers declaring contaminated property unfit and restricting use. This joint authority has resulted in the adoption of chapter 246-205 WAC.

During the 2006 session, the Legislature amended chapter 64.44 RCW to require the Department to adopt rules about certification of third party samplers of CDL sites; testing porous surfaces; cleanup personnel performance standards; and other clarifications. While these mandated updates to the rule are being made, the Department plans to look at the need to update other provisions in the rule. Some of the changes that might be proposed could impact parts of the rule adopted under the Board's authority. Some proposed changes might be viewed with concern by local health officers. Therefore, development and adoption of changes to the rules will be done jointly by the Department and the Board.

Nancy Napolilli, Director of the Department's Office of Environmental Health and Safety, is here today to further explain the need for revisions to chapter 246-205 WAC. With her is Greg McKnight, Manager of the Department's CDL Program. Please refer to materials behind Tab 9, including a copy of a CR-101 signed by the Board's Executive Director.

Recommended Board Motion:

None.