



STATE OF WASHINGTON

DEPARTMENT OF HEALTH

*PO Box 47890 • Olympia, Washington 98504-7890
Tel: 360-236-4030 • TDD Relay Service: 800-833-6384*

January 5, 2021

TO: Michelle A. Davis, Executive Director
Washington State Board of Health

FROM: Lauren Jenks, Assistant Secretary
Division of Environmental Public Health

SUBJECT: State Board of Health Rule Making Authority Delegation Request -
Substitute House Bill 2246, Environmental Health Law Reorganization

Substitute House Bill 2246 (SHB 2246) reorganized and separated the chapters of Title 70 RCW into two titles:

- Title 70 RCW, Public Health and Safety; and
- A new Title 70A RCW, Environmental Health and Safety

The statutory changes in SHB 2246 are technical in nature and do not have any substantive policy implications.

State agencies that have adopted rules that reference chapters in Title 70 RCW which are now under Title 70A RCW are encouraged to update affected rules by July 1, 2025, to reflect new statutory references compelled by the recodification.

Some rule chapters under State Board of Health (board) rulemaking authority that reference chapters in Title 70 RCW are recodified under Title 70A RCW as a result of the legislation. The following board rule chapters that contain statutory references to Title 70 RCW should be changed to Title 70A RCW:

WAC Chapters	References to Repealed RCWs	References to Newly Codified RCWs
246-205, Decontamination of illegal drug manufacturing or storage sites	70.105 70.105D	70A.300 70A.305
246-291, Group B public water systems	70.116 70.119A	70A.100 70A.125
246-272, On-Site Sewage Systems	70.118 70.118A	70A.105 70A.110
246-290, Group A Public Water Supplies	70.116 70.119 70.119A 70.142	70A.100 70A.120 70A.125 70A.130

Currently, chapters 246-290 WAC, Group A Public Water Supplies, and 246-272 WAC, On-site Sewage Systems, are open for amendments, so the RCW citations to Title 70 references will be updated to the new Title 70A references in these rulemaking projects.

The Department of Health (department) is respectfully requesting that the board delegate its rulemaking authority to the department to amend the other two WAC chapters in the above table. There are also several rule chapters under the department's rulemaking authority with references to Title 70 RCW that will need to be updated. If the board grants delegated rulemaking authority to the department, we will make changes to board rules and department rules under a single rulemaking proposal.

This rulemaking delegation request is based on the following criteria included in the board's Policy Number 2000-001, *Considering Delegation of Rules to Department of Health*:

The extent to which the proposed rule may make significant changes to a policy or regulatory program.

Changes to the board's rule chapters will be limited to adopting only the necessary statutory citations due to SHB 2246. The department has determined there are no changes that will have a significant impact to any policy or regulatory programs.

The extent to which the rule revision process would benefit from the board's role as a convener of interested parties.

The department does not anticipate any controversy or opposition to the rule changes. The department will provide the proposed rule to stakeholders and interested parties through the department's websites and an e-mail notice.

If you have questions or need additional information, please contact Theresa Phillips, Division of Environmental Public Health, at 360-236-3147 or theresa.phillips@doh.wa.gov.

cc: Joe Laxson, Director of Policy & Legislation, Division of Environmental Public Health