

WASHINGTON STATE BOARD OF HEALTH

Date: January 12, 2022

To: Washington State Board of Health Members

From: Keith Grellner, Board Chair

Subject: Rule Briefing—Keeping of Animals, WAC 246-203-130

Background and Summary:

Among other powers and duties, RCW 43.20.050 charges the State Board of Health (Board) with authority to “adopt rules and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of human and animal excreta and animal remains.”

With language dating back to the 1920s and 30s, the Board’s current rule on Keeping of Animals, WAC 246-203-130, serves as its cornerstone rule on animal excreta. Please note that proposed revisions to this longstanding rule include a title change from Keeping of Animals to Domestic Animal Waste to more accurately reflect Board authority regulating animal excreta.

The Board filed a CR-101, Preproposal Statement of Inquiry, in 2009 to consider revisions to the rule. For several reasons, work on the rule stalled in ensuing years. In 2018, staff completed a background report to help reset and restart the rulemaking. Research, rule writing, and stakeholder outreach helped produce early drafts in 2019. The Board also filed a new CR-101 in late 2019 to better reflect Board policy direction for the project. In 2020, staff circulated a formal draft of the rule for public review and comment that resulted in many changes in rule language. In November 2020, the Board directed staff to file the CR-102, Proposed Rule. Work on the CR-102 package followed in 2021.

Today’s presentation is the final Board briefing on this rulemaking prior to filing the CR-102 and inviting formal public comment on the proposed rule. The briefing will give an overview of the rulemaking background, the design and content of the proposed rule, the CR-102 filing, and final steps in the rulemaking process. Please note that supporting material from this briefing and the pending CR-102 filing is DRAFT and is currently undergoing final review and processing. Staff anticipate filing the CR-102, Proposed Rule, by late January 2022.

Today’s briefing involves no formal action by the Board. The Board will consider the proposed rule at a public hearing tentatively scheduled for April 2022.

Staff

Stuart Glasoe

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