

WASHINGTON STATE BOARD OF HEALTH

Date: June 8, 2022

To: Washington State Board of Health Members

From: Keith Grellner, Chair

Subject: Rules Hearing—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 and duty 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.”

The Board’s rule on Keeping of Animals, WAC 246-203-130, serves as its cornerstone rule on animal excreta. The rule has not been revised or updated for many decades. While still applicable, the rule is archaic and uses broad or hard to define terms such as “populous districts.” Today’s public hearing will consider and take public testimony on a proposed rule to update this section of the Board’s General Sanitation rules, chapter 246-203 WAC. Please note that the proposed revisions to the Keeping of Animals rule include a proposed title change from Keeping of Animals to Domestic Animal Waste to more accurately reflect Board authority regulating animal excreta.

In 2009, the Board received a petition to amend the rule. The Board denied the specific petition and opted to file a CR-101, Preproposal Statement of Inquiry, to more broadly update the rule. Work on the rule stalled in the ensuing years. In 2018, staff completed a comprehensive 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. Staff again briefed the Board on the rulemaking in March 2022. The Board filed the CR-102, Proposed Rule, on March 23, 2022 for public review and comment.

In summary, the proposed rule seeks to modernize the terms and language in the rule to make it easier to understand, and outlines standards to help prevent, control, and abate health hazards and nuisance related to domestic animal waste:

- Avoid unsanitary accumulations of waste in containment areas where animals are housed or held;
- Prevent contamination of other people’s property, drinking water sources, and surface water bodies with potential to affect human health;
- Promote safe handling and disposal of non-livestock waste; and
- Promote safe stockpiling of livestock waste.

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Today's agenda item will first include a presentation by Stuart Glasoe, Board staff, who will provide an overview of the rulemaking and the proposed rule. The presentation will also summarize written public comment received on the proposed rule and staff responses and recommendations for amendments to the proposed rule and the supporting rule analyses. This will be followed by a public hearing allowing additional public testimony on the proposed rule, and finally Board discussion and possible action on the proposed rule.

Recommended Board Actions:

The Board may wish to consider and amend, if necessary, one of the following motions:

The Board adopts the proposed revisions to WAC 246-203-130, Keeping of Animals, as published in WSR 22-08-003, with any revisions agreed upon at today's meeting. The Board directs staff to file a CR-103, Order of Adoption, and establish an effective date.

OR

The Board does NOT adopt the proposed revisions to WAC 246-203-130, Keeping of Animals, as published in WSR 22-08-003, and directs staff to withdraw the CR-101, Preproposal Statement of Inquiry, as published in WSR 19-21-018.

OR

The Board continues discussion of possible adoption of proposed revisions to WAC 246-203-130, Keeping of Animals, as published in WSR 22-08-003, to its next meeting.

OR

The Board does NOT adopt the proposed revisions to WAC 246-203-130, Keeping of Animals, as published in WSR 22-08-003, and directs staff to resume work with interested parties, as resources allow, on outstanding concerns with the proposed rule and to consider refiling the revised rule in the future.

Staff

Stuart Glasoe

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