

**Chapter 246-366A WAC, Primary and Secondary Schools**  
**SUMMARY OF PUBLIC HEARING ORAL TESTIMONY**  
**From the August 27, 2008 Meeting of the Washington State Board of Health**

Eric Dickson, Industrial Hygienist with Educational Service District 101, testified that the proposed rules are better than earlier drafts. He gave kudos to staff for that. However, he said they were of concern because they would require a lot of school staff resources to implement. He mentioned that drinking water sampling would be costly because they would need to be taken in early in the morning. Most school districts would use in-house staff and training would be required. This could result in over time staff costs. In rural areas, there would be relatively high costs because of the great distance to transmit samples to laboratories. He asked the Board to re-evaluate the need for re-sampling every five years based on initial sampling results. He also clarified that carbon dioxide levels are only an indicator of poor ventilation. The current ASHRE recommended standard is no higher than 400 ppb above ambient levels. Ambient levels of carbon dioxide are usually about 700 ppb. He said that exceeding this recommended standard does not present a health hazard itself, but rather indicates poor ventilation to remove air contaminants and particulates.

Tere VonMarbod, Superintendent of Newport School District, said that state apportionment would be the money used to comply with these Board rules for her school district of about 1060 students. She has two maintenance personnel and four custodians for the school district. She said her staff numbers matched the state formula. She said giving new responsibilities to them would mean that something else they do would have to be dropped. She said there needs to be some funding for school districts to be able to respond to any deficiencies found, such as the small repair grants. She is not opposed to the rule, but needs funding to implement it. She is in a poor community and cannot expect levies to fund this.

Vicki Gardner, representing the Washington Education Association's Indoor Air Quality Task Force (teacher in the Mead School District), thanked the Board for the process to improve the rule. She urged adoption of the proposed rule without delay to protect student and staff health. She said that providing an effective date of September 2010 should provide adequate time to train staff and to seek funding to implement the rule. She said the WEA urged the Board to not wait for legislative action to adopt the rules.

Tim Wood, Interim Director of Maintenance and Operations for Spokane Public Schools and President of the Washington Association of Maintenance and Operations Administrators, testified that he thinks the proposed rule is an improvement over previous drafts. However, he said that the rules would be costly to implement and their complexity would make them difficult to implement consistently. He said that school district officials throughout the state have been very responsive for many years to protect the health and safety of students under existing rules. He said that he is proud of the cooperative relationship his district has with Spokane Regional Health District. Additional requirements might not be needed. He said that the proposed rules would be another unfunded mandate that would burden schools. He asked the Board to postpone adoption until the legislature has had a chance to determine funding. He said the rules should not be adopted without the provision of funding. He also said it is important to develop and train local health and school personnel before implementation to help assure consistent interpretation.

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Jennifer Aspelund, parent, testified about concerns with the rule including: lack of a definition of mold; lack of specificity regarding cooperation between local health personnel and schools based on level of risk; the provision that local health officers could allow school districts to inspect themselves two out of three years; and lack of a timeline for DOH to establish an advisory committee. She asked that posting of notices at all entrances to school buildings affected by mold be required, as contained in earlier drafts. She said that posting at all entrances if there is mold contamination is very important to her. She asked for clarity about subsection 246-366A-095(3) about equipment or activities “that produce” air contaminants of public health importance. She asked that schools be required to provide restrooms for after hour uses of sports fields. She asked that requirements for walk-off mats and for drying of carpets cleaned by a wet method be included, as in the third draft. She asked for the addition of an enforcement section to specify accountability, similar to the statutory statement of responsibility for many types of public officials in RCW 43.20.050(5).

Denise Frisino, former teacher, testified that she has three concerns with the rules. Her primary concern is that enforcement provisions are not specified in the rule proposal. Other concerns were that teachers should be better protected by the rules and that mold provisions are not strict enough. She said that in 2000, while working at Hamilton International Middle School, she repeatedly tried to get school officials to address her exposure to dust from deteriorating floor materials that were identified by her doctor as contributing to health problems she had. The school moved exercise equipment in the room for students. She was transferred to Nathan Hale High School. She shared pictures of Nathan Hale High School and described evidence of mold contamination. She expressed concern with provisions requiring notification of mold exposure being triggered by greater than 10 square feet of mold involvement. She said that much less mold should trigger notification.

Rob VanSlyke, Executive Director of Operations for Bethel School District and member of the Pierce County Schools Coalition, thanked Board and DOH staff for many years of hard work. He said that he thinks trust was built during the process. He testified that the vast majority of school officials do all they can to protect the health of students and teachers. However, it is a real struggle for school officials to meet all the needs with the level of funding they have. He said that he thinks there is general agreement among school districts about the rules that there are positive provisions in the proposal, but they still have some apprehension about local health interpretations. The main issue is a need for funding for implementation. He asked that the Board work together with all parties to ask legislators for funding.

David Swink, Director of Environmental Health, Spokane Regional Health District, thanked the Board for allowing his agency to participate in development of the rule revision proposal. He said he particularly appreciates the flexibility built into the proposal for local inspection programs. He said he supported the proposed rules in concept, as long as adequate funding is provided to implement it. He said they are an improvement over the existing rules. He commented on the importance of good relationships between local health, school, and ESD personnel. This partnership has been promoted by their advisory committee. A collaborative approach is the key to school safety and should be encouraged for all jurisdictions. He said local health agencies need funding for staff resources and training to allow implementation. He said that a two year phase-in of the rules should be adequate time, provided resources are available. He said he supports delay in adoption so the legislature can consider funding, not only for

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school districts, but also for local health and DOH. He said he would be submitting some technical comments on the proposal in writing later.

Doug Matson, Deputy Superintendent for West Valley School District in Spokane and President of Washington Association of School Business Officials, testified that many schools are having severe financial problems and cannot balance their budgets. He encouraged the Board to postpone adoption until the legislature has finished its study of basic education school funding. He said that schools cannot handle an unfunded mandate. He said schools are very concerned about the kids but need funding to be able to handle all they have to do.

Dan Hornfelt, Pullman School District, testified that compliance will be difficult for school districts because resources are becoming tighter. Schools were constructed according to the codes of the time. He asked that implementation of new requirements be incremental. He encouraged the Board to be sensitive to resource limitations of schools. He said that many initiatives seem to simultaneously be addressing the same concerns. These parallel efforts should be coordinated. He cautioned the Board about individual case sensationalism.

Thelma Simon, parent, thanked the Board for the rule and asked for immediate adoption. She said she has been working on this issue for 14 years. She commented about a DOH health survey in Cle Elum schools that identified health problems in students including depression and asthma. She testified that commissioning of new schools is very important to assure that contractors build safe schools and schools get what they paid for. She expressed concern that many provisions in the proposal have been part of the rules for 37 years. The fact that only some counties enforce them is an issue. She said that rules are necessary. Rules are needed for the ombudsman system to work. Regarding funding for the WASL, she said children cannot learn unless their environment is safe. She commented that carpet cleaning and drying are important. She said that providing walk off mats is also important.