

**WAC 110-300-0148 Gardens in outdoor early learning program**

- space.** (1) A garden in an early learning program space must:
- (a) Have safeguards in place to minimize risk of cross-contamination by animals;
  - (b) Use soil free from agricultural or industrial contaminants such as lead or arsenic if gardening directly in the ground;
  - (c) If gardening in raised beds use:
    - (i) New soil that is labeled "organic" or "safe for children" and was obtained from a gardening supply store or other retail store; or
    - (ii) Composted soil made from material that is safe according to the Washington State University's extension master gardener composting guidelines; and
  - (d) Use water that comes from a private well approved by the local health jurisdiction or from a public water system. An early learning provider must make water for gardens inaccessible to children if the provider uses irrigation water.
- (2) Garden beds must be made of materials that will not leach chemicals into the soil including, but not limited to, wood treated with chromated copper arsenate, creosote or pentachlorophenol, reclaimed railroad ties, or tires.
- (3) Any herbicide or pesticide must be applied pursuant to the product manufacturer's directions. The product must not be applied while children are present. Children must not apply the product, or have access to the garden during the manufacturer's prescribed waiting period following application.
- (4) Commonplace toxic plants or plants with poisonous leaves (for example: Tomato, potato, or rhubarb) may be grown in the garden. An early learning provider must actively supervise children who are able to access a garden where commonplace toxic plants or plants with poisonous leaves are growing.

[Statutory Authority: RCW 43.216.250 and 43.216.255. WSR 19-14-076, § 110-300-0148, filed 7/1/19, effective 8/1/19. WSR 18-14-078, recodified as § 110-300-0148, filed 6/29/18, effective 7/1/18. Statutory Authority: RCW 43.215.020, 43.215.060, 43.215.070, 43.215.201, and Governor Directive 16-06. WSR 17-10-032, § 170-300-0148, filed 4/26/17, effective 5/27/17.]