



STATE OF WASHINGTON
WASHINGTON STATE BOARD OF HEALTH

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June 10, 2009

TO: Washington State Board of Health Members

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

**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 its use. This joint authority has resulted in the adoption of chapter 246-205 WAC.

During the 2006 session, the Legislature amended the law to require the Department to adopt rules about certification of third party samplers of CDL sites. The Department and Board filed a joint CR-101 in December 2007 to initiate rule making for this newly mandated requirement and to clarify some other issues. Department staff developed a draft in 2008 as the result of work with a stakeholder committee. During the 2009 session, however, the Legislature eliminated the requirement that the Department adopt rules about third party samplers of CDL sites. It also eliminated funding in 2009-2011 for the Department's CDL program.

Nancy Napolilli, Director of the Department's Office of Environmental Health and Safety, is here today to explain the Department's recommendation to suspend this current rule making and withdraw the CR-101 for chapter 246-205 WAC. The current rule activity can be suspended by sending a memo to the Code Reviser signed jointly by Secretary Selecky and the Board's Executive Director, Craig McLaughlin. Please refer to materials behind Tab 6.

Recommended Board Motion:

The Board may wish to consider the following motion:

The Board directs staff to withdraw, jointly with the Department of Health, the preproposal statement of inquiry WSR 07-24-092 filed December 5, 2007 regarding Chapter 246-205.