WSR 26-17-013
NOTICE OF APPEAL
OFFICE OF THE GOVERNOR

[Filed August 6, 2026, 10:57 a.m.]

NOTICE OF APPEAL

RCW 34.05.330(3)

Pursuant to RCW 34.05.330(3), you are hereby notified for publication in the Washington State Register that:

On July 6, 2026, the Governor's Office received an appeal from People for the Ethical Treatment of Animals (PETA), Northwest Animal Rights Network (NARN), and the Physicians Committee for Responsible Medicine (PCRM) (collectively "Petitioners"), relating to the Washington State Board of Health's denial of a petition to amend WAC 246-101-105 to -810 (*Notifiable conditions—Health care providers and health care facilities*). The appeal was denied on August 6, 2026.

DATE: August 6, 2026

August 6, 2026

Regina Lazarus
Via email: ReginaL@petaf.org

Re: APA Appeal - Washington Administrative Code (WAC) 246-101-105 to -810.

Dear Ms. Lazarus:

On July 6, 2026, the Governor's Office received the appeal you filed in response to the Washington State Board of Health's (SBOH) decision to deny a petition to amend WAC 246-101-105 to -810 submitted by People for the Ethical Treatment of Animals (PETA), Northwest Animal Rights Network (NARN), and the Physicians Committee for Responsible Medicine (PCRM) (collectively, "Petitioners). Under RCW 34.05.330(3), an agency's denial of a petition to repeal or amend a rule may be appealed to the Governor. However, the Governor lacks jurisdiction under this statute to consider an appeal of other matters, such as an agency's denial of a petition to adopt a new rule. *See* RCW 34.05.330(3).

On April 6, 2026, Petitioners asked the Washington State Board of Health to amend WAC 246-101-105 to -810. Specifically, the petition proposed that the Board "amend the rules related to Notifiable Conditions. Wash. Admin. Code 246-101" by adding a new rule, *WAC 246-101-430 Duties—Research facilities*, to chapter 246-101 WAC, and "adding methicillin-resistant Staphylococcus aureus (MRSA) as a notifiable condition under this section." On June 4, 2026, the Board considered the petition at their public hearing and voted to deny the petition.

On July 6, 2026, you appealed the Board's denial of the petition to the Governor's Office. Although labeled as an "amendment," the petition's proposal is to add an entirely new rule to chapter 246-101 WAC. As noted above, RCW 34.05.330(3) provides that the Governor can review agency denials of a petition to repeal or amend an existing rule; however, requests for new rules are outside of the scope of this rule appeal process. Accordingly, the Governor does not have statutory authority to take action pursuant to RCW 34.05.330 in response to your petition.

Kristin Beneski
Chief Legal Counsel to the Governor