

Update: Governor's Directive 16-06

School Rules Review
August 10, 2016

Directive 16-06 and the School Rule

“DOH, the State Board of Health (BOH) and the Office of Financial Management (OFM) shall review and, if necessary, update WAC 246-366A, known as the “School Rule”... DOH in coordination with BOH shall prepare a decision package to implement the School Rule, with an emphasis, if necessary, on implementation of the portion of rules related to lead exposure.”

Work to Date

- ▶ Convened small group of school and local health representatives
- ▶ Reviewed each section of Ch. 246–366A WAC:
 - Lead
 - Clarity
 - Outdated references
 - Reporting requirements
 - Cost assumptions per 2009 cost benefit analysis

Sections Related to lead

- ▶ WAC 246-366A-010 Definitions
- ▶ WAC 246-366A-015 Guidance
- ▶ WAC 246-366A-020 Responsibilities
- ▶ WAC 246-366A-030 Site Assessment, Review and Approval
- ▶ WAC 246-366A-040 Construction Project Review
- ▶ WAC 246-366A-065 General Operation and Maintenance Requirements
- ▶ WAC 246-366A-130 Water Quality Monitoring for Lead
- ▶ WAC 246-366A-160 Laboratories and Shops- Construction Requirements
- ▶ WAC 246-366A-165 Laboratories and Shops- Operation and Maintenance Requirements
- ▶ WAC 246-366A-190 Complaints

Sections that Impose No New Cost

- ▶ WAC 246-366A-001 Introduction and Purpose
- ▶ WAC 246-366A-003 Implementation
- ▶ WAC 246-366A-100 Noise Construction Requirements*
- ▶ WAC 246-366A-105 Noise Operation and Maintenance*
- ▶ WAC 246-366A-110 Lighting Construction Requirements*
- ▶ WAC 246-366A-115 Lighting Operation and Maintenance*
- ▶ WAC 246-366A-120 Restrooms and Showers Construction Requirements*
- ▶ WAC 246-366A-170 Variances
- ▶ WAC 246-366A-175 Temporary Emergency Waivers for Disaster Situations
- ▶ WAC 246-366A-180 Appeals
- ▶ WAC 246-366A-200 Severability

* These sections are substantially the same as Ch. 246-366 WAC

Sections that Impose Nominal Costs

Costs vary depending on current practices

- ▶ WAC 246-366A-005 Applicability
- ▶ WAC 246-366A-050 Preoccupancy Inspections
- ▶ WAC 246-366A-140 Water Quality Monitoring for other Contaminants

Sections that Impose New Costs

- ▶ 246-366A-060 General Construction Requirements*
- ▶ 246-366A-070 Moisture Control, Mold Prevention, and Remediation
- ▶ 246-366A-080 Safety- Animals in School Facilities
- ▶ 246-366A-090 Heating and Ventilation- Construction Requirements*
- ▶ 246-366A-095 Heating and Ventilation- Operation and Maintenance
- ▶ 246-366A-125 Restrooms and Showers- Operation and Maintenance
- ▶ 246-366A-135 Water Quality Monitoring for Copper (one-time costs)
- ▶ 246-366A 150 Playgrounds-Construction and Installation*
- ▶ 246-366A-155 Playgrounds- Operation and Maintenance

* Applies to new construction/ alterations

Potential Updates

▶ Outdated references

- Introduction includes 2009–2011 budget
- Phase 1 Environmental Site Assessment: ASTM 1527–05 is now ASTM #1527–13
- ANSI/NSF Standard 61 (2007) for lining, sealing or patching drinking water contact surfaces is now ANSI/ NSF Standard 61 (2015)*
- Mold Remediation: EPA 402–K–01–001 Mar 2001 is now EPA 402–K–01–001 Sept 2008
- Playground Safety: ASTM F–1487 is now ASTM F–1487–11, and the 2008 CPSC Playground Safety Guide is now Publication 325 Nov 2010

Potential Updates

▶ Definitions

- Replace “Very low lead plumbing fixture” with “Lead free plumbing fixture”

▶ Clarity

- Are freestanding preschool centers operated by schools covered by the rule?
- Specifically identify sections with delayed effective dates
- Specifically identify sections that apply only to new construction/ additions
- Include RCW references for current local health powers/ duties

Alternative Approaches

- ▶ Can reporting requirements be met through other reports e.g., the Asset Preservation Program?
- ▶ Can water testing be conducted by water purveyors rather than school staff?
- ▶ Can the state pay for inspections, instead of LHJs charging fees to schools?
- ▶ What activities can DOH do if a LHJ doesn't have the capacity (site review)?
- ▶ Are there opportunities for shared services?

Next Steps

- ▶ DOH convening subgroups to develop cost assumptions for decision package
- ▶ Wrap up workgroup review and prioritize sections related to lead
- ▶ Report back to Executive Leadership team
- ▶ DOH to report to Governor on all potential budget and policy recommendations (October)

Other Considerations

- ▶ 2016 State Health Report Recommendations:
 - Authorize implementation of school rules
 - Provide funding for drinking water testing for lead and copper in all schools, funds should be flexible and include remediation
 - Provide funding to local health to conduct regular school inspections and provide technical assistance under current rule
 - Require OSPI and DOH to work with schools and local health to update school health and safety guide.

2017 State Budget Challenges

- ▶ The legislature must respond to McCleary
- ▶ Mental health transformation
- ▶ High cost prescription drugs
- ▶ Anticipated budget shortfall
- ▶ Limited receptivity to new revenue