

WSR 23-09-027

PERMANENT RULES

STATE BOARD OF HEALTH

[Filed April 12, 2023, 9:49 a.m., effective May 13, 2023]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 246-500-055. The state board of health (board) adopted amendments to WAC 246-500-055 to clarify rule language in subsection (2)(f) and Table 500-A, and to correct a typographical error in subsection (2)(b) without changing the rule's effect. Minimal house-keeping changes were also made to subsections (2)(c) and (d), and (4). WAC 246-500-055 establishes the requirements that natural organic reduction facilities (NOR) must meet for this particular reduction method. These minor revisions were made to the rule based on feedback from interested parties and board staff. The adopted rule is necessary to allow facilities to continue with their processes and ensure initial testing requirements described in the rule are clear.

Citation of Rules Affected by this Order: Amending WAC 246-500-055.

Statutory Authority for Adoption: RCW 43.20.050 (2)(f).

Adopted under notice filed as WSR 23-04-100 [and 23-05-109] on January 31 [and February 15], 2023.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: March 8, 2023.

Michelle A. Davis, MPA  
Executive Director

OTS-4319.1

AMENDATORY SECTION (Amending WSR 21-01-039, filed 12/7/20, effective 1/7/21)

**WAC 246-500-055 Human remains reduced through natural organic reduction.** (1) Other than the provisions of this section and WAC 246-500-010, this chapter does not apply to human remains after natural organic reduction.

(2) A natural organic reduction facility operator shall:

(a) Collect material samples for analysis that are representative of each instance of natural organic reduction using a sampling method such as described in the U.S. Composting Council 2002 Test Methods for the Examination of Composting and Compost, Method 02.01-A through E;

(b) Analyze each instance of reduced human remains for physical contaminants. Reduced remains must have less than 0.01 mg/kg dry weight of physical contaminants which include, but are not limited to, intact bone, dental (~~(fillings)~~) fillings, and medical implants;

(c) Analyze, using a third-party laboratory, the reduction facility's reduced human remains according to the following schedule:

(i) The reduction facility's initial (~~(twenty)~~) 20 instances of reduced human remains for the parameters identified in Table 500-A, and any additional instances of human remains necessary to achieve (~~(twenty)~~) 20 reductions meeting the limits identified in Table 500-A;

(ii) Following (~~(twenty)~~) 20 reductions meeting limits outlined in Table 500-A, analyze, at minimum, (~~(twenty-five)~~) 25 percent of a facility's monthly instances of reduced human remains for the parameters identified in Table 500-A until (~~(eighty)~~) 80 total instances have met the requirements in Table 500-A;

(iii) The local health jurisdiction may require tests for additional parameters under (b) and (c) of this subsection(~~(-)~~);

(d) Not release any human remains that exceed the limits identified in Table 500-A; (~~and~~)

(e) Prepare, maintain, and provide upon request by the local health jurisdiction, an annual report each calendar year. The annual report must detail the facility's activities during the previous calendar year and must include the following information:

(i) Name and address of the facility;

(ii) Calendar year covered by the report;

(iii) Annual quantity of reduced human remains;

(iv) Results of any laboratory analyses of reduced human remains;

and

(v) Any additional information required by the local health jurisdiction(~~(-)~~); and

(f) Test for arsenic, cadmium, lead, mercury, and selenium, and either fecal coliform or salmonella in reduced human remains to meet the testing parameters and limits identified in Table 500-A.

**Table 500-A  
Testing Parameters**

<b>Metals and other testing parameters</b>	<b>Limit (mg/kg dry weight), unless otherwise specified</b>
Fecal coliform	< 1,000 Most probable number per gram of total solids (dry weight)
or	
Salmonella	< 3 Most probable number per 4 grams of total solids (dry weight)
<u>and</u>	
Arsenic	≤ 20 ppm
Cadmium	≤ 10 ppm
Lead	≤ 150 ppm
Mercury	≤ 8 ppm
Selenium	≤ 18 ppm

(3) A local registrar, in cooperation with the Washington state funeral and cemetery board, may issue a burial-transit permit for disposition of human remains reduced through natural organic reduction. The permit for the disposition of remains reduced through natural organic reduction may be used in connection with the transportation of

remains reduced through natural organic reduction by common carrier or other means.

(4) The local registrar or the department of health may issue a burial-transit permit for the disposition of human remains reduced through natural organic reduction which have been in the lawful possession of any person, firm, corporation, or association for a period of (~~ninety~~) 90 days or more. This permit will specify that the disposition of remains reduced through natural organic reduction must be consistent with Washington state laws and rules.

[Statutory Authority: RCW 43.20.050 (2) (f). WSR 21-01-039, § 246-500-055, filed 12/7/20, effective 1/7/21.]