

WASHINGTON STATE BOARD OF HEALTH

Date: August 9, 2023

To: Washington State Board of Health Members

From: Keith Grellner, Board Chair

Subject: Rulemaking Petition – Chapter 246-260-031 WAC, General design, construction, and equipment for all WRF pool facilities

Background and Summary:

The Administrative Procedures Act (RCW 34.05.330) allows any person to petition a state agency for the adoption, amendment, or repeal of any rule. Upon receipt of a petition, the agency has sixty days to either (1) deny the petition in writing stating the reasons and, as appropriate, offer other means for addressing the concerns raised by the petitioner, or (2) accept the petition and initiate rulemaking.

On June 12, 2023, the State Board of Health (Board) received a petition for rulemaking from Elizabeth M. Stumpf requesting the amendment of WAC 246-260-031, General design, construction, and equipment for all WRF pool facilities. The petition specifically requests that the Board amend the rule to address barrier height at limited and general use pools to comply with the Americans with Disabilities Act (ADA), which specifies that a latch handle should not exceed 48 inches in height. The petition states that the change is needed to ensure equal access for individuals who use wheelchairs.

The Board's authority under RCW 70.90.120 requires the Board to adopt rules governing safety, sanitation, and water quality for water recreation facilities. The rules include requirements for facility design. Beginning in 2016, the Board initiated rulemaking for revision of Chapters 246-260 & 246-262 WAC ([CR-101](#)) and has now established a Technical Advisory Committee (TAC) in conjunction with the Department of Health (Department).

The CDC updated the Model Aquatic Health Code (MAHC) in 2023 and the TAC committee has begun reviewing the MAHC and will be developing recommendations for the Board to review. The TAC will be taking ADA and MAHC guidelines into consideration when offering recommendations to the Board. I have invited Andrew Kamali to provide additional information on this topic.

Recommended Board Actions

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

The Board declines the petition to initiate rulemaking to amend WAC 246-260-031, for the reasons articulated by the Board and directs staff to notify the requestor of the Board's decision.

OR

The Board accepts the petition for rulemaking to amend WAC 246-260-031 to be considered as part of the ongoing rulemaking for water recreation facilities and directs staff to notify the requestor of its decision. The Board further requests that the Department direct the TAC to prioritize this section of the rules and brief the Board of the TAC's findings by January 2024.

Staff

Andrew Kamali

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