

KEEPING OF ANIMALS RULE Q&A

What is the State Board of Health's mission?

Established in the Washington State Constitution in 1889, the State Board of Health (Board) is a policymaking body that offers a forum to engage people in the public health system. The Board develops environmental health and public health and safety rules and promotes policies to protect and improve the public's health. The Board's authority is established in state laws covering a range of issues such as communicable disease, prenatal and newborn disease screening, childhood immunizations, drinking water, food safety, human remains, water recreation, on-site sewage systems, animal waste, school environmental health and safety, and shellfish sanitation.

What is rulemaking?

The legislature adopts state laws that are codified as the Revised Code of Washington (RCW). State agencies—including the Board—adopt rules to administer those laws. Rules are codified as the Washington Administrative Code (WAC). Rules are also sometimes called regulations. The process of developing and adopting new or updated rules is commonly referred to as rulemaking. Laws governing rulemaking include the Administrative Procedures Act, [chapter 34.05 RCW](#), and the Regulatory Fairness Act, [chapter 19.85 RCW](#).

Why is the Board updating this rule?

The [Board has unique responsibility and authority](#) to adopt rules and standards to prevent, control, and abate health hazards and nuisance related to the disposal of animal excreta, commonly called animal waste. [WAC 246-203-130](#), Keeping of Animals, serves as the Board's rule on the handling and disposal of animal waste. Like other state agencies, the Board is required to periodically review and update its rules.

What's the intent and purpose of the rule?

This rulemaking aims to modernize rule language that now dates back nearly a century and to produce a simple rule with a few key safeguards for the handling and disposal of waste from livestock and non-livestock animals. Following a hiatus in this rulemaking, a [2018 background report](#) reset Board policy direction for the rulemaking that staff continued to refine and build on. Among other objectives and guiding principles, the rulemaking aims to:

- Narrow the scope of the current rule to focus on animal waste, not animal keeping;
- Fill a meaningful and unique niche in the state regulatory structure, complementing rules on manure management, solid waste, nuisance, and more;
- Capitalize on the unique authority of local health officers for judicious enforcement; and

- Develop a short, reasonable rule that focuses on a few essential standards for waste handling and disposal;

In keeping with the goal of focusing the rule more directly on animal waste, the updated rule includes a proposed name change from Keeping of Animals to Domestic Animal Waste.

What does the rule require?

The standards in the rule focus on key control points that mainly say don't let waste accumulate and don't pile it in ways and places that can create a problem. The rule includes general requirements to pick up waste, keep it off other people's property, and keep it out of water resources where there are public health risks. For waste from non-livestock such as dogs and cats the rule lists four requirements pertaining mainly to short-term storage and disposal. And for waste from livestock, the rule focuses narrowly on the practice of stockpiling, leaning heavily on standards that already exist in other state rules. It's important to note that stockpiling does not extend broadly to other manure storage practices and does not include composting.

How will the rule affect me?

Obviously, there are large numbers of livestock and other domestic animals throughout the state. Similarly, there are countless types of businesses that involve animal keeping, ranging from dog kennels and horse stables to livestock producers and veterinary clinics. Most people do a fine job with the animals and the waste. However, occasionally there are impacts or problem properties that need attention. The rule does not involve the state Department of Health, and instead relies on traditional enforcement of Board rules by local health officers. The rule does not expand authority on such issues but does establish structure and standards for select practices involving animal waste. The Board believes enforcement would be rare and fair, reserved for serious violations. And it bears repeating that this waste rule does not address composted manure and why—for the most part—the rule does not involve other manure management practices beyond basic stockpiling.

What's next for this rulemaking?

In November 2020, the Board approved moving forward with this rulemaking and filing the rule as a CR-102, Proposed Rule. Board staff is now conducting analyses of the rule as required by law. When completed, the CR-102, Proposed Rule, will be filed and will be published in the Washington State Register. The Board will notify interested parties about the filing and details of the public comment period and public hearing. Following the public hearing the Board will decide whether to adopt the rule, or not. If the proposed rule needs material change, the Board will need to repeat the steps filing the CR-102, receiving and processing public comment, conducting the public hearing, and deciding whether to adopt the rule.

For more information or to be added to the interested parties' list for this rulemaking, contact staff policy advisor Stuart Glasoe at stuart.glasoe@sboh.wa.gov.