



DATE: August 13, 2014

TO: Washington State Board of Health Members

FROM: Keith Grellner, SBOH Environmental Health Committee Chair

SUBJECT: BRIEFING – RULE REVIEW UPDATE

Background and Summary:

Substitute Senate Bill 5679 from the second 2013 special legislative session established RCW 43.70.041, requiring the Department of Health to establish and perform a formal review process of its existing rules every five years. The goal of the review is to simplify the rules process; decrease the numbers of rules; and decrease the time required for obtaining licenses, permits, and inspections in order to reduce the regulatory burden on businesses without compromising public health and safety.

At its June 2014 meeting, the Board directed staff, in conjunction with the Department of Health, to conduct a review of all Board rules consistent with RCW 43.70.041. Since June, staff has completed reviews on four rules, they are: Chapter 246-203-020 WAC, Spitting; Chapter 246-203-180 WAC, Piggeries; Chapter 246-203-200 WAC, Disease producing organisms for rodent extermination forbidden; and Chapter 246-500 WAC, Human remains. As part of the formal review process, stakeholder groups including local health officers, Board members, Environmental Health Directors, private organizations, interested individuals and many others were invited to express whether the rule in question should be repealed, amended, or left as-is. Responses to those inquiries are reflected in staff recommendations provided below.

Discussion:

The following rules have been reviewed consistent with the requirements of RCW 43.70.041 with significant input from various stakeholder groups to determine whether the rule in question should be amended, repealed or retained in its current form:

WAC 246-203-020, Spitting. This rule prohibits spitting on the floors or walls of public or manufacturing buildings and the floors or platforms of public transportation conveyances. Beginning in 1896 in New York City, towns and cities throughout America passed anti-spitting legislation, in an attempt to help stop the spread of tuberculosis, the leading cause of death in early twentieth-century America. At the time, most health experts believed spitting was a prime culprit in spreading the disease. We now know that spitting is not a route of transmission. Spitting is more of a hygiene factor than a cause of disease. The rule is not currently enforced. Staff recommends that this rule be repealed because it is outdated, does not reflect current communicable disease surveillance and control methods; and is unenforceable.

Chapter 246-203-180 WAC, Piggeries. This rule prohibits pigsties and piggeries from being built or maintained on marshy ground or near water supplies. It also sets requirements to prevent the accumulation of flies and other nuisances. Parts of this rule are redundant with the Chapter 246-203-103 WAC, Keeping of Animals. Staff recommends this rule be amended or repealed based on the outcome of the Keeping of Animals rules revision process.

Chapter 246-203-200 WAC, Disease producing organisms for rodent extermination forbidden. This rule expressly prohibits the use of viruses and bacteria that are either currently in existence or could be created for the purpose of exterminating rodents. At this time, using viruses and bacteria for exterminating rodents is not supported by Board members, statewide public health and pesticide management programs or the pest extermination industry. There are currently no commercially-available products that utilize this technology, which may be due to the rule preventing the development and subsequent use of this technology. Staff recommends the rule should remain as-is, without amendments.

Chapter 246-500 WAC, Human remains. This rule requires funeral directors, medical providers, and others handling human remains to take precautions when handling and transporting human remains to prevent inadvertent spread of infectious disease. The rule also provides direction for issuing permits for transport of human remains and specifies local health officer authority to impose additional requirements to protect public health or suspend requirements in emergency situations. Based on stakeholder feedback, staff found that this chapter of rules is clear and imposes minimal burden on businesses (primarily funeral homes). The only mandatory reporting requirement is a burial-transit permit or a notice of removal which must be obtained from the local health officer or local registrar of vital statistics prior to transporting human remains between districts. This requirement is consistent with RCW 70.58.230. Staff recommends that this rule remain as-is, without amendments.

Recommended Board Action:

None at this time

Staff Contact: Mike McNickle