

WASHINGTON STATE BOARD OF HEALTH

Final Minutes of the State Board of Health

June 12, 2024

Hybrid Meeting

ASL (or CART) and Spanish interpretation available

Heathman Lodge

7801 NE Greenwood Drive

Vancouver, WA 98662

Meeting Rooms: Chinook & Klickitat

Virtual meeting: ZOOM Webinar

State Board of Health Members present:

Patty Hayes, RN, MSN, Chair

Kelly Oshiro, JD, Vice Chair

Stephen Kutz, BSN, MPH

Kate Dean, MPA

Socia Love, MD

Mindy Flores, MHCM

Paj Nandi, MPH

Dimyana Abdelmalek, MD, MPH

Michael Ellsworth, JD, MPA, Secretary's Designee

State Board of Health Members absent:

Umair A. Shah, MD, MPH

State Board of Health staff present:

Michelle Davis, Executive Director

Melanie Hisaw, Executive Assistant

Michelle Larson, Communications
Manager

Anna Burns, Communications Consultant

Heather Carawan, Communications
Consultant

Molly Dinardo, Health Policy Advisor

Shay Bauman, Health Policy Advisor

Jo-Ann Huynh, Administrative Assistant

Andrew Kamali, Health Policy Advisor

Lilia Lopez, Assistant Attorney General

Hannah Haag, Community Engagement
Coordinator

Ashley Bell, Equity & Engagement
Manager

Guests and other participants:

Kelly Cooper, Department of Health

Dr. Alan Melnick, Clark County Public Health

Mike Means, Department of Health

Meghan Cichy, Department of Health

Katherine Graff, Department of Health

Dani Toepelt, Department of Health

Patty Hayes, Board Chair, called the public meeting to order at 9:30 a.m. and read from a prepared statement (on file). Michelle Davis, Board Executive Director, introduced the public comment process, Board Members gave introductions, and Executive Director Davis gave the land acknowledgement.

1. APPROVAL OF AGENDA

Motion: Approve June 12, 2024, agenda

Motion/Second: Member Dean/Member Nandi. Approved unanimously

2. ADOPTION OF APRIL 10, 2024, MEETING MINUTES

Motion: Approve the April 10, 2024, minutes

Motion/Second: Member Abdelmalek/Member Kutz. Approved unanimously

3. PUBLIC COMMENT

Patty Hayes, Board Chair opened the meeting for public comment and read from a prepared statement (on file).

Gerald Braude, Jefferson County, highlighted concerns over deaths linked to COVID-19 vaccinations in Washington. G. Braude said the Department of Health (Department) balances risks between disease and vaccine, but asserts benefits outweigh risks. G. Braude raised the question if it is worth sacrificing a few for the benefit of the whole.

Bob Runnels, Informed Choice WA (ICW), presented an article on excess mortality despite COVID-19 containment measures and vaccinations. B. Runnels urged government leaders to consider these statistics and take a comprehensive approach before enforcing unrestricted masking and vaccinations.

M. Johnson, yielded their time to others.

Karl Kanthak, Clark County, discussed measles outbreaks and restrictive 2019 legislation. K. Kanthak noted issues with vaccination documentation, and exemptions and commented on immunization data inaccuracy and unresponsiveness from the Department.

Bill Osmunson, Dentist, criticized fluoride in water supplies. B. Osmunson requested a forum and rule change regarding fluoridation.

Natalie Chavez highlighted concerns from a court case regarding the Centers for Disease Control (CDC) monitoring of COVID-19 vaccine adverse reports. N. Chavez mentioned websites and documentaries alleging vaccine risks, citing significant increases in cardiac and pulmonary deaths in King County.

Lisa Templeton, ICW, discussed bird flu and COVID-19 testing, and questioned the response to minor health threats compared to COVID-19. L. Templeton expressed concern regarding developing vaccines for less consequential diseases.

Stacy Torrence supported community water fluoridation in King County, citing benefits for dental health and fluoride's safety and efficacy.

4. BOARD ANNOUNCEMENTS AND OTHER BUSINESS

Michelle Davis, Board Executive Director welcomed Board Members, summarized recent activities, and invited questions from Board Members regarding current initiatives. Executive Director Davis highlighted the Board's workload, and described ongoing projects in environmental health, health policy, the Pro-equity anti-racism (PEAR Plan), and State Health Report. Executive Director Davis noted the Health Impact Review team is actively working on interim projects and preparing for upcoming presentations. Executive Director Davis talked about the need for additional staffing to handle the workload effectively.

Kelly Oshiro, Board Vice Chair asked about the workload, projects, and staff time. Executive Director Davis mentioned the need to update many aspects of notifiable conditions including the COVID reporting. Executive Director Davis talked about the mentioned updates for conditions, lab reporting, and more. Executive Director Davis talked about the Technical Advisory Committee needs including the time, resources, technical considerations, and subject matter experts. Steve Kutz, Board Member, said this work is complex and can take a significant amount of time.

Kate Dean, Board Member acknowledged the commendable work of the staff and recognized the increasing workload of the Board. Member Dean expressed commitment to supporting the staff in fulfilling their responsibilities, particularly in response to legislative demands.

Executive Director Davis provided updates on subcommittee meetings, new staff biographies and position changes, project recruitments, and changes to upcoming Board meetings.

5. DEPARTMENT OF HEALTH UPDATE (TENTATIVE AGENCY REQUEST LEGISLATION)

Michael Ellsworth, Department of Health, Secretary's Designee and Kelly Cooper, Department of Health (Department), provided an update from the Department (on file).

Patty Hayes, Board Chair asked about assumptions around data sharing. Chair Hayes noted that the Board would like to be a thought partner.

Kelly responded that there is a governance board and they are working with WATech to work out a plan. The Department is also working with Arizona State University to develop a big-picture overview of all the laws impacting public health.

Kate Dean, Board Member asked what the hemoglobin testing will include.

Kelly shared that there are multiple interests, including the Woman Infants and Children (WIC) program, the Food and Drug Administration (FDA), and Medicaid. Kelly also shared that the FDA does not necessarily provide funding for lead testing. The

Department is working to address the barriers. Kelly said they want the draft legislation to be broad enough to include lead testing.

Member Dean asked Executive Director Davis about how the Board and Department work together when developing their decision packages.

Executive Director Davis stated that in the past, with requests not related to Foundational Public Health Services (FPHS), the Board worked closely with the Department's fiscal team. Executive Director Davis spoke about the funding related to FPHS and the discussion about maintenance level funds.

Paj Nandi, Board Member asked how the state is out of compliance with the Drinking Water Act. Kelly responded with information about the farm exemption that exists and how making the change will be a big lift.

Steve Kutz, Board Member expressed support to Executive Director Davis. Member Kutz noted how exceptional and rich the materials and information are that staff brings forward, and that the Board needs more funding to support that work. Member Kutz discussed the complications with WIC and the shift from the public to the private sector.

6. CLARK COUNTY PUBLIC HEALTH

Dr. Alan Melnick, Clark County Public Health described partnerships with Skamania, Wahkiakum, and other jurisdictions. Clark County provides support to Skamania County through Foundational Public Health Service (FPHS) funds for communicable disease (CD) control. Dr. Melnick noted Clark County's support for Skamania during a significant CD outbreak. FPHS was also used to help Skamania County with its community health assessment (CHA). Clark County is also a hub for health care acquired infections and does that work across jurisdictions, including settings like adult family homes.

Dr. Melnick shared that Clark County has supported Skamania County with training and mentoring new staff on food safety standards. Clark County has provided nurse family partnership services with Clallam County for some time.

Dr. Melnick talked about Clark County's work in coordination around incident management, including providing courses and coordination and updates to regional response plans.

Dr. Melnick described Clark County's community engagement work within FPHS funding, such as their work with Fourth Plain Forward, which is a community from different cultures and life experiences. They work with culturally specific doulas and provide linguistically appropriate food permit safety classes. Another initiative, Raising Clark County, is a pregnant and parenting initiative, that informs policies to inform and provide support for infants and young children. Clark County has conducted listening sessions and more.

Dr. Melnick also spoke about environmental justice and climate change. Clark County Department of Planning partners with Clark County Public Health on a comprehensive growth plan. FPHS supports a coalition of Community-Based Organizations for

engagement and has completed contracts with community partners most impacted by climate change. They use community compensation, which includes Community Health Assessments (CHA) and County Health Improvement Plan (CHIP).

Dr. Melnick shared they are on the Board of Accountable Communities of Health (ACH) and members of the Southwest Washington Equity Coalition. Cowlitz Tribal manager, Michael Watkins is on Clark County's Public Health Advisory Council. They just completed the CHA and CHIP and are launching their 5-year strategic plan. They use a MAPP 2.0 framework and have a community steering committee from priority populations. Through a facilitated process, they identified ways to support community health initiatives. In 2020, the Local Board of Health passed a resolution that acknowledged racism as a public health crisis, and they are using FPHS funding to advance that work. They received support for a racial equity director that will be part of the leadership, but before they do that, they will take a deep dive and do an assessment of the organization, policies and procedures, and how they work with community partners. Today they released an RFP for a racial equity consultant to help do that work.

Mike Ellsworth, Department of Health, Secretary's Designee asked if the recently completed CHIP be posted on the website. Dr. Melnick responded yes. Member Ellsworth then asked about MAPP 2.0. Dr. Melnick responded that it is localizing action for policy partnership. It's the state of the art in doing CHA and the CHIP.

Patty Hayes, Board Chair appreciated hearing about the role of a larger jurisdiction and the role that they play in Southwest Washington.

Dimyana Abdelmalek, Board Member asked what Dr. Melnick's thoughts on regional approaches and local health jurisdiction partnerships for public health concerns. Member Abdelmalek asked how it has impacted work and if there are areas the Board can support. Dr. Melnick responded that relationships are great and that they work out very well. Historically we had good work with health officers to provide coverage for others. Local interaction is great, even if we are not providing staffing. We are sharing policies and procedures, and not reinventing the wheel. Elected official changes can have positive and negative impacts.

Member Abdelmalek then asked if there are supports that we should be mindful of as we look at these issues. Dr. Melnick responded that a key factor in terms of writing rules is to consider how work gets done at the local level. Dr. Melnick stated public health shouldn't be a political endeavor and should be based on science. There's a lot of variability around the state. Dr. Melnick noted the main challenge of FPHS is that funding is not indexed, as the cost of living goes up. If funding stays flat, staff may be laid off or positions are unfilled.

The Board took a break at 11:22 a.m. and reconvened at 11:30 a.m.

7. RULES BRIEFING – [CHAPTER 246-290 WAC](#), GROUP A PUBLIC WATER SUPPLIES, IMPLEMENTING THE EPA'S PUBLISHED PFAS STANDARDS – POSSIBLE ACTION

Kate Dean, Board Member introduced the briefing and provided context on Environmental Protection Agency's (EPA) April 2024 adoption of national standards around per- and polyfluoroalkyl substance (PFAS) in drinking water.

Mike Means, Department of Health (Department) presented about Washington state standards for PFAS in drinking water and how the Board's current rules compare to the federal regulations (on file).

Shay Bauman, Board staff presented rulemaking considerations and recommendations related to the new standards (on file).

Steve Kutz, Board Member asked whether activated charcoal or reverse osmosis filters might remove PFAS. Mike said that granular activated carbon in activated charcoal filters is one of the primary treatment methods for PFAS. Mike added that the Department has informational materials about how to treat individual water systems.

Kelly Oshiro, Board Member asked how long emergency rulemaking around this item might recur. Shay said that this emergency would continue to come up in front of the Board until 2026.

Member Kutz asked whether the Board would have the option to keep a state standard that was more stringent than the corresponding federal standard. Shay said yes.

Dimyana Abdelmalek, Board Member asked what the impacts might be if the Board adopted the EPA's standards as state standards until the federal regulations take effect. Shay said these impacts would be analyzed throughout the rulemaking process through mechanisms such as a small business economic impact statement and other analyses.

Mindy Flores, Board Member asked whether the EPA's regulations may change before the federal regulation effect date. Shay said that would be up to the EPA and that there are uncertainties with the potential change in government administrations. Shay and Mike said that the Board does have the authority to adopt more stringent standards than the federal government as appropriate.

Member Kutz asked what scientific body informs the EPA's decision-making process and whether this process is subject to political influence. Mike said that the EPA's Office of Research and Development is robust and produces scientifically sound work. Mike said that rules must be additionally reviewed by the White House's Office of Management and Budget, at which point a rule and its implementation may be politically influenced. Member Kutz asked whether the most recent PFAS rulemaking process followed science, and Mike said yes.

Mike Ellsworth, Department of Health, Secretary's Designee asked what the benefit of emergency rulemaking would be. Lilia Lopez, Assistant Attorney General (AAG), said that the Board's emergency rule would adopt the EPA's standards as state standards until the federal effective date. Member Kutz asked whether this would put the state in charge of enforcement as well. Mike said yes and clarified the mechanisms outlined in Recommendation 2.

Michelle Davis, Board Executive Director said another way to think about this issue might be to consider what would happen if the Board did not adopt this emergency rule. Shay said that if the Board did nothing, the delayed federal standards would take effect over the Board's rules, and the protections over the state standards would lapse until the new federal standards take effect. Executive Director Davis said that additionally, people in Washington State would stop getting notifications about PFAS contaminations in their drinking water since the federal requirements around reporting don't take effect until 2029.

Paj Nandi, Board Member asked whether an equity analysis has been done regarding the impacts of PFAS on communities of color and low-income communities. Mike said that the Department has explored an equity analysis. Mike noted that detections of PFAS in Washington State have been primarily associated with firefighting foam use, though there are exceptions. Mike said that communities of color and communities at risk are primarily served by large water systems, which have the greatest capacity to support safe and reliable water. Mike noted however that PFAS is a ubiquitous concern, impacting both public water systems and individual wells. Mike said that the Department can leverage federal funds to support any system that needs it, but that the need is greater than available funding. Mike said the Department is working with the Department of Ecology (Ecology) on a decision package to consider additional funding sources.

Kelly Oshiro, Vice Chair said that it would be beneficial to have additional briefings about the effects of PFAS on children, as well as the Department and Ecology's work on PFAS.

Member Kutz asked whether there are rules regulating other sources of PFAS, such as fast-food wrappers. Shay replied that actions are being taken around the state around PFAS sources such as fast-food wrappers and cosmetics.

Patty Hayes, Board Chair recommended that Board Members gather their questions, and we develop a process for forwarding these to the Department of Ecology for additional briefings.

Motion: The Board directs staff to do the following:

- File a CR-103E to initiate rulemaking for WAC 246-290-315, to clearly maintain the SALs and associated requirements until the federal standards are effective;
- File a CR-102 to adopt the federal standards and associated effective dates into chapter 246-290 WAC through an exception rulemaking process;
- File a CR-101 to permanently fix the rule language in 246-290-315 and to explore adopting the MCLs as SALs until the MCLs become effective; and
- File a CR-102 to update references in chapter 246-390 WAC through an exception rulemaking process

Motion/Second: Member Abdelmalek/Member Ellsworth. Approved unanimously

8. UPDATE - DELEGATED RULEMAKING – ENGROSSED SECOND SUBSTITUTE HOUSE BILL [\(E2SHB\) 1181](#), CLIMATE RESILIENCE IN WATER SYSTEM PLANS, GROUP A PUBLIC WATER SUPPLIES, [CHAPTER 246-290-100 WAC](#)

Mike Means, Department of Health (Department) updated the Board on delegated rulemaking related to Engrossed Second Substitute House Bill (E2SHB) 1181 (on file). Mike also introduced Brad Burnam, Department of Health as a resource for questions during the meeting.

Steve Kutz, Board Member asked how often plans are updated. Mike responded that plans are updated every 10 years.

Kate Dean, Board Member asked for a quick overview of new requirements. Mike responded that the climate resilience element is the new requirement. Mike said there is an emergency response plan, and this new element is more specific to include climate resilience in those plans. Brad added that there are three elements: extreme weather events, protecting critical assets, and reports about costs and benefits. Brad discussed partnering with the University of Washington’s Climate Impact Group to provide guidance and develop tools that will help water systems meet new requirements.

Member Dean stated that Jefferson County was delayed in updating their coordinated water plan due to COVID-19 as were others. Member Dean expressed appreciation for the new guidance.

Mindy Flores, Board Member asked if there has been any research on the impacts of new requirements around water affordability. Mike said it wasn’t directly evaluated under the rulemaking process but that there was a small business impact evaluation. Mike said the plan is to keep water affordable for the long term, so requiring utilities to have a plan in place for things like additional water salinity should reduce the long-term water cost increases.

Member Kutz said it is easy to go over the established amounts of water, and then costs increase quickly. Mike responded that this is a very complicated picture across the state. Individual water systems set their rate schedules. Mike said addressing small water system issues in this state is an ongoing conversation.

The Board took a break at 12:37 p.m. and reconvened at 1:32 p.m.

9. RULES HEARING – ABBREVIATED RULEMAKING, HANDLING OF HUMAN REMAINS [CHAPTER 246-500 WAC](#) IMPLEMENTING CHANGES FROM [SUBSTITUTE HOUSE BILL \(SHB\) 1974](#)

Patty Hayes, Board Chair introduced the rules hearing and announced procedures for public testimony.

Shay Bauman, Board staff then delivered a presentation about proposed amendments, a summary of comments received, and recommended Board actions for Chapter 246-500 WAC (on file).

Kate Dean, Board Member asked about the process through which unclaimed remains are reduced before burial. Shay replied that this is up to the entity in possession of the remains, but typically the process is cremation.

Steve Kutz, Board Member asked whether unidentified remains are disposed of according to a different regulation. Shay said this was correct.

There were no comments during the public testimony portion of this item.

Motion: The Board adopts the proposed amendments to chapter 246-500 WAC, Handling of Human Remains, as published in WSR 24-10-094, and directs staff to file a CR-103, Order of Adoption, and establish an effective date for the rules.

Motion/Second: Member Kutz/Member Dean. Approved unanimously

10. 2024 STATE HEALTH REPORT – POSSIBLE ACTION

Patty Hayes, Board Chair commended staff on the quality of this work and the efforts to engage the community. Chair Hayes looks forward to integrating this approach into our regular work and recommended that the Health Promotion Committee discuss and debrief in the fall.

Mindy Flores, Board Member explained how community input has been integrated into the draft State Health Report (SHR). Member Flores encouraged Board Members to provide feedback before the SHR goes to the governor.

Molly Dinardo, Board staff thanked the Board for the flexibility in how the report was approached this year. The feedback received so far has been positive. Molly thanked Member Flores for support throughout this process.

Hannah Haag, Board staff shared a presentation about the first-time approach of convening community panels as part of our process (on file). Board staff are proud of keeping a strong focus on relationships and asking community partners to help create an inclusive and comfortable space for discussion. Many panelists are interested in continuing to partner with the Board to make a difference in public health in Washington. Hannah shared that we heard from diverse voices and acknowledged there were geographic gaps we were unable to cover. Trusted messengers helped us get voices from across the state. Looking at the topics in an interconnected way allowed us to inform the recommendations. Hannah described connecting with panelists after partnering in this work and shared some of their feedback that's important for the Board to consider before moving forward.

Chair Hayes referenced a community panelist's question about whether the right people are being represented in the conversation. Steve Kutz, Board Member appreciated staff who brought community voices forward and looks forward to continuing this approach going forward. Member Flores commended staff members dedicated to maintaining

focus on community members and shared that community members have also reached out to Member Flores with gratitude for being able to share what they're doing in their communities. Member Flores gave kudos to Board Members for asking questions and staying engaged in the conversation.

Kate Dean, Board Member asked if we are getting a lot of voices in identifying who should be at the table and what themes we are addressing. Hannah appreciated this question and said community voices should not just be a check box but should help us shape the work.

Dimyana Abdelmalek, Board Member expressed the importance of being able to listen and participate in the panels; it was extremely helpful to hear lived experiences and to hear how communities are tackling specific key issues. Member Abdelmalek explained that the value is bi-directional and that they carry this knowledge back to their own work.

Member Kutz plans to follow up with some of the panelists on their innovative ideas. Member Kutz asked how we can carve out more time for interaction so that people don't feel rushed through these conversations.

Chair Hayes said that this is a commitment on the Board's part to continue to interact. There is value in having lunch together after the meetings. Chair Hayes asked how the Board can continue to integrate this work every time we create the State Health Report. Lived experience adds a layer to our recommendations. Chair Hayes said one of our highest spaces is to build upon what we've just done in partnership with community. We were asked by the Legislature to do this. We have a rich opportunity to formalize and continue this work.

Kelly Oshiro, Board Vice Chair appreciated having unique voices not traditionally heard in public health.

Mike Ellsworth, Department of Health, Secretary's Designee expressed value in hearing from and following up with community members who shared that they'd had trouble accessing data. Member Ellsworth said this should be a model in our state.

Member Dean appreciates the time invested by staff to meet multiple times with community members and to get input on what's a useful process. Member Dean hopes this will become a best practice.

Member Flores heard from community members that they appreciated interacting with each individual expert. This opportunity expands their network, gets information to them more quickly, and may result in better outcomes for their communities. Member Flores echoed what Dr. Melnick said earlier; "when I am voting on rules, it's important to reflect on how this plays out at the local level. This makes my decisions more sound."

Molly highlighted recommendations which are similar to those in the last report. Molly referenced page 234 of the meeting packet, which shows progress made on recommendations from the last report. Molly shared feedback that Recommendation 1 on Data Disaggregation should be further plain talked and expanded to focus on health equity.

Member Dean asked how we got input. Molly shared that we asked agency partners as well as community partners, Board, and staff.

Molly shared additional questions and feedback on the various recommendations.

Chair Hayes asked about an answer to one of the questions about the Workgroup on Language Access. Molly is waiting for answers from the Department of Health (Department) about whether the workgroup tackles translation as well as interpretation.

Member Kutz commented that we collected information that is useful beyond the Department. Some of the things that came up have also been raised by our Governors Interagency on Health Disparities Council (Council). Member Kutz said the Council should be handing out the report to their networks.

Molly highlighted the feedback on sharing lessons learned from the pandemic and shared a newer recommendation regarding environmental justice. Molly ended the presentation by referencing page 227 of the meeting packet, which includes a draft of the community responsiveness summary.

Motion: The Board directs staff to finalize the 2024 State Health Report (SHR) based on the Board's input today, in consultation with the Chair and Board sponsor and to send the report to the Governor by July 1, 2024. When the Governor's Office receives the SHR, staff are directed to send a copy to community representatives and groups who contributed to it, the Legislature, and appropriate state agencies.

Motion/Second: Member Abdelmalek/Member Kutz. Approved unanimously

Member Oshiro echoed that the report should be distributed widely.

11. SCHOOL ENVIRONMENTAL HEALTH AND SAFETY- EXTEND EFFECTIVE DATE OF [CHAPTER 246-366A WAC](#) – POSSIBLE ACTION

Patty Hayes, Board Chair shared that this is the ninth time the Board will have to extend the implementation of Chapter 246-366A WAC.

Andrew Kamali, Board staff referenced page 243 in the meeting packet, which shows the 2004 – 2009 recommendations. Andrew explained the Board will need to act to extend the effective date.

Motion: The Board directs staff to amend the effective date of new sections of chapter 246-366 WAC and new chapter 246-366A WAC, as filed in WSR 23-16-005, by filing a new CR-103, Order of Adoption, to delay the effective date of the new rules to September 1, 2025.

Motion/Second: Member Kutz / Member Dean. Approved unanimously

Dimyana Abdelmalek, Board Member expressed excitement for the next phase of reviewing these recommendations.

12. SCHOOL RULES REVIEW PROJECT

Patty Hayes, Board Chair introduced the school rule review project and provided historical background on the topic. Chair Hayes stated the current rules on School Environmental Health and Safety are outdated. Chair Hayes said that during the 2024 legislative session, the Legislature passed a proviso, including funding and staff support to review the rules. Chair Hayes stated that the Board will collaborate with schools and organizations to complete this work and that the timeline is advantageous. The work includes an Environmental Justice (EJ) Assessment and extensive partnerships across the state to create equitable rules and recommendations to the Legislature.

Andrew Kamali, Board staff provided an informational briefing on the school rule review project. The project will hire several staff, including a policy advisor, communications consultant, administrative assistant, and community engagement staff who will start work on June 16. Andrew presented an overview of this work, including background, Technical Advisory Committee (TAC) details, and project timeline (on file).

Steve Kutz, Board Member commented that the project timeline does not allow space for changes.

Kate Dean, Board Member asked whether the rule review would begin by working with the 2009 rules or starting the process over. Andrew responded that Board staff will review the 2009 rules, as there was a lot of research conducted then; however, the intent is to write new rules, as science has been updated and there is information to consider that came from the COVID-19 pandemic.

Member Dean stated that local health jurisdictions (LHJs) have varying capacity to monitor school health and safety, and asked if we anticipate existing structures to remain in place.

Chair Hayes stated there is innovation through the Foundational Public Health Services (FPHS) Steering Committee and through the Board's representation, and that interlocal arrangements are a great place for coordination. Chair Hayes stated that health officers are thinking about what approaches will work for collaboration across the state versus what will work for defaulting to the state.

Dimyana Abdelmalek, Board Member agreed with Chair Hayes and provided an example from Thurston County, which conducts school inspections. Member Abdelmalek stated there is varying capacity across jurisdictions and fees can be a burden for schools. Member Abdelmalek also asked how TAC members are selected and how the Board can support this work.

Michelle Davis, Board Executive Director stated the importance of highlighting ways schools are already doing some of this work. For example, with regular food inspections the local health jurisdiction (LHJ) follow up, and preoccupancy inspections. Executive

Director Davis stated that there is variation across the state and that Foundational Public Health Services funds, have enabled LHJs to establish certain programs. However, there are still some funding issues. Executive Director Davis stated that schools and local health collaborated during the COVID-19 pandemic, which may hopefully move this work forward. Executive Director Davis stated that the intention of this work is to create environments that are safe and healthy for kids, and believes all parties involved in this work want that shared goal. Executive Director Davis also reminded the Board that the minimum health and safety rules are what will be established, that schools can implement beyond those standards, and that this project is a huge challenge and a lot of work.

Andrew responded stating that the Board will work to develop minimum and implementable standards. Regarding TAC members, organizations were asked to self-select, where representatives need to have experience in school buildings and infrastructure. Andrew also stated that the Board is working to be as transparent as possible through this process and will develop educational materials for distribution. TAC meetings are open to the public and comments can also be given at Board meetings. There will be an informal comment period and listening sessions with community. In addition, a new agency rulemaking webpage is on sboh.wa.gov with information about this project.

Member Kutz noted the need for a strong partnership with the Office of Superintendent of Public Instruction (OSPI) through this project and asked if a representative from OSPI has been identified yet.

Andrew said that representatives from OSPI have been identified, and include an external affairs/legislative staff person, as well as the head of facilities. This is a great relationship and a partnership that is continuing to grow.

Member Kutz mentioned a recent national report was published on the age of schools and structure across the U.S., and the costs associated with repair. Member Kutz recommended including this information in the report about this project. Member Kutz asked how Tribes would be involved in this work, given there are Tribal schools where the state does not have jurisdiction, but often have the same issues as public schools.

Andrew responded that 2.5% of public-school students are members of Indigenous Tribes, and that Tribes and Tribal Compact Schools may look to state rules for guidance. Andrew also stated that including Tribes in the EJ conversations will be important. Andrew noted working with the Board's Equity and Engagement Manager to write a Dear Tribal Leader letter on this topic.

Member Kutz offered to help staff make connections with Tribes, including through the Bureau of Indian Affairs Office in Portland and possibly the Affiliated Tribes of Northwest Indians. Member Kutz also stated that Dear Tribal Leader letters are received often and may be overlooked.

Paj Nandi, Board Member, asked how "overburdened communities" are defined and how they are involved in this work.

Andrew responded that the definition is pulled from the Healthy Environment for All Act and there may be overlap in identifying overburdened communities as we engage communities across the state, including diverse Parent Teacher Associations and the Washington School for the Deaf and Washington School for the Blind.

Andrew introduced some of the Department of Health staff who will be working on this project with the Board.

13. REQUEST FOR DELEGATED RULEMAKING AUTHORITY, MINOR ADMINISTRATIVE UPDATES TO IMMUNIZATION RULES, [WAC 246-105-040](#) AND [060](#) – POSSIBLE ACTION

Patty Hayes, Board Chair introduced the topic and relevant rules (WAC 246-105-040 and 060). Chair Hayes said the Department of Health (Department) is asking the Board to delegate rulemaking authority for minor changes to the rules. Chair Hayes mentioned the state law and Board policy that authorize and outline procedures for rulemaking delegation (on file).

Molly Dinardo, Board staff asked Department staff, Megan Cichy and Katherine Graff, to introduce themselves. Megan Cichy, Senior Policy Analyst for Prevention and Community Health presented the Department's request for delegation of rulemaking authority (on file). Megan said that the Department wants to make administrative updates that would not change the listed diseases for which immunity is required for school attendance.

Chair Hayes said the question before the Board is delegated rulemaking under the Board's established criteria. Kate Dean, Board Member thanked the presenters and said the presentation was thorough. Michelle Davis, Board Executive Director requested that the Department provide the Board a rulemaking update in the future.

Motion: The Board delegates to the Washington Department of Health rulemaking authority to make minor changes to WAC 246-105-040 to update the immunization schedule to the most recent version and WAC 246-105-060 to remove the school immunization status reporting date.

Motion/Second: Member Dean/Vice Chair Oshiro. Approved unanimously

14. RULES UPDATE – SANITARY CONTROL OF SHELLFISH, [CHAPTER 246-282](#) [WAC](#)

Patty Hayes, Board Chair introduced this item. Chair Hayes said the Board held an informal comment period with industry partners on this rule and shared the Board's thanks for the responses received. Chair Hayes restated the Board's commitment to collaborating with partners and noted that the timeline for this rulemaking is being pushed out to allow for further engagement.

Dani Toepelt, Department of Health gave a presentation about the rule's background, recommended changes, summary of informal comments, and next steps (on file).

Kate Dean, Board Member stated regret that there was pushback on adding *Vibrio vulnificus* (Vv) to the *Vibrio parahaemolyticus* (Vp) control plan. Member Dean asked how California handled its case of Vv and whether the national standards may trigger any responses that the Board can use to draft its rule and garner industry support. Dani said that Vv and Vp control plans are often the same but is not sure whether this was the case for California. Dani said that the Food and Drug Administration's national guide has very strict requirements and helps develop state standards.

Member Dean asked whether the industry is compelled by the fact that national standards are more stringent. Dani said that there has been discussion about the plan's existence leading to unfavorable speculation. Dani spoke about further opportunities to engage the industry and clarify the rule.

Member Dean and Dani then discussed the Department of Health (Department) process of monitoring *Vibrio*. Dani said that the Department only monitors in the summer months. Member Dean then asked whether the absence of bar graph data for May, June, July, and September of 2020 (slide 10) meant that *Vibrio* was monitored for but not detected. Dani confirmed this was the case. Member Dean and Dani discussed the increase in prevalence of *Vibrio* over the past few years.

Paj Nandi, Board Member asked if trends indicate the Board will need to pass another emergency rule this summer. Dani said that the Department is not planning to file one for June as the next series of low-tide days is not predicted to have significant temperatures.

Steve Kutz, Board Member shared concerns that certain areas of Washington had temperatures of almost 80 degrees this week. Member Kutz and Dani then spoke about the Department's discussions with the industry about *Vibrio* in different growing areas.

Kelly Oshiro, Vice Chair asked when the Department will have *Vibrio* data from this summer. Dani said they will try to have it by November 1, though some illnesses are recorded two to four weeks later. Vice Chair Oshiro and Dani then discussed the Department's data collection timeline to industry harvesting timelines.

Chair Hayes asked about the timeline for rulemaking. Shay said that Board staff will meet again with industry and Tribal partners throughout the summer and early fall to hear impacts and conduct analyses.

Member Kutz and Dani then discussed the Department's guidelines for consumers around cooking and consuming shellfish.

15. POSSIBLE SCHEDULE CHANGE, JULY AND AUGUST BOARD MEETINGS – POSSIBLE ACTION

Michelle Davis, Board Executive Director talked about the upcoming meetings in 2024 and suggested canceling the July meeting and moving the August Board meeting to August 7, 2024.

Motion: The Board approves the proposed schedule changes for the July and August Board meetings.

Motion/Second: Member Kutz/Member Nandi. Approved unanimously

16. PETITION FOR RULEMAKING – [CHAPTER 246-260-131 WAC](#), OPERATION OF WATER RECREATION FACILITIES – POSSIBLE ACTION

Patty Hayes, Board Chair briefly introduced the agenda item. Chair Hayes asked Andrew Kamali, Board staff, Dave DeLong and Ashlie Laydon, Department staff, to present more information on the petition.

Andrew Kamali, Board staff said that the Board received a petition to amend WAC 246-260-131(6)(b)(i) and (ii) on May 8, 2024. Andrew shared background information on the law that guides petitions for rulemaking, and the Board's policy for responding to petitions. Andrew described the petition, which requested the Board amend this specific section of the rule to remove the allowance for the substitution of a swim or dive coach or scuba instructor in place of a lifeguard (on file).

Dave DeLong, Department staff shared about the Board and Department's current rulemaking process to update the water recreation rules (on file) and asked Board Members to direct the petitioner to participate in the current rulemaking process to help make needed changes.

Ashlie Laydon, Department staff provided a timeline of the rulemaking process and stated that they hope to begin work on the section of the rule that addresses lifeguards sometime this fall.

Steve Kutz, Board Member shared the concern of the petitioner. Member Kutz commented that if a person is coaching a swim team or a scuba diving class, it is dangerous and unrealistic for them to also serve in a lifeguarding capacity.

Kelly Oshiro, Board Vice Chair inquired about whether there is a lifeguard workforce shortage and if this contributes to the issue.

Andrew responded that the petitioner runs an aquatic facility in the Seattle area and their concern is that coaches and instructors do not necessarily have lifeguard training. Andrew stated that the petitioner shared the risks that come with not having a trained lifeguard on site and that drownings have occurred at facilities because of a lifeguard not being on duty. Andrew said Dave alluded to workforce issues in the presentation, and that this would be a consideration they would have to investigate and address as the rulemaking process proceeds.

Member Kutz made a motion to decline the petition and added to the motion that the petitioner be invited to participate in the rulemaking process to support changes to this section of the rule.

Patty Hayes, Board Chair asked a clarifying question about whether declining the petition while including Member Kutz's addition to the motion will make it clear to the petitioner that their concern is being addressed, and that the Board isn't denying the petition because they don't think it is a valid request.

Andrew said staff will make it clear in the response letter to the petitioner that their concern is valid and that the Board will consider the issue regardless of the petition outcome. The issue of having trained lifeguards on duty is addressed in the Model Aquatic Health Code (MAHC), which is the document being used in the current rule revision. Andrew also said they will continue to engage with the petitioner and invite them to participate in the rulemaking.

Motion: The Board declines the petition to initiate rulemaking to amend WAC 246-260-131(6)(b)(i) and (ii), for the reasons articulated by the Board, and directs staff to notify the requestor of the Board's decision and requests that the petitioner be invited to participate in the rulemaking process as it's currently underway.

Motion/Second: Member Kutz/ Member Dean. Member Abdelmalek abstained.

17. BOARD MEMBER COMMENTS

Dimyana Abdelmalek, Board Member announced that the National Tuberculosis Controllers Association has created new recommendations for shortening the isolation period, following a more patient- and risk-centered approach.

ADJOURNMENT

Patty Hayes, Board Chair adjourned the meeting at 4:27 p.m.

WASHINGTON STATE BOARD OF HEALTH

Patty Hayes, Chair

To request this document in an alternate format or a different language, please contact the Washington State Board of Health at 360-236-4110 or by email at wsboh@sboh.wa.gov
TTY users can dial 711.

PO Box 47990 • Olympia, Washington • 98504-7990
360-236-4110 • wsboh@sboh.wa.gov • sboh.wa.gov