



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (October 2017)  
(Implements RCW 34.05.310)  
Do NOT use for expedited rule making**

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FILED

DATE: July 02, 2018

TIME: 11:51 AM

WSR 18-14-085

**Agency:** State Board of Health

**Subject of possible rule making:** Chapter 246-215 WAC, Food Service.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 43.20.050 and RCW 43.20.145

**Reasons why rules on this subject may be needed and what they might accomplish:** The State Board of Health (board) will consider revising chapter 246-215 WAC to reflect the new 2017 Federal Food and Drug Administration (FDA) food code standards. The board is also considering amending sections to address other issues that have been raised such as mobile food unit standards and donated food. In addition, the board will incorporate changes relating to Substitute House Bill 2639, Mobile Food Units - Commissary or Servicing Area Requirements from the 2018 legislative session. The law exempts the requirement for commissary kitchens and servicing areas for mobile food units that meet certain criteria. The board will also consider making technical and editorial changes where appropriate.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** Representatives of the FDA, Washington state Department of Agriculture, Office of Superintendent of Public Instruction and local health jurisdictions will be invited to participate in this rulemaking to ensure coordination.

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

The board and Washington state Department of Health (department) will use a collaborative rulemaking approach. The department will implement the rule. The department will provide draft rule text to stakeholders for informal review and comment using a variety of methods including posting materials on the department and board websites, briefing the board, responding to email inquiries and publishing materials in the department food safety newsletter. The department has convened a Food Safety Advisory Council (council), a broad based advisory group comprised of food service industry representatives, food service industry associations, local health jurisdictions and technical experts in the food safety field to provide policy recommendations to the department and the board. The department will encourage members of the council to share materials and drafts with stakeholders they represent. The board and the department will maintain a list of stakeholders and will keep people informed. Stakeholders will have the opportunity to provide comments throughout the rulemaking process, during the formal comment period, and at the public hearing.

**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:**

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(If necessary)  
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Other:

Other:

Additional comments: Individuals interested in this rule revision process may send a request to [food.safety@doh.wa.gov](mailto:food.safety@doh.wa.gov) to be added to an email distribution list.

**Date:** 06/29/2018

**Signature:**

**Name:** Michelle A. Davis



**Title:** Executive Director