

**Environmental Health & Safety**  
**Primary and Secondary Schools—Chapter 246-366A WAC**  
**School Rule Revision Team**

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## Summary Meeting Notes – April 28, 2008

**Facilitator:** Greg Stack

**Team members present:**

Julie Awbrey	Patricia Jatczak	Craig McLaughlin	Kathy O’Toole
Peter Browning	Gary Jefferis	Forest Miller	(alternate)
Eric Dickson	Rod Leland	Marilee Scarbrough	Robert Van Slyke
Dave DeLong	Mary Sue Linville	Mark Soltman	Bob Wolpert
Ed Foster	John Mannix		

**General discussion:**

Craig McLaughlin distributed updated Parking Lot list for review – not for discussion today. He said that another School Rule Revision Team meeting would be needed to make it through the rule. He announced that another meeting would be held May 7 in the SeaTac area. He also said that the wrap up meeting to review costing estimates would be held June 9, also in the SeaTac area.

**080:**

**080(1):** Craig reported on a comment from a SRRT member who was not able to attend the April 21 meeting. He said the comment recommended considering language similar to the Labor and Industries (L&I) general duty clause regarding what environmental health and safety hazards should be considered a violation of these school rules. **Parking Lot.**

**100 & 105: Noise**

**100:** Discussion about school officials’ ability to certify school facilities are built according to the approved design. Wording was changed to consistent with this design standard

**105(1):** Why was the more stringent standard of 40 dBa in the 2<sup>nd</sup> draft changed back to the 45 dBa standard in the existing rule? Mark – comments on the 2<sup>nd</sup> draft about the difficulty of meeting the lower standard in practice were taken into consideration.

**105:** There was a lot of discussion about the application of this section to teachers in addition to students. Suggestion made to use the term occupied or occupiable space. The intent of the draft is to clarify and continue provisions from the existing rule. Table 1 from existing rule – modified from the original OSHA – modified by state – same standards apply to staff through L&I. Discussion about these rules not being about working conditions, but about public health. Issue of removing limiting language to students put in the **Parking Lot.**

## 110 & 115: Lighting

**110:** Change word maintain to achieve.

**115(1):** Add modern term family and consumer science rooms, which would include sewing and cooking classroom areas. Food service rule standards apply to the school food service kitchen.

**115(2):** Question about how excessive brightness and glare provisions. Intent is to maintain requirement from existing rule.

## 120 & 125: Restrooms and showers

**120:** Some requirements in existing rule seem to be gone, why? Mark – redundant with plumbing code. Consider adding back requirement that toilet and handwashing facilities be adequate and conveniently located from existing 060(3)(a). **Parking Lot.**

**120(2):** A proposal was made to require showers for grades 6 and above. This resulted in extensive discussion. Private schools typically have K-8 schools with different configuration than junior highs - would be difficult to comply with showers for 6-8. Small school districts typically have K-8 schools too. Is the main issue here the water temperature? The existing rule requires showers for 9th grade and above PE classes – the showers also must have hot water. Schools offer PE at all grade levels, but not showers. Discussion about what grade (age) students need showers after physical activity. As the activity becomes more aggressive, it becomes more and more important to be able to deal with MRSA, etc. Therefore, it makes sense the way it is written from a PH perspective. This is also for afterschool sports. Consider some terminology about middle schools and junior high schools. We would need a definition for middle school/junior high schools. Many schools provide showers for middle schools, but nothing requires the students to use them, so they sit. Are you proposing a rule requiring showering? Craig – Board not interested in regulating behavior. Courts have ruled against forcing kids to take showers. Kids are becoming aware of public health issues and want to take showers. Proposal to include middle and junior high schools could still be problematic for private schools. Craig – showers are expensive. Board will have to carefully consider. Consider requirements around PE classes and team sports – get away from grade level. Put in **Parking Lot.**

**120(4):** Need clarification on “water impervious” surfaces – does grouted tile count? Discussion about water impervious grout or sealant. Suggest using term: “floor surface systems.” More discussion resulted in keeping draft wording.

**120(6):** Why different language than “water impervious surfaces?” Is this new language? Issue refers to urine. Craig – trying to plain speak. Can you have water impervious surface materials that would absorb odors? Possibly. Grout can absorb liquid, must be well sealed, or epoxy grout – or turns nasty soon. General agreement that language in this draft covers issue better.

**125(1):** Concern with with warm air dryers being allowed – people will not always wash hands because of the time required. Single service towels – leading cause of water overflowing sinks and toilets, also arson and landfill issues. **Parking Lot.** Agreement to add single service hand-washing soap to 1b.

**125(2):** Should there be a minimum temperature for handwashing? Craig – that is in 125(3). If you’re not allowed to select the water temperature – shouldn’t there be a length of time required? Mark – Yes, the intent is that the minimum of 10 seconds also applies to fixtures that do not allow user to select water temperature. Agreement reached to separate second sentence in (2) to its own new subsection and reorder for clarity.

**125(4):** Discussion about term school-sponsored. The intent is that if someone is using building for an event associated with the school, restrooms must be provided. If the event is not associated with the school,

the school has option. Outdoor use – weekend soccer, etc. – might have to provide porta-potties at their own expense. Craig – this draft language came out of discussions with schools. Taking sponsored out would change meaning. General agreement to leave draft language as is.

**125(5):** Add a requirement for access to showers. Issue seems to be about not locking them off. Mark – intent of draft rule is if you have showers, water must be proper temperature and access must be provided to showers for PE classes – this stems from existing language. Discussion – relate to PE classes and school-sponsored sports teams. General agreement to add access and school-sponsored sports teams.

**125(6):** Clarify that the provisions for towels only applies if towels are provided – as required by existing rule. Mark – the intent to capture old provision.

### **150 & 155: Playgrounds**

**150(1)(a)(i):** There was discussion that a LHO would not need to be consulted for topping off fall protection surfaces, because it would be related to maintenance. There was general agreement to change the **and** to **or** in the phrase: “Install new playground equipment **or** fall protection surfaces.”

**150(1)(a)(iii):** There was discussion about whether in a situation when an urgent, imminent danger needs to be reacted to immediately this language would prevent that. Getting replacement parts can be time consuming. Some schools inspect their playground equipment every Monday morning and “modify” to correct a safety issue. Craig – the intent is not to prevent responding to hazards or repair. Open to wording changes. General agreement not to change wording.

**150(1)(c):** Smaller districts have questions about this provision. They may construct their own playground equipment. Would this allow plans and specifications to be hand drawn by parents/volunteers, as long as they meet the federal protections. What extent of LHO plan review is intended? LHOs might not want to be called to review adding just a piece of equipment. Discussion over at what point the LHO gets involved in playground review. Julie – read statistics on playground injuries. Some LHOs have guidelines that allow volunteer groups to build equipment if it complies with the national guidelines. They have playground plan review packets. Review by LHO is important for fall protection surfacing, appropriate placement of equipment, and construction design. They require all of it to go through plan review. There was general agreement to add some language about “after consultation with the LHO” Craig – we’ve come to this issue before – schools and LHJs need to talk to each other. This is a cost issue for schools. Small schools tend to allow PTAs to build and install playgrounds. That practice is not recommended by risk managers, but happens. Subsections (1)(a)(i) & (1)(a)(ii) require LHO to be consulted, subsection (1)(b) gives the allowable parameters. Not all LHJs will be the same. Schools are looking for predictability. Craig – will put in **Parking Lot** the issue of PTA/home built equipment.

**150(1)(c):** A new addition of CPSC Public Playground Handbook came out last week. Rule should reference this new edition. ASTM F 1487-01 and CPSC do not always agree. Do we assume that the more stringent is required? Current language suggests ASTM trumps CPSC. Mary Sue – generally one or the other. A suggestion was made to change **and** to **or** at the end of (1)(c)(i). There was discussion that the two standards address different things. Mark - then **and** is more accurate. ASTM guideline is for manufacturers. CPSC is for installers.

**150(1)(d):** Prohibit CCA/Creosote wood. Mark – intent is to prohibit these treated woods for use in structures on which children play. There was general agreement to leave language as is.

**Return to section 125:** There was a request to add a requirement that restrooms and shower ventilation be maintained. Issue primarily related to moisture and mold, possibly odors. Although it’s in building codes, some redundancy is good. Craig – the general direction from SBOH was to not be redundant. Discussion

about where the best place for this would be in rule. Possibly use language similar to that in 095(4). Staff followed up by adding proposed language about moisture to 095(4).

## LUNCH

**Continued discussion about ventilation of restrooms.** There was a suggestion to add a reference to chapter 51-52 WAC, the State rule adopting the international ventilation standards for construction and a target for operation. 51-52 addresses air contaminants, not odors in general. Craig – we will consult the code for how protective it is around bathrooms. Since restrooms are the most likely place for mold growth, it makes sense to specify ventilation for those rooms. This discussion also raised the issue of the definition of air contaminants of public health importance. Possibly be more specific and reference an accepted list of contaminants, such as from EPA’s Tools for Schools. Craig – both issues will be worked on by staff. Definition of air contaminants of public health importance already in **Parking Lot**.

**150(2)(b):** Suggest a 30 day time frame for LHO review of plans, instead of 60 days. That seemed realistic to the local health representatives on the team. May need to check with Public Health Seattle and King County. Craig – **Parking Lot** – will check.

**150(2)(c):** Craig – suggestion from team member not present to insert **shall**, not **may**, regarding LHO inspection of playground equipment installation. Craig – the intent is to be discretionary. Mark – the installation of playgrounds is not covered by building codes. If an inspection is required, school officials would like to have a school representative present when the inspection occurs. There was a recommendation to add a provision for schools with their own NPSI CPSI personnel to do their own inspections? School officials want to know when the inspection will occur – language about coordinating with LHJ on inspection. There was discussion about making sure that the inspector is qualified, and about concern with the expense of having the LHO inspect each change. All the insurance risk pools have certified inspectors to help. Craig – could say that the LHO has to accept a statement from a CPSI. If we change to **shall**, is there a qualification concerning CPSI? Then allow verification from a CPSI using language such as: “shall inspect playgrounds to verify, or verify through a CPSI,…” Inspectors should coordinate with **school officials** – not a **site manager**. Avoid language that inadvertently keeps anyone from verifying. Playgrounds are too important. Until LHOs have time to train staff, word **may** would be best. Craig – it’s in the **Parking Lot**.

**155(1):** Add **protrusion** and **pinching** hazards. Then **puncture** would not be needed. Decided to add protrusion and pinching, not delete puncture.

## 160: Labs and Shops—Construction

**160(1):** There was discussion about whether there is any need for emergency showers in wood or auto shops. Need showers in chemical labs, emergency eye washes in the other rooms. Curriculum changes might change uses of rooms. Material science combines both chemical laboratory and shop activities. Construction would limit where classes can be taught. Automotive shops might deal with batteries with acid that can cause burns. There are a huge array of shops where you should have emergency showers and others where they are not needed. Some biology labs are beginning to use very hazardous chemicals. Craig – language says “where hazardous materials are used.” There was discussion about possibly separating emergency eye washes and showers into two different sections. Wood shop – there is a need for eye wash, not shower. You don’t have to have chemicals to need an eyewash – could also be dust. Definition defines shops. Home economics vs science areas – only if chemicals. Focus on “hazardous materials.” Also consider “eye irritant particulates.” Look for guidance from L&I. It is difficult to look ahead during design and determine what the use of rooms will be. Sometimes you put the plumbing in during construction and fixtures later. Can’t cover it all in this rule. Hazardous materials covers most lab issues, it’s the wood dust, metal fragments that aren’t covered. Wordsmith to match WISHA – hazardous materials or eye irritants. The benefit of separate sections was no longer apparent.

**160(2):** Warm air dryers in shops can cause problems – consider requiring single use towels. Other opinions – leave like is – give options. Conveniently located is the key – can locate appropriately. Change **conveniently located** to **easily accessible**. Also, add **appropriate**. Does L&I allow driers? If not, then we don't want to. Craig – we will check. It is not appropriate to allow an installation that doesn't meet L&I. The more you reference other rules, the harder it gets to follow.

**160(3):** Emergency shut-offs, in 2<sup>nd</sup> draft of the rule, were required to be in close proximity to the teaching stations. Door should always be accessible. Shut-offs are done differently for gas than electricity. Teacher representative wants multiple emergency shut-offs, including at every exit. Aren't emergency shut-offs required at each piece of equipment? People said yes. Also, they need to be near doors. There was general agreement that (3)(a) is needed. One isn't enough, there needs to be more than one in a room for electric. Gas isn't as big an issue. Risk manager thinks that one is what you usually see in most rooms. Would be nice to have more – but not sure it's realistic. School officials prefer language as is. Need to research more. **Parking Lot.**

**160(6):** Reminder that rule needs a better definition of air contaminants. A suggestion was made to not limited this provision to students, but the breathing zone. Students are various heights. There was general agreement on changing **a** to **the**.

### **165: Labs & Shops—O&M**

**165(1):** Didn't we talk previously about preventing unauthorized access and use? There was general agreement to add **access**.

**165(2):** Why was language in 2<sup>nd</sup> draft, “use least hazardous effective method,” changed in this draft? Mark – trying to clarify language. This is curriculum based, certain chemicals might be required.

**165(3):** There was a request to specify an approved list of chemicals because prohibiting things doesn't work well. Some change in language was suggested. The intent is that school officials would determine the hazardous materials approved for use in laboratories and shops.

**165:** Why did the requirement for first aid/cpr/safety training in the 2<sup>nd</sup> draft not be included in this draft? Craig – lack of support for the requirement by SBOH. L&I has requirements – Chemical hazards communication.

**165(5):** Language change suggestion – adopt safety procedures and procedures for instructing students regarding the proper use of hazardous materials and equipment.

**165(6):** Should the provisions for use of personal protective equipment apply to guests? Risk management specialist commented that it would be negligent not to instruct guest in safety and provide with PPE. There was general agreement to remove the specificity of the provision only to students.

**165(7):** There was a comment that subsections (6) & (7) are similar. There was no suggestion for changing the language.

**165(8):** Who is responsible? School officials, but they are not the users. Work on a better way to say it.

**165(9):** There was general agreement to change language to allow warm-air dryers.

### **170: Variances**

**170(1)(a)(i)(C):** There may not be some things that meet this high standard. School officials would prefer a language change to **reasonably comparable** level of protection. Want more flexibility with LHO. There was a discussion that this provision was for a variance, not a waiver and that they are different. Waivers do not seem to be addressed here. Mark – the intent was to address both variances and waivers.

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There was discussion about providing a difference between standards for existing schools and new construction. A comment was that the issue of grandfathering was not sufficiently addressed for facilities that predate any codes. Mark – LHO would have to look at situation. The grandfathering issue would be different for operation & maintenance and construction. The provision for exemptions in the old rule is gone in the working draft. The issue of Aviation High School – the draft variance language doesn't allow for reasonable solutions. Craig – old language that allows SBOH to give exemptions is very unusual and is not in other SBOH rules. Craig – would have to take any changes in intent back to SBOH. This is a critical issue for school officials. Craig – can try and work out acceptable language to take to SBOH. Craig – worked on language for suggestion without reaching conclusion. **Parking Lot.** Other opinion expressed by teacher – if it's a health and safety issue, why is the date of construction important? Then there was discussion about resource limitations of schools. Continue with this discussion at the next meeting. Craig – do some of this by email – send him list of issues in working draft that are of concern with old schools. The next meeting will be on May 7. Julie, Dave, & Jill can't be there. Jill said she would be happy to let someone sit in for her to avoid delay.

**Next meeting: May 7, 9 – 4, at Holiday Inn SeaTac.**

### **Parking Lot:**

080(1) – Consider language similar to the L&I general duty clause regarding what environmental health and safety hazards should be considered a violation of these school rules.

105(1), (2), (3), (4), and (5) – Remove limitation to students.

120 – Add requirement that “adequate and convenient hand washing facilities be provided.”

120(2) – Require showers be provided for 6<sup>th</sup> grade and above.

125(1)(c) – Do not allow use of warm air dryers for hands.

125 – Explicitly require that mechanical exhaust ventilation be maintained in restrooms and showers.

150(1)(b) – Require schools officials to always provide playground construction documents to LHO for review and approval, instead of “if required by” the LHO.

150(2)(b)(ii) – Require LHO to complete review of playground construction plans within 30 days.

150(2)(c) – Change provision that LHO “may” inspect playgrounds to “shall” verify installation meets requirements of this section. If change to “shall verify,” then allow the LHO to accept a written statement from a Certified Playground Safety Inspector as verification.

160(3) – If research indicates appropriate, require multiple shut-offs for emergency gas and electricity in laboratories and shops to be consistent with other codes.

170 – Revise variance section to allow for more flexibility, particularly for schools constructed before the date these new rules would become effective.