

**DATE:** July 8, 2009

**TO:** Washington State Board of Health Members

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

**SUBJECT: UPDATE ON PROPOSED REVISION OF SCHOOL ENVIRONMENTAL HEALTH AND SAFETY RULES – CHAPTER 246-366 WAC AND CHAPTER 246-366A WAC**

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**Background and Summary:**

The Washington State Board of Health has been working to update its school environmental health and safety rule, chapter 246-366 WAC, for more than six years. At its June 10, 2009 meeting, the Board directed staff to develop a supplemental rule proposal, with direction from the Environmental Health Committee, which reflects legislative restrictions on implementing new or amended rules unless funding for implementation is provided to public schools through legislation. The Board directed staff to prepare a proposal in a timely manner to allow a hearing in August 2009.

Board staff developed two alternatives for the school rule proposal and filed a supplemental CR-102 on July 1, 2009. The CR-102 will be published in the Washington State Register on July 15, 2009. The CR-102 includes public notification of a hearing at 1:00 PM on August 12, 2009 in Olympia. Department of Health staff will post the rule proposal documents on the Department's rules web site by the end of this week. Board staff will send out an announcement to interested parties by e-mail tomorrow to provide the link to the school rule comment web page and e-mail address for submitting comments.

At the hearing in August, the Board may consider adopting one of the alternatives. The alternatives differ primarily in the techniques used to modify implementation dates of the rule provisions to match current and potentially changing implementation conditions placed by the Legislature in law or budget provisos. Alternative A is proposed rule language as amended by the Board on October 8, 2008. This alternative could have an effective date of July 1, 2010 to allow for possible funding being provided during the 2010 legislative session. If funding is not provided during the session, the effective date would be delayed another year by amending the rule making order (CR-103) before the effective date. Alternative B would use a different technique to comply with legislative restrictions for implementation. It would add language to the October 8, 2008 amended proposal that specifically addresses legislative restrictions. It would specify that the Board notify interested parties about legislative actions by means of an interpretive statement published in the State Register and also sent directly by e-mail to interested parties.

Ned Therien, SBOH Policy Analyst, will provide this brief update to the Board about the school rule.

**Recommended Board Action:**

No action at this time.