



School Environmental Health and Safety Rule Newsletter

Issue #3—May 1, 2008



Team's Edits Almost Done—New Meeting Set

At its last regularly scheduled meeting on April 28, the revision team reviewing language for the State Board of Health rule on school environmental health and safety made significant progress on the remaining portions of the working draft.

The meeting ended during a discussion of language that would allow local public health officers to grant variances if schools proposed another way to meet the rule's intent. One concern was what would happen with older school buildings when it might be prohibitively expensive or even impossible to meet new operations and maintenance requirements. Participants wondered if some provisions should be "grandfathered" in or the variance language made slightly less restrictive. They agreed to review the draft to identify any new O&M requirements that might be unattainable or create serious hardships.

The sections not yet addressed by the group relate to appealing health officer decisions, establishing a complaint process that would be available for people who believe school officials are not implementing the rule adequately, and testing school drinking and cooking water for lead, copper, and other contaminants. The drinking water sections of the working draft were distributed to the revision team on April 30.

To get through these remaining sections, follow-up on some outstanding questions, and review suggested language in other areas that the Board and Department of Health agreed to work on, participants decided to hold a fifth meeting on May 7 from 9 a.m. to 4 p.m. in the SeaTac area. Check the Board's Web page for the specific location.

What Happens Next?

The Board will be updated on this process on May 14. The proposed edits will go to the Environmental Health Committee for review. Substantive policy issues, particularly areas of disagreement, will also go to the committee, along with staff recommendations. The Committee will provide guidance on how to address these issues in the formal draft. The Board will be briefed on the elements of that draft at its June 11 meeting. The draft will be published later in June, along with the economic analyses. After a public comment period in July and August, it will hold a formal public hearing on the rule in August. It could adopt at that hearing or continue its deliberations.

Next Meeting

May 7, 9 a.m.-4 p.m., Holiday Inn, SeaTac

These meetings are open to the public for observation. Participation in the discussions will be limited to invitees.

Cost-Benefit Analysis Delayed—May 20 Meeting Tentatively Rescheduled for June 9

While the revision team is working to try to reach understanding on the rule's intent and agreement on language, the Department of Health (DOH) is working on two analyses of the costs and benefits of the proposed rule changes. One is a significant rule analysis and the other is a small business economic impact statement (in this case, the small businesses in question are private schools with fewer than 50 employees). Both documents are required by the state's Administrative Procedures Act.

When designing the process for the rule revision team, Board staff agreed to pull the group back together so participants could review a preliminary draft of both documents and comment on the assumptions and estimates. This follow-up meeting had been scheduled for May 20.

Accurately estimating costs requires having a very good idea of what the published rule language is likely to be, which means the process has had to wait on the recommended edits from the rule revision team. Extending the current meeting schedule has delayed the economic analysis and the cost-benefit documents, therefore, will not be ready for review in time for a May 20 meeting.

Board and DOH staff have proposed an alternative meeting date of June 9 and it appears most participants are available on that date. This would allow time to solicit feedback before the Department briefs the full Board at its June 11 meeting in the Tacoma area. Check the Board's Web site or future newsletters for confirmation as well as meeting times and location.

School Rule Revision Web Site

<http://www.sboh.wa.gov/rules/schooleh/index.htm>

WASHINGTON STATE
BOARD OF HEALTH
PO Box 47990
Olympia, WA 98504-7990

Phone: 360-236-4110
Fax: 360-236-4088
E-mail: wsboh@doh.wa.gov
Web: www.sboh.wa.gov