

WSR 22-14-021
PERMANENT RULES
STATE BOARD OF HEALTH

[Filed June 24, 2022, 9:56 a.m., effective August 1, 2023]

Effective Date of Rule: August 1, 2023.

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 retained in the 2021-2023 supplemental state operating budget, prohibiting implementation of the rules through June 2023.

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, one year due to legislative direction in the supplemental state operating budget (ESSB 5693) 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, filed as 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 rules until the legislature acts to formally fund implementation. The proviso has been included in all subsequent state operating budgets, including the 2021-2023 supplemental state operating budget (ESSB 5693). In response, the board has taken the following series of actions to delay implementation of the rules:

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

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

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

Voted on March 11, 2015, to file an amended rule-making order, filed as WSR 15-09-070 on April 15, 2015, to delay the effective date to July 1, 2017;

Voted on June 14, 2017, to file an amended rule-making order, filed as WSR 17-14-055 on June 28, 2017, to delay the effective date to August 1, 2019;

Voted on June 12, 2019, to file an amended rule-making order, filed as WSR 19-14-107 on July 2, 2019, to delay the effective date to August 1, 2021; and

Voted on June 9, 2021, to file an amended rule-making order, filed as WSR 21-14-056 on July 1, 2021, to delay the effective date to August 1, 2022.

Action by the board in June 2022 extends the effective date of the new rules to August 1, 2023. The board will continue to monitor the state budget and budget proviso suspending implementation of the

new rules in the coming legislative sessions for possible implementation in 2023.

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, 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 8, 2022.

Michelle A. Davis
Executive Director