



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

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June 14, 2006

TO: Washington State Board of Health Members

FROM: Keith Higman, Chair, Environmental Health Committee

SUBJECT: **UPDATE ON SCHOOL ENVIRONMENTAL HEALTH & SAFETY RULE,  
CHAPTER 246-366 WAC**

**Summary**

On March 3, the Department of Health (DOH) released a discussion draft of revisions to Chapter 246-366 WAC—Primary and Secondary Schools. During the public testimony portion of its March 8 meeting, this Board heard many comments about the draft. It also heard comments during its April 12 and May 10 meetings. DOH also received extensive written public comments. Several stakeholders, including the Washington Education Association, parents, and school employees, testified that they would like the Board and the Department of Health to slow down development of the rule. Many who submitted written comments raised policy questions related to the Board's authority, the overlapping authorities of other agencies, interagency coordination, duplication of rules, enforcement and accountability, funding, and other issues—questions that have not been addressed fully to date. It has become increasingly clear, based on public comments, that revising the Board's health rule alone, without addressing other parts of the system, will not ensure a highly functional, integrated approach to school environmental health.

Board staff and the Department of Health have recommended that the two agencies take time to study the outstanding issues further and work with various parties—including other state agencies, local governments, schools, local public health, and parents and teachers—in hopes of developing a cohesive, coordinated and effective approach to school safety. A revised Board rule would be a part of that solution, but not necessarily *the* solution. Implementing an effective policy may require seeking additional funding or new legislation to clarify authorities, improve accountability, or establish new programs. The Governor's policy office and several stakeholder representatives have been consulted and are supportive of this slower approach.

Several activities would be pursued during the proposed “study phase”—

- DOH, in cooperation with Board staff, would examine further the roles, authorities, and activities of other agencies—including state, local, and federal agencies, as well as school districts and educational service districts—whose activities affect the health and safety of school environments. As part of this work, it would continue to consult with the various agencies involved.

- During its consultations, DOH would encourage greater engagement in the rule development process and explore the possibility of convening a broader discussion about a coordinated, comprehensive approach to school environmental health and safety.
- Board staff would work with DOH and other partners to develop a series of work sessions for fall Board meetings—possibly including a daylong work session in lieu of a regular Board meeting—that would address broader policy questions, such as: What are the working models and success stories we might learn from? What is the science behind some of the proposed rule changes? What are the roles and authorities of other agencies? Where are there gaps? What is the Board’s authority and how can it assure accountability?
- The Board has asked its counsel to work with her DOH counterpart to address legal issues related to authority and enforcement. This work has not been completed. It would be finished during the study phase and the results communicated to the Board.

At this point, there is no specific target date for producing the next iteration of the rule. If request legislation or a budget proposal emerges from interagency discussions, it may make sense to delay the next round of rule writing until after the 2007 legislative session.

For today’s meeting, I have asked Gregg Grunenfelder, DOH assistant secretary for the Division of Environmental Health, to discuss the proposed next steps. A DOH briefing paper will be available. This will be an opportunity for Board members to indicate whether they generally concur with this new direction and the extended timeline. He will also briefly review the type of written comments DOH received on the discussion draft. A summary of comments will be provided and a complete compilation is available on request. Executive Director Craig McLaughlin will discuss some preliminary ideas about possible topics and presenters for the fall work sessions and solicit input from Board members about what they would like to see presented. A preliminary list of possible work session topics is attached.

**Recommended Board Action**

None at this time.