



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
DIVISION OF ENVIRONMENTAL HEALTH
PO Box 47820 • Olympia, Washington 98504-7820
TDD Relay Service: 1-800-833-6388

December 13, 2011

TO: Michelle Davis, Executive Director
Washington State Board of Health
MV2

FROM: Maryanne Guichard, Assistant Secretary
Division of Environmental Health

SUBJECT: RULEMAKING AUTHORITY DELEGATION REQUEST
Chapter 246-260 WAC, Water recreation facilities; and
Chapter 246-262 WAC, Recreational water contact facilities

In 2010, chapter 246-260 WAC, Water recreation facilities; and chapter 246-262 WAC, recreational water contact facilities, were amended to adopt federally required drain cover design standards for pools and spas.

On August 5, 2011, the Consumer Product Safety Commission (CPSC) adopted a successor drain cover standard (*ANSI/APSP—16 2011, Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, and Hot Tubs*). The new standard became effective on September 6, 2011. This new standard is substantially similar to the preceding standard. The primary changes in the new standard are the title and issuing organization.

As a result of this change, chapters 246-260 and 246-262 WAC conflict with the federal standard. To eliminate this conflict, both chapters of rules must be amended to adopt the new design standard.

Conformance with the State Board of Health Delegation Criteria

The board "Policy for Considering Delegation of Rule to the Department of Health" provides the specific criteria for consideration. The following criteria apply to this rulemaking:

The extent to which the proposed rule seeks to adopt federal requirements in which the state has little or no discretion:

- The CPSC adopted an updated national design standard for pool and spa main drains that supersedes design requirements established in chapters 246-260 and 246-262 WAC. This

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proposed rule amendment will align state and federal requirements. In addition, limited editorial changes will be made to improve clarity.

The department does not expect the rule revision to be controversial. The department will make the draft rules available for comment to stakeholders upon request, via the program's interested parties email list, the department's rule comment website, and at the public hearing.

For additional information, please contact Nancy Napolilli, Director, Office of Environmental Health, Safety, and Toxicology, at (360) 236-3325 or nancy.napolilli@doh.wa.gov.

cc: Nancy Napolilli