


**K-12 Environmental Health and Safety Rules
WAC 246-366A**

Revision Status

PUBLIC HEALTH
ALWAYS WORKING FOR A SAFER AND HEALTHIER WASHINGTON

**Briefing of State Board of Health
June 11, 2008**


Ned Therien, State Board of Health



State Board of Health Initial Goals for School Rule Revision

- Proactively protect children's health
- Best available science
- Accountability (schools, communities, and LHJs)
- Support and promote current school health and safety programs that work
- Least burdensome regulatory structure
- Compatible/consistent with existing regulations
- Recognize resource limitations (schools and LHJs)


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SBOH Direction (December 2006)

- Relate requirements to student health & safety
- Use performance-based requirements
- Eliminate requirements redundant with other agencies' requirements
- Clarify roles and responsibilities

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**Rule Revision Team Process
April – June 2008**

- Revision team membership similar to SRDC
- 6 meetings April-June 2008
- Discussions around intent, clarity, unintended consequences, and policy
- Policy issues placed in "Parking Lot"
 - Reviewed by SBOH EH Committee

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“Parking Lot” Issues Accepted

- Report to school board - not req. at public meeting
- Modify LHJ approval of sites and plans
- Threshold for construction review
- Limited flushing of fixtures high in lead or copper
- LHJ must verify playground installation
- Emergency waiver for natural disasters

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School Rule
Third Draft

CHAPTER 246-366A WAC

001 Introduction and Purpose

- Promote a healthy and safe environment in school facilities.

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School Rule
Third Draft

005 Applicability

- (1) K-12 schools & pre-schools part of those schools

Except private residences, facilities where education not primary purpose, private tutoring facilities, post-secondary

- (3) Specified other SBOH environmental health rules

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School Rule
Third Draft

010 Definitions

- (2) Air contaminants of public health importance
- (6) Contaminant – hazardous material above background
- (11&12) Emergency eye wash & shower – tepid water
- (18) Hazardous materials
- (19) High-volume copiers and printers
- (20) Imminent health hazard – significant threat or danger to health or safety
- (30) School – public, church-affiliated, private
- (32) School facility – school-owned or leased

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School Rule
Third Draft

015 Guidance for implementation

- DOH update K-12 manual with OSPI
 - At least every four years
 - Make available on DOH Web site

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School Rule
Third Draft

020 Responsibilities

- (1) School officials
 - Identify, assess, mitigate hazards
 - Imminent health hazards
 - Take immediate action
 - Promptly notify LHO and school occupants
 - Retain records for 6 years and available to public
 - Prepare report for school board annually
 - Variances obtained
 - Date of inspections and status of deficiencies
 - Any imminent health hazards
 - Method to receive public comment

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School Rule
Third Draft

020 Responsibilities

- (2) Local health officer
 - Conduct inspections at least annually
 - Consult with school officials about findings and recommended actions
 - Confirm corrections have been made
 - Retain records for 6 years available to public
 - May allow qualified school official or designee to conduct annual inspection 2 out of 3 years
 - Assure school designated inspector trained
 - Require use of standardized check list for inspections

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School Rule
Third Draft

020 Responsibilities

- (3) Department of Health
 - Report to SBOH every 3 years
 - Variances granted by LHOs
 - Rule implementation status
 - Technical assistance and training
 - Inspection procedures, checklist
 - Variance request evaluation
 - Model program
 - Assist with investigation when requested by LHO
 - Establish technical advisory committee

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School Rule Third Draft

030 Site assessment

- (1 & 3) Phase 1 ESA required for new school sites and soil sampling if assessment indicates
- (2) LHO discretion – additions, remodels, conversions of part of existing structure not primarily a school
- (4) School officials
 - Complete site assessment
 - Consult with and obtain review by LHO
- (5) LHO
 - Review site assessment
 - For new sites – approve, require mitigation, or deny within 60 days
 - For additions, remodels, conversions – approve or require mitigation within 60 days

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School Rule Third Draft

040 Construction project review

- (1) Projects subject to review
 - New school facility
 - Schools in part of existing structure previously other use
 - Addition or alteration more than 5,000 sq ft or more than 10% replacement value of total school
 - Any shop or laboratory used by students
 - Any installation of a portable
- (3) School officials
 - Consult with LHO early and obtain LHO review
 - Provide any plans and PE statements requested by LHO
- (4) LHO
 - Approve or describe plan deficiencies within 60 days

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School Rule Third Draft

050 Pre-occupancy inspection

- (1) School officials
 - Notify LHO of request 5 days in advance
- (2) LHO
 - Coordinate with on-site manager
 - Conduct inspection within 5 days of date school official requested (total 10 days)

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School Rule Third Draft

060 General construction

- (1) Design to exclude pests
- (5) Floor materials easily cleanable – includes tightly woven carpets with water-impervious backing
- (7) Include measures to reduce fall hazards
- (8) Prohibit construction with CCA or creosote treated wood accessible to students
- (9) If health rooms are provided, must have
 - Privacy
 - Easily cleanable surfaces
 - Hand-wash sink in room
 - Adjoining restroom
 - Mechanical exhaust ventilation

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School Rule
Third Draft

065 General operation & maint.

- (4-6) Storage, selection, and use of only approved hazardous materials
- (8) Provide walk-off mats at major building entrances
- (9) Use ANSI/NSF standard products whenever water lines are coated
- (10) Immediately clean sewage back-ups
- (11) Notify LHO of specified sewage back-ups
- (12) Allow only school-approved upholstered furniture

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School Rule
Third Draft

070 Moisture control & mold remediation

- (1) Visually monitor for moisture
- (2) Begin corrective action within 24 hrs
- (3) Respond to observed mold growth – EPA guide
- (4) When mold remediation is indicated and there is risk of significant exposure, promptly inform school occupants (10 sq ft is one indicator)
- (5) Dry carpets thoroughly cleaned by wet method

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School Rule
Third Draft

080 Safety – Animals

- (1) Allow only animals approved under written policies or procedures
- (2) Policy must protect students
 - Aggressive animals
 - Animals that commonly carry disease
 - Allergic reactions
 - Exposure to animal wastes
 - Hand-washing

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School Rule
Third Draft

090 Heating and ventilation – Construction

- (1) Mechanical ventilation that meets or exceeds mechanical code required for equipment that produce air contaminants of public health importance
- (2) Situate fresh air intakes away from exhaust vents and source of air contaminants
- (3) Use air duct materials that will not deteriorate and contribute particles to air
- (4) Use ducted air returns for new school facilities (not open plenum air returns above suspended ceilings)

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School Rule
Third Draft

095 Heating and ventilation – O & M

- (1) Heat occupied areas during school hours and sponsored events
- (2) For previously constructed facilities – reasonable measures to ventilate according to mechanical code
- (3) For newly constructed facilities – ventilate according to mechanical code
- (4) Use and maintain installed mechanical exhaust
- (5) Restrict laminators to rooms with mechanical exhaust
- (6) Limit student exposure to air contaminants from high-volume printers and copiers
- (7) Take preventive action to prevent drawing pesticides, herbicides, other air contaminants into ventilation system

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School Rule
Third Draft

100 & 105 Noise control

- No significant changes from existing rule

110 & 115 Lighting

- No significant changes from existing rule

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School Rule
Third Draft

120 & 125 Restrooms & showers

- Mostly reorganization of existing rule
- New provisions
 - Easily cleanable surfaces near fixtures
 - Tempered water for hand-washing fixtures lacking adjustment
 - Access to restrooms for school-sponsored event
 - Access to showers for school-sponsored sports

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School Rule
Third Draft

130 Water quality – Lead

- (1) Sample water fixtures regularly used for drinking or cooking
- (2 & 3) Initial monitoring
 - Elementary – 100% over 2 years (50% first year)
 - Middle & Jr. high – 25% representative within 3 years
 - High schools – 25% representative within 4 years
 - Sampling protocol
 - May use samples collected after Sept 1, 2003
- (4) Repeat monitoring – 25% starting 5 years after initial (10% for very low lead fixtures)
- (5) Corrective actions – immediately shut off high fixtures, etc.
- (6) Notification requirements – within 5 business days

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School Rule
Third Draft

135 Water quality – Copper

- (1) Sample water fixtures regularly used for drinking or cooking. Lead water samples may be used.
- (2 & 3) Base-line monitoring 25% representative
 - Elementary – within 2 years
 - Middle & Jr. high – within 3 years
 - High schools – within 4 years
- (5) May use samples collected after Sept 1, 2003
- (6) Corrective actions – Consultation with DOH
- (7) Notification requirements – within 5 business days

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School Rule
Third Draft

140 Water quality – Other contaminants

- LHO may require water sampling when public health concerns exist about other drinking water contaminants

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School Rule
Third Draft

150 & 155 Playgrounds

- (1) School officials
 - Consult with LHO
 - Provide plans for review by LHO if requested
 - Meet ASTM standards and CPSC guidance
 - Monitor and operate playgrounds safely
 - Not use CCA or creosote treated wood
- (2) LHO
 - Consult with school officials
 - Discretion for plan review
 - If LHO requires plan review, verify installation
 - Coordinate inspections with school officials

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School Rule
Third Draft

160 Labs & shops – Construction

- (1 & 2) Emergency eyewashes and showers must have plumbed waste drains
- (3) Hand-washing facilities
- (4) Central emergency shut-offs for gas and electricity
- (5) Magnetic switches on stationary equipment
- (7) Source capture for air contaminants
- (8) Non-recirculating ventilation systems (No open plenums)

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School Rule
Third Draft

165 Labs & shops – O & M

- (1-4) Hazardous materials control
- (5) Safety procedures for instructing students regarding use of hazardous materials
- (6) Provide and require use of PPE
- (7) Provide situation-specific protective equipment for demonstrations
- (8) Maintain equipment and exhaust ventilation
- (9) Provide hand-washing supplies

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School Rule
Third Draft

170 Variances

- (1) School officials must describe rule provision(s) for which variance requested and that alternative provides comparable level of protection
- (2) LHO
 - May grant or deny variance within 60 days of receiving complete request if alternative provides comparable level of protection
 - Must submit annual report to DOH regarding variances approved or denied beginning 2 years after effective date of rule

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School Rule
Third Draft

175 Temporary emergency waivers

- Discretion of LHO

180 Appeals

- Decisions of LHO to local board of health

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School Rule
Third Draft

190 Complaints

- (1) School officials must
 - Establish written policy
 - Promptly investigate and correct conditions that jeopardize student health and safety
 - Notify LHO & occupants of imminent health hazards
 - Communicate with complainant and LHO
- (2) LHO must
 - Inform school officials about receipt of complaint and conduct preliminary inquiry
 - Investigate in consultation with school officials if imminent health hazard exists
 - Communicate with complainant

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SRDC Recommend vs. Third

ACTIVITY	SRDC	Third Draft
Require no-lead fixtures	rule	building code
Integrated pest management	rule	Leg/guidance
Commissioning	rule	guidance
Building & health shared review	rule	guidance
CO2 measurements	rule	guidance
Correct existing building HVAC	rule	guidance
Water sampling for lead	guidance	rule
Water sampling for cadmium	rule	LHO determination
Inspector qualifications	rule	guidance
School staff safety training	rule	other agencies & guidance

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Next Steps

- DOH/SBOH staff finalize rule proposal and supporting documents
- Publish final rule proposal and cost-benefit analysis in July
- Comment period July – August
- SBOH public hearing in August & Sept 2008
- Effective date?

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