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SEP 12 2008

WA STATE BOARD OF HEALTH

## Washington State Senate

Olympia Office:  
PO Box 40433  
Olympia, WA 98504-0433

**Senator Karen Keiser**  
33rd Legislative District

(360) 786-7664  
TTY: 1-800-635-9993  
Toll-Free Hotline: 1-800-562-6000  
E-mail: keiser\_ka@leg.wa.gov

September 11, 2008

Treuman Katz, Chair  
Washington State Board of Health  
PO Box 47990  
Olympia, WA 98504-7990

Dear Chairman Katz-

I am writing you today to share my concerns regarding the Board of Health's (BOH) consideration of proposed changes to Chapter 246-366A of the Washington Administrative Code. Various issues have come to my attention which leads me to believe that legislative review of the proposed rules would be a prudent step prior to adoption. Therefore I am asking the Board of Health to postpone further consideration of any changes until after the 2009 Legislative session.

I am aware that the current WAC is outdated and does need revision. Recent events involving water and mold in schools also indicate that some districts may need assistance in directing efforts to provide safe school environments. However, a "one size fits all approach" may not be beneficial to all districts and could in fact cause financial difficulty where none need be created. For example, if a district were to test its systems for lead, find none and make no changes to the system to introduce such a hazard, is it necessary to continually test the supply? In such a situation, are we actually increasing the safety of the school environment or consistently reconfirming what we already know? I use this as one example of creating a rule which may need to be developed to allow for flexibility among districts.

At the September 10<sup>th</sup> meeting of the BOH there was also testimony centered on exemptions for small private schools due to the cost burden of compliance. I believe that at this late date, if the BOH is still considering who will or will not be included in the rules, that it is clear that further review is needed. Just this issue alone raises the question of what constitutes a small school, will public schools also be eligible, what is considered an undue burden for these schools, and how that would balance with the goals of a safe school environment.

With these concerns in mind, I strongly suggest that the Board of Health withhold any decisions until after the 2009 Legislative session, giving legislators and all parties concerned more time to examine this issue.

Sincerely,

A handwritten signature in cursive script, appearing to read "Karen Keiser".

Senator Karen Keiser  
Chair, Health and Long Term Care Committee  
33<sup>rd</sup> Legislative District

cc: Christina Hulet, Executive Policy Advisor, Office of the Governor  
Craig McLaughlin, Executive Director BOH  
John Welch, Superintendent, Highline School District