

WASHINGTON STATE BOARD OF HEALTH

Date: January 13, 2021

To: Washington State Board of Health Members

From: Keith Grellner, Board Chair

Subject: Department of Health Request for Rulemaking Delegation, Substitute House Bill 2246, Reorganization of Title 70 RCW

Background and Summary:

In the 2020 session, the legislature passed Substitute House Bill (SHB) 2246 which reorganized the chapters of Title 70 RCW into two titles to better sort the chapters according to public health and safety and environmental health and safety. The two new titles are Title 70 RCW, Public Health and Safety, and Title 70A RCW, Environmental Health and Safety.

The former Title 70 RCW contained numerous laws establishing State Board of Health (Board) authority to adopt and enforce administrative rules to implement its statutory authority as well as other laws relevant to Board rules. Some of the Board's rules contain citations to these laws within the body of the rule. Reorganization of former Title 70 RCW into two new titles requires agencies to conduct rulemaking to correct all affected citations in agency rules. SHB 2246 encourages agencies to complete this administrative work by July 1, 2025.

Analysis by the Department of Health (Department) indicates that four Board rules are affected by reorganization of Title 70 RCW. Two of these rules are currently being revised and statutory citations will be corrected as part of that rulemaking on chapter 246-290 WAC, Group A Public Water Supplies, and chapter 246-272A WAC, On-Site Sewage Systems.

Two additional Board rules require correction of statutory citations—chapter 246-205 WAC, Decontamination of Illegal Drug Manufacturing or Storage Sites, and chapter 246-291 WAC, Group B Public Water Systems. Consistent with Board Policy Number 2000-001, the Department is requesting delegation of rulemaking authority to amend these two additional Board rules while making similar administrative corrections to Department rules. Below is a summary of the affected Board rules:

Board Rule	Former RCW Citation	New RCW Citation
Decontamination of Illegal Drug Sites Chapter 246-205 WAC	RCW 70.105	RCW 70A.300
	RCW 70.105D	RCW 70A.305
On-site Sewage Systems	RCW 70.118	RCW 70A.105

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Chapter 246-272A WAC	RCW 70.118A	RCW 70A.110
Group A Public Water Supplies Chapter 246-290 WAC	RCW 70.116 RCW 70.119 RCW 70.119A RCW 70.142	RCW 70A.100 RCW 70A.120 RCW 70A.125 RCW 70A.130
Group B Public Water Systems Chapter 246-291 WAC	RCW 70.116 RCW 70.119A	RCW 70A.100 RCW 70A.125

Recommended Board Actions:

The Board may wish to consider, amend if necessary, and adopt the following motion:

The Board delegates to the Washington Department of Health rulemaking authority to correct citations in chapters 246-205 and 246-291 WAC to accurately reference statutory authority in Title 70 RCW and Title 70A RCW.

Staff

Stuart Glasoe

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