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**Ways & Means Committee**

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**HB 2070**

**Brief Description:** Regarding adoption of school environmental health and safety rules.

**Sponsors:** Representatives Sullivan, Dammeier and Kenney.

**Brief Summary of Bill**

- Requires the State Board of Health to present school environmental health and safety rules and related cost estimates to the Legislature for approval prior to implementation.
- States that an extended phase-in period will be required to fully implement the proposed health and safety rules.

**Hearing Date:** 2/16/09

**Staff:** Ben Rarick (786-7349)

**Background:**

The State Board of Health's (Board) responsibilities with regard to school environmental health and safety rules are outlined in RCW 43.20.050(2)(c), which indicates that the Board shall: "Adopt rules controlling public health related to environmental conditions including but not limited to heating, lighting, ventilation, sanitary facilities, cleanliness and space in all types of public facilities including but not limited to food service establishments, schools, institutions, recreational facilities and transient accommodations and in places of work."

For approximately the last five years, the Board has undertaken a process of revising environmental health and safety rules for schools. After a process of public testimony and deliberation by advisory committees, the Board published a first draft of rule revisions in March 2006, and second draft in March 2007. In June of 2008, the Board published proposed final rule changes with associated cost estimates. In October 2008, the Board voted to defer a vote on final adoption until no later than June 2009.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The rule revisions proposed by the Board include changes to construction standards (construction requirements, required site assessments, plan review standards, etc), water and air quality monitoring, mold and lead remediation, lab and shop safety, playground safety, and procedures for complaints, appeals, and waivers.

The Office of the Superintendent of Public Instruction (OSPI) included funding for implementation of the rule changes in its 2009-11 budget request to the Governor. The OSPI requested \$14.2 million for school district maintenance and operations costs, and \$18.1 million for capital costs, for the 2009-11 biennium. The maintenance and operation budget request reflects an increase of \$14 per student for the non-employee related cost allocation to cover new inspection requirements, record keeping, policy development and hazardous materials management requirements, mold remediation and water quality testing, and other requirements not directly related to capital construction. These cost estimates do not adjust for school buildings that may already comply with some of the newly enacted rules, and do not reflect potential new construction cost increases to school districts. The OSPI budget estimates assumed that the new rules would take effect September 2010.

**Summary of Bill:**

The State Board of Health must present any proposed school environmental health and safety rules and associated cost estimates to the Legislature prior to implementation. The Legislature may adopt these health and safety rules through the omnibus appropriations act, by statute, or by concurrent resolution. The Legislature may incrementally phase in appropriations to support the implementation of the rules.

The bill also declares that the Legislature cannot practically implement the rules without an extended phase-in period in light of budget constraints.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.