

WSR 21-14-056
PERMANENT RULES
STATE BOARD OF HEALTH

[Filed July 1, 2021, 3:01 p.m., effective August 1, 2022]

Effective Date of Rule: August 1, 2022.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Restrictions imposed by the 2009 legislature on the implementation of new or amended school facility rules are again included in the 2021-2023 state operating budget and prohibit implementation of the rules until the legislature acts to formally fund implementation.

Purpose: This filing delays the effective date of new sections of chapter 246-366 WAC, Primary and secondary schools, and new chapter 246-366A WAC, Environmental health and safety standards for primary and secondary schools, due to continued legislative direction in the state operating budget (ESSB 5092) prohibiting implementation until the legislature acts to formally fund implementation. The rules provide minimum environmental health and safety standards for schools.

New sections of chapter 246-366 WAC, Primary and secondary schools, and new chapter 246-366A WAC, Environmental health and safety standards for primary and secondary schools, were adopted by the state board of health (board) on August 12, 2009, under Proposed rule making (CR-102), WSR 09-14-136. The board filed a Rule-making order (CR-103), WSR 10-01-174, on December 22, 2009, setting the effective date of the rules as July 1, 2010. However, in advance of the board's actions, the 2009 legislature adopted a proviso in the state operating budget (ESHB 1244) suspending implementation of the new rules until the legislature acts to formally fund implementation. The proviso has been added to all subsequent state operating budgets, including the 2021-2023 state operating budget (ESSB 5092). In response, the board has taken the following series of actions to delay implementation of the new rules:

Voted on March 10, 2010, to file an amended rule-making order, WSR 10-12-018, on May 21, 2010, to change the effective date to July 1, 2011;

Voted on April 13, 2011, to file an amended rule-making order, WSR 11-10-080, on May 3, 2011, to delay the effective date another two years to July 1, 2013;

Voted on March 13, 2013 to file an amended rule-making order, WSR 13-09-040, on April 11, 2013, to delay the effective date another two years to July 1, 2015;

Voted on March 11, 2015, to file an amended rule-making order, WSR 15-09-070, on April 15, 2015, to delay the effective date of the rules another two years to July 1, 2017;

Voted on June 14, 2017, to file an amended rule-making order, WSR 17-14-055, on June 28, 2017, to delay the effective date of the rules another two years to August 1, 2019; and

Voted on June 12, 2019, to file an amended rule-making order, WSR 19-14-107, on July 2, 2019, to delay the effective date of the rules another two years to August 1, 2021.

Action by the board on June 9, 2021, extends the effective date of the new rules to August 1, 2022.

Statutory Authority for Adoption: RCW 43.20.050.

Adopted under notice filed as WSR 09-14-136 on July 1, 2009.

Changes Other than Editing from Proposed to Adopted Version: See WSR 10-01-174.

A final cost-benefit analysis is available by contacting Kaitlyn Donahoe, P.O. Box 47990, Olympia, WA 98504-7990, phone 360-584-6737, fax 360-236-4088, TTY 711, email kaitlyn.donahoe@sboh.wa.gov, website www.sboh.wa.gov.

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 0, Repealed 0.

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

Date Adopted: June 9, 2021.

Michelle A. Davis
Executive Director