

WASHINGTON STATE BOARD OF HEALTH

Minutes for School Environmental Health and Safety Rule Project Technical Advisory Committee Meeting

October 4, 2024

Hybrid Meeting

ASL (or CART)

Icicle Village Resort

505 Highway 2

Leavenworth, WA 98826

Meeting Rooms: Tumwater Room

Virtual meeting: ZOOM Webinar

Technical Advisory Committee members:

In-Room Participants

Patty Hayes, RN, MSN, Chair

Becky Doughty, Spokane Public Schools

Brian Buck, Lake Washington School District

Brian Freeman, Inchelum School District

David Hammond, Washington Association of School Administrators (WASA)

Erin Hockaday, Benton Franklin Health District

Geoff Lawson, WAMOA and Auburn School District

Jacob Cook, Parent

Jaime Bodden, WSALPHO

Kevin Jacka, The Rural Alliance

Lauren Jenks, Washington State Department of Health

Preet Singh, Bellingham Public School

Steve Main, Spokane Regional Health District

Suzie Hanson, Washington Federation of Independent Schools

Tammy Allison, Washington Association of School Business Officials

Ted Dehnke, Evergreen Public Schools (Clark County)

Online Participants

Brook Wilkerson, School OPS

Devon Kellogg, Washington State PTA (reside in Lake Washington SD)

Jared Mason-Gere, Washington Education Association

Kate Espy, South Kitsap School District

Kellie Lacey, Richland School District

Laura Peterson, Washington State PTA (reside in Everett School District)

Pam Schwartz, Washington State Catholic Conference/Catholic Schools

Roz Thompson, Association of Washington School Principals

Samantha Fogg, Washington State PTA (Seattle Public Schools)

Technical Advisory Committee members absent:

Jeff Rogers, WAMOA and Auburn School District

Nicole Roel, Washington Association of School Business Officials

Dan Steele, Washington Association of School Administrators (WASA)

Bailey Stanger, Benton Franklin Health District
Laurette Rasmussen, Whatcom County Health & Community Services
Kelly Cooper, Washington State Department of Health
Susan Baird-Joshi, Washington State PTA (reside in Lake Washington SD)
Jessica Sankey, Bellingham Public School
Kenney Johnson, Lake Washington School District
Nicole Daltoso, Evergreen Public Schools (Clark County)
Sandra Jarrard, Spokane Public Schools
Anders Lindgren, School OPS
Richard Conley, The Rural Alliance
Sandy Phillips, Spokane Regional Health District
Sharon Ricci, Washington Federation of Independent Schools
Julie Salvi, Washington Education Association
Gina Yonts, Association of Washington School Principals
Kelsey Greenough, Richland School District
Doug Rich, Washington State Catholic Conference/Catholic Schools
Tyler Muench, Office of Superintendent of Public Instruction (OSPI)
Randy Newman, Office of Superintendent of Public Instruction (OSPI)

Technical Advisory Committee staff present:

Andrew Kamali, Project Manager
Nina Helping, Policy Advisor
Marcus Dehart, Communications
Anna Burns, Communications
Mary Baechler, Community Outreach Coordinator
Crystal Ogle, Administrative Assistant
Melanie Hisaw, Administrative Assistant

Guests and other participants:

Karen Langehough, FirstRule, Facilitator
Heather Cordon, Environmental Health Director for Island County
Kirsten Wecker, Environmental Health Director for Lewis County
Jennifer Garcilon, Environmental Health Director for Clallam County
Eyob Mazengia, Environmental Health Director for Seattle and King County

1. Minutes Review

Patty Hayes, Committee Chair, welcomed committee members and opened the convening of the School Rules Technical Advisory Committee meeting.

No discussion from the committee.

2. Reminders

Karen Langehough, Facilitator, announced a change in the agenda. The committee will go through agenda item 3, introductions, and then skip to item 5, Environmental Health Storytelling to accommodate Environmental Health Directors who will be sharing their stories. After that the committee will move to item 4, Objectives and Meeting Agreement.

3. Introductions

Facilitator Langehough asked committee members and staff to introduce themselves.

4. Objectives and Meeting Agreement

Facilitator Langehough review the objectives for the meeting and reminded the committee of the charter agreement set forth in the first committee meeting.

Facilitator Langehough updated the committee on language already voted on. The K-12 Guide from OSPI does not have an impact on the committee rulemaking. OSPI may need to make changes after this rule is complete.

Andrew Kamali, Program Manager, stated that changes to the language came from the assistant attorney general to make sure it is legally sound.

Facilitator Langehough discussed that the committee will meet three times in October, reviewed the timeline and TAC Committee agreements. This Committee will focus on the intent, and the minimum requirement, and these rules apply to the physical environment.

5. Environmental Health Storytelling

Chair Hayes asked Environmental Health Directors to introduce themselves and share stories where they had built a relationship in order to solve a problem.

Heather Cordon, Environmental Health Director, described a strong relationship with Island County schools that enabled them to establish strong communications through phone calls during the pandemic.

Jennifer Garcilon, Environmental Health Director, described a lack of relationship in Clallam County and that the pandemic helped them establish routine phone calls and build relationships with the schools.

Kirsten Wecker, Environmental Health Director, discussed how Lewis County worked closely with school to do food inspections. We worked with a school within the last year to do a remodel.

Eyob Mazengia, Environmental Health Director, shared how King County's school program is extensive and conducts plan reviews for new schools and remodels. One issue involved a rodent problem that went viral. They brought in a rodent prevention team to go room by room to identify issues and consulting on prevention.

Chair Hayes ask committee members for relationship-building stories.

Erin Hockaday, Committee Member, shared how their inspection program had helped develop relationships during the pandemic. A water and air quality issues raised concerns and the team was able to run tests and meet with staff and PTA to address concerns and solutions.

Steve Main, Committee Member, described their school advisory committee and it's introduction of a self-inspection program.

Chair Hayes asked what issues directors might have with the current rules.

Director Cordom said the annual cadence was challenging. There's no funding to fix things found, so they roll over into the next year.

Member Hockaday talked about how rare situations pop up that are not covered by the rule even though they are clear issues of environmental health and safety.

Steve Main, Committee Member, agreed and described how the original rule was vague.

Director Mazengia expressed a need for flexibility.

Chair Hayes asked committee members if they had any questions.

Member Freeman commented on the lack of funding and overreach of the rule.

Member Hockaday agreed and emphasized that lack of funding does not remove the risk and that there needs to be collaboration to ensure that a realistic timeline and solution can be provide. Prioritize critical risks.

Member Hanson pointed out that private schools are also affected by the financial limitations.

Member Buck expressed concerns about the rule language being highly prescriptive.

Member Hockaday said that the language should focus on the environmental outcomes and allow schools their own methods to get there.

Director Cordom said that there's an intent behind the language and that's what we need to be clear about so that school districts and local health jurisdictions can collaborate on flexible solutions.

NOTE: Break at 10:30 reconvened at 10:40 and went to Objectives and Meeting Agreement before going to language review.

The Committee took a break at 10:30 a.m. and reconvened at 10:40 a.m.

6. Language: Imminent Health Hazards

Imminent Health Hazards – Section (1)

Facilitator Langehough introduced the language stating that this section is like 366A.

Language:

- (1) If a school identifies a condition that could pose an imminent health hazard, the school shall:*
 - (a) Immediately consult with the local health officer to investigate the suspected hazard;*
 - (b) Take immediate action to mitigate hazards and prevent exposure if an imminent health hazard is confirmed; and*
 - (c) Within one business day of confirming the imminent health hazard:*

(i) Inform the school facility, students, and parents about the imminent health hazard conditions and actions taken to correct the hazard. A school may consult with the local health officer in developing appropriate health and safety messages.

Facilitator Langehough called for clarifying questions or discussion before voting on the language.

Brian Freeman, Committee Member, said that the correct wording should be staff; faculty it is limited to teachers.

Kevin Jacka, Committee Member, said that with a hazard, he would contact the educational service district (ESD) first.

PM Kamali asked why.

Chair Hayes clarified that the local health officer is referencing the state statute. We are discussing the process to notify the local health department.

Lauren Jenks, Committee Member, said that it would be OK to notify the ESD in addition to notifying the local public health office.

Suzie Hanson, Committee Member, asked about the intent. The ESD has more resources to fix a health problem.

Facilitator Langehough said the intent is to validate if it is an imminent health hazard. Once confirmed the local health officer and the school official would collaborate on steps to remediate the hazard.

Brian Buck, Committee Member, had asked how we define imminent health hazard.

Facilitator Langehough reminded the committee that the last meeting defined imminent health hazard as a significant threat or danger to health or safety that requires immediate action to prevent serious injury or death.

Member Buck asked if we could include examples to the definition.

Chair Hayes clarified that they voted in the last meeting to not give include those specifics.

Erin Hockaday, Committee Member, explained that the rule is referring to the local health authority. They have no issue with including the ESD, the school official should contact the local health authority to help navigate the issue.

Roz Thompson, Committee Member, said that if a problem happened in a school they would expect that the district staff would be notified. The ESD would coordinate. They suggested including the school district or ESD.

Facilitator Langehough said that the rule is defining the minimum requirement. They reminded the group that they discussed producing a guide to schools in last meeting that might give examples.

Member Freeman stated that Member Hockaday's explanation gave clarification. The committee discussed power outages last time, so a guide would be good.

Member Hockaday said it's not always clear when we see it and discussed complexities of situations. Local health officers are not just the regulator. They can help navigate the issue and have experts available.

Member Buck asked if this would apply if a health hazard that was resolved immediately.

Member Hockaday gave an example of a massive sewage leak. The local health officer would discuss with the school official proper methods of clean up. If it appears that it is resolved adequately, that would be sufficient. It's much more difficult to resolve if they don't hear about it.

Tammy Allison, Committee Member, asked about sewage in a field?

Member Hockaday replied that it would still be of high concern. The officer would still work with the official.

Member Allison asked if they would need to notify the families if it isn't inside a school?

Member Jenks asked if an official would want to send a letter? Parent get these letters all the time.

Member Allison replied that for a specific incident, they were not sure if a letter went out.

Chair Hayes asked if it would be helpful to have language about notification in these rules? Does a standard for schools help make sure we are keeping kids safe?

Member Hockaday said a true imminent health hazard is going to be rare, but critical situations require guidance. Do we want to strike the section with (c) about informing parents?

Member Hanson discussed being prescriptive vs. being clear. Some schools may not have a safety position person.

Member Jenks said that the health department must be able to do this too.

Member Hockaday confirmed that local health jurisdictions will want to know of any imminent health hazard.

Member Jenks said that local health jurisdiction will have experts to help school officials.

Facilitator Langehough called for a vote for the language as is or with edits.

Voting Results:

As is	With edits
4	18

Facilitator Langehough announced a consensus for the language with edits.

PM Kamali said that "school" should be "school official" based on previous decisions.

A staff member modified the language on screen.

Chair Hayes did not see value with the phrase “within one business day” in (c)(i).

Member Freeman asked about issues that have already been resolved?

Member Hockaday discussed that if we took the time frame out, then local health jurisdiction could advise on the need for communications and timing.

Devon Kellogg, Committee Member, had concerns with using the word “may.” Maybe that consultation should take place.

Samantha Fogg, Committee Member, discussed local health authorities’ relationships with school officials. “May” could be replaced with “encouraged.”

Member Hockaday replied that it’s important to remember that consultation is still required in (1)(a). The local health jurisdiction is the expert on the problem but not on messaging. That should be up to the schools.

Member Kellogg asked about an issue like lead exposure. A parent would want to know about the hazard. Where is that assurance?

Member Jenks replied that school officials are required to notify parents about lead hazards.

Facilitator Langehough called for a vote using fist to five.

Revised Language:

- (1) If a school official identifies a condition that could pose an imminent health hazard, a school official shall:*
 - (a) Immediately consult with the local health officer to investigate the suspected hazard;*
 - (b) Take immediate action to mitigate hazards and prevent exposure if an imminent health hazard is confirmed; and*
 - (c) A school official may consult with the local health officer in developing appropriate health and safety messaging.*

Voting results:

Fist	1	2	3	4	5
-	-	-	3	10	8

Facilitator Langehough announced a consensus for the revised language.

Imminent Health Hazard – Section (2)

Facilitator Langehough introduced the language.

Language:

- (2) If a local health officer identifies a condition that is an imminent health hazard at a school, the local health officer shall:*

- (a) *Immediately inform school officials of the imminent health hazard;*
- (b) *Take action in consultation with school officials to mitigate hazards and prevent exposure; and*
- (c) *If requested, assist school officials in developing health and safety messages for school faculty, students, and parents.*

Member Allison discussed poor air quality (e.g. smoke from forest fires). Would the local health jurisdiction communicate that and notify the schools?

Member Hockaday replied that in a situation where the local health officer receives notice of a health hazard; the responsibility is on the officer to notify the schools.

Steve Main, Committee Member, commented that there could be a time during an inspection where a health hazard is discovered. A school official would have to notify the school.

Facilitator Langehough called for a vote for the language as is or with edits.

Voting Results:

As is	With edits
14	7

Facilitator Langehough announced a consensus for the revised language with the understanding that (2)(c) will mirror (1)(c).

The Committee took a break at 11:54 a.m. and reconvened at 12:20 p.m.

7. Language: Site Assessments

Shall vs. May – Sections (1) & (2)

Facilitator Langehough introduced the language. The first section indicates when site assessment will be required, section 2 is when it might be required.

Language:

- (1) *A local health officer shall conduct a site assessment when:*
 - (a) *The construction is for a new school facility on a site that was previously undeveloped or developed for other purposes; or*
 - (b) *An existing structure is converted for primary use as a school facility.*
- (2) *A local health officer may conduct a site assessment when a school district is constructing:*
 - (a) *A new school facility on an existing school site; or*
 - (b) *An addition to an existing school facility.*

Member Hockaday said that when a new school is built, a Phase 1 assessment is required. It looks at conditions like lead and arsenic in soil. The assessment protects the buyer. Member Hockaday suggested changing the wording to “required” as the local health jurisdiction does not usually do the site assessment. An outside firm will do that.

Facilitator Langehough called for a vote for the language as is, or with edits.

Voting Results:

As is	With edits
9	13

Facilitator Langehough announced a consensus vote for the language with edits.

PM Kamali suggested that “conduct” could be replaced with “required” since the local health officer might not be the one doing the assessment.

Member Hockaday stated that the rule should be clear about who is required to conduct the assessment.

Member Freeman would read “required” as the responsibility of the school official.

Member Main stated that there are times when a school official may be required to do the assessment, but other times the local health officer would do it.

Member Hockaday agreed to the need for flexibility.

Facilitator Langehough asked if the intent is to focus on the local health officer or the assessment?

Member Freeman said we can make it flexible by saying a local health officer “shall conduct and/or require” a local site assessment in (1) and “may conduct or require” in (2).

Member Hockaday agrees that this leaves some connection to the local health officer.

Member Buck asked if it would be better to identify when or what requires a site assessment and then discuss whether the local health official shall or may conduct an assessment.

Chair Hayes clarifies that in section (2), the assessment is optional. In (1) the assessment is required.

PM Kamali noted that a site assessment may have occurred when the school was built; it may not be necessary to do one.

Member Kellog asked if the language should include both “and” and “or”?

Staff added a slash between them to read “and/or.”

Chair Hayes stated that the AG would ensure the proper language.

Facilitator Langehough called for a vote using fist to five.

Revised Language:

- (1) A local health officer shall conduct and \ or require a site assessment when:
 - (a) The construction is for a new school facility on a site that was previously undeveloped or developed for other purposes; or
 - (b) An existing structure is converted for primary use as a school facility.

(2) A local health officer may conduct or require a site assessment when a school district is constructing:

- (a) A new school facility on an existing school site; or
- (b) An addition to an existing school facility.

Voting Results:

Fist	1	2	3	4	5
-	-	-	4	11	7

Facilitator Langehough announced a consensus vote for the revised language.

Requirements – Section (3)

Facilitator Langehough introduced the language.

Language:

(3) A site assessment must include:

- (a) A Phase 1 Environmental Site Assessment (ESA) that meets the requirements of the American Society for Testing and Materials (ASTM) Standard #1527-21 (published December 2021);
- (b) Sampling and analysis of potential contaminants if the Phase 1 ESA indicates that hazardous materials may be present. Sampling and analysis must comply with the applicable rules of the Washington state department of ecology;
- (c) A noise assessment.

Member Buck noted that this is highly prescriptive and that some of these are covered in other requirements.

Member Hockaday replied that this was deliberately prescriptive to ensure the phase 1 assessments are adhering to these standards instead of spelling them out here. Subsections (b) and (c) are just standard.

Member Kellogg asked which standards address areas prone to flooding or landslides.

Member Hockaday replied that identifying nearby dangers is important. The ASTM standard is important for getting it done right. To member Buck's question on prescriptive language, these standards are in place to protect the landowner.

Member Allison asked if the ASTM Standard is somewhere else, like at the County level.

Member Main commented that the building department alone may not require that; an example is a former shooting range being bought for a school property. No inspection for lead contaminates was conducted by the building department.

Member Jenks asked if the published date of ASTM is necessary.

PM Kamali clarified that they must specify the exact standard and date.

Member Buck asked if (b) and (c) are included in the ASTM? Do we need them here?

Nina Helpling, Board staff, explained noise assessment and sampling and emphasized the standardization of sampling protocols.

PM Kamali clarified that we did not include Phase 2 because this language goes beyond what we need to require. This language covers potential contaminants. The analysis will be done without requiring an entire Phase 2 assessment, which is in the \$15,000 to \$20,000 range and not a cost we want to put on schools.

Facilitator Langehough called for a vote on the language as is or with edits.

Voting Results:

As is	With edits
19	2

Facilitator Langehough announced a consensus for the language as is.

School Officials – Section (4)

Facilitator Langehough introduced the language.

Language:

- (4) School officials shall:*
 - (a) Notify the local health officer within ninety days of starting the preliminary planning for school construction that may require a review and approval of a site assessment by a local health officer.*
 - (b) Consult with the local health officer throughout the plan development phase regarding the scope of the site assessment and the timeline for completion of the site assessment.*
 - (c) Submit a written report to the local health officer assessing the potential impact of health and safety risks presented by the proposed site, including, but not limited to the following:*
 - (i) The findings and results obtained under subsection (3) of this section;*
 - (ii) An analysis of the findings;*
 - (iii) A description of any mitigation proposed to address identified health and safety risks present at the site; and*
 - (iv) Any site assessment-related information requested by the local health officer to complete the site assessment review and approval process.*
 - (d) Obtain site review and written site approval from the local health officer when required under subsection (1) or (2) of this section.*

Chair Hayes said that this section gives guidance to the health officer and puts clarity where we need clarity.

Facilitator Langehough noted that she saw heads nodding at the word clarity. They call for a vote.

Voting Results:

As is	With edits
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19	3
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Facilitator Langehough announced a consensus on the language as is.

Local Health Officer – Section (5)

Facilitator Langehough introduced the language.

Language:

- (5) The local health officer shall:*
 - (a) When notified by the school, conduct an inspection of the proposed site;*
 - (b) Review the site assessment for environmental health and safety risk;*
 - (c) For site assessments according to subsection (1) of this section, provide written approval, describe site deficiencies needing mitigation to obtain approval, or deny use of the proposed school facility site within sixty days of receiving a complete request unless the school officials and the local health officer agree to a different timeline; and*
 - (d) For site assessments according to subsection (2) of this section, provide written approval or describe site deficiencies needing mitigation to obtain approval of the proposed school facility site within sixty days of receiving a complete request unless the school officials and the local health officer agree to a different timeline.*

Chair Hayes said that this section gives guidance to the health officer and puts clarity where we need clarity.

Facilitator Langehough noted that she saw heads nodding at the word clarity. They called for a vote.

Voting Results:

As is	With edits
21	0

Facilitator Langehough announced a consensus on the language as is.

Effective Date – Section (6)

Facilitator Langehough introduced the language.

Language:

- (6) If school officials notified the local health officer in writing prior to the effective date of this section that construction is planned for a particular site, the site review requirements in effect at the time of notification apply provided that school officials comply with all agreed on timelines for completion.*

Member Allison commented that timelines are so variable in construction.

Chair Hayes did not understand the purpose of this section.

Member Jenks asked if this is for after the rules are done?

PM Kamali replied that if a school official notifies a local health jurisdiction prior to rule date, then the old rules apply, not the new ones.

Facilitator Langehough called for the vote with language as is or with edits.

Voting Results:

As is	With edits
19	-

Facilitator Langehough announced a consensus on the language as is.

8. Language: Construction – New, Alterations and Portables

Required Plan Review – Section (1)

Facilitator Langehough introduced the language.

Language:

- (1) *The following school construction projects must be reviewed and approved by the local health officer:*
 - (a) *Construction of a new school facility;*
 - (b) *Schools established in all or part of any existing structures previously used for other purposes;*
 - (c) *Additions or alterations consisting of more than five thousand square feet of floor area or more than 20 percent of the total square feet of an existing school facility, whichever is less; and*
 - (d) *Installation or construction of a portable.*

Member Hockaday stated that they agreed with (a), (b), and (d). Local health jurisdictions may need more discussion of (c) for specialty areas.

PM Kamali said there will be a section about specialty classrooms.

Member Hockaday said they catch these mistakes frequently in planned review. It's much easier to fix on paper before they are built.

Member Allison asked about a Career and Technical Education (CTE) room.

Member Main said they have small rooms turned into CTE. Sometimes it's minimal and sometimes not.

Member Hockaday said the key is not limiting it to 5000 square feet.

PM Kamali said the CTE and specialty areas are mentioned later in the rule.

Member Hockaday said this could be confusing and requested cross references.

PM Kamali confirmed that they will include cross references in the rule.

Member Main talked about the initial changes in plans relating to c.

Member Hockaday asked to include playgrounds.

PM Kamali confirmed that playgrounds will be included.

Member Freeman asked for clarification of playground and submitting a plan review.

Member Hockaday and PM Kamali stated that playgrounds and CTE classrooms will be addressed later.

PM Kamali said this addresses the 99% of playgrounds, and not the 1% of playgrounds and CTEs.

Chair Hayes clarified the question from Member Freeman. Submitting a different plan for a playground is not looked at by the local health officer.

Member Freeman clarified that there is a distinction between a building and a playground.

Member Hockaday confirmed that local health officers observe this distinction.

Facilitator Langehough called for a vote.

Voting Results:

As is	With edits
19	1

Facilitator Langehough confirmed that the committee reached a consensus of the language as is.

School Officials – Section (2)

Facilitator Langehough introduced the language.

Language:

- (2) The school officials shall:*
 - (a) Consult with the local health officer during preliminary planning for school construction projects that are subject to the requirements of this section;*
 - (b) Invite the local health officer to a predevelopment conference with school officials and project design professionals to participate in the discussion about the preliminary design to highlight health and safety matters and requirements of these rules;*
 - (c) Obtain construction project review and written approval from the local health officer regarding environmental health and safety requirements in these rules before starting construction;*
 - (d) Provide construction documents to the local health officer at the same time as the local building official to facilitate a concurrent and timely review;*
 - (e) Provide additional documents requested by the local health officer, which may include, but are not limited to, written statements signed by the project's licensed*

professional engineer verifying that design elements comply with requirements specified by these rules;
(f) Obtain a preoccupancy inspection by the local health officer conducted in coordination with a final inspection by the local building official, in order to ensure imminent health hazards are corrected before allowing school facilities to be occupied; and
(g) Notify the local health officer at least five business days before a desired preoccupancy inspection.

Chair Hayes said that it's helpful to know the current process and how much of the language is new.

Member Main stated that a lot of the language was new. Getting local health jurisdictions involved early in the process is critical. Spokane prefers to get plans at the 50% stage rather than 90%. They also point out the curriculum and intended use of space.

Member Hanson asked on behalf of private schools about the steps and timing. They suggested it could be unmanageable.

Member Main talked about item (b). They already have these pre-development meetings.

Member Hockaday said there is nothing that says a "formal" meeting. It's just inviting folks to the table early on. They have many horror stories where they are called in late. Plans can take 60 days sometimes, but the late notice makes things significantly harder and more costly. In practice, the only thing new is being invited to the conversations earlier.

Member Buck suggested that this is highly prescriptive. Their local health jurisdiction is likely unfunded to do this type of work. This could place barriers on the school district.

Member Hockaday asked which steps are too prescriptive.

David Hammond, Committee Member, said they don't do (b) right now, and they are a large school district. They meet the intent of (b).

Member Allison asked what organization signs off on occupancy.

Member Main said the building department. They talked about (a) and (b) saying (e) has been helpful to them, and they are glad it's included. It has reduced the typical review time to be more efficient. It's hard work done on front end vs back end.

Member Hockaday said to that point, simply inviting public health to the table may save time and money preventing the need to go through another plan revision.

Member Allison asked if changing the language from "shall" to "may" would help?

Member Hockaday said no. Plan review is critical. Like Heather Cordon said earlier, local health jurisdictions are like the L&I for the children. Putting "may" on this whole section would be catastrophic. Plan review is what sets up schools for success.

Member Allison asked if local health jurisdictions see the permits applied for.

Member Hockaday said it depends on the county or district. In their district they don't see anything from the county.

Member Hammond suggested that (a) takes care of notifications. They have a good connection with their health department, but these put the onus on the school district, which could include several meetings over the predevelopment process. They suggested that (a) covers the intent of (b).

PM Kamali clarifies that the intent of (b) is to formalize the invitation. As rules are now, a pre-occupancy inspection is already required.

Member Hockaday provided a personal perspective. Tacoma-Pierce is one of the gold standards. But in other areas, early review is not happening. Capital project groups are different. And it's not happening everywhere. Local health jurisdictions are not notified. When the opening of the school is reliant on their review, this should help solve potential issues.

Member Hanson stated that for schools this is a large effort but that local health jurisdictions it's important and low effort. Is there a way to compromise?

Member Buck agreed with Member Hanson. Not all health depts are the same. This is too simple; it allows it to be better.

Facilitator Langehough called for a vote on the language.

Voting Results:

As is	With edits
9	11

Facilitator Langehough announced that majority of member voted for edits.

PM Kamali agreed that this is a complicated piece. They called for a subcommittee that would bring it back to the larger committee. This would be to streamline and simplify while keeping the intent.

Member Freeman asked members Hammond and Buck if it would help for people who do the actual work to help draft the language. Sometimes the work is contracted out. Member Freeman could volunteer, but there's a group missing that can contribute.

Chair Hayes said having members meet in between meetings to advise on a solution would help manage the many details. There are two perspectives, and we need to come to an agreement.

PM Kamali will send an email afterwards with a survey. Will keep size balanced with equal representation.

Member Freeman asked whether they can bring a consultant with them to the subcommittee.

PM Kamali said yes.

Member Hammond stated that when they work with the building department, they can't proceed without checking the boxes. Is this happening with other districts?

Member Main said no. Even in Spokane County there's a vast difference in the entities that get involved. For example, a large high school in Spokane did not inform Spokane Health District about an addition. And in another jurisdiction science classrooms involving chemicals was approved by the building department, but there were no hood vents installed and no oversight from the Department of Health.

Member Hockaday said they are coordinating with multiple jurisdictions. It's easier for areas like Pierce County for the coordination because there is one jurisdiction.

Member Allison asked if they edited the language to a "school official" or "an appointed person" would changes still be needed?

Member Main suggested keeping it as is. Ultimately the school is responsible.

Member Hockaday described cases where the building department was asked to notify the local health jurisdiction, and there wasn't follow-through.

Facilitator Langehough confirmed that to keep moving forward, the Sub-Group will bring language back on October 17.

The Committee took a break at 2:00 p.m. and reconvened at 2:10 p.m.

Local Health Officer – Section (3)

Facilitator Langehough introduced the revised language.

Language:

(3) The local health officer shall:

(a) Consult with school officials and determine what is required for plan review and approval;

(b) Review construction documents to confirm that the health and safety requirements of these rules are met;

(c) Identify and request any additional documents required to determine compliance with requirements specified by these rules; and

(d) Provide written approval, or describe plan deficiencies needing change to obtain approval, of the construction project within sixty days of receiving all documents needed to complete the review, unless the school officials and the local health officer agree to a different timeline; and

(e) Conduct inspections:

(i) In a coordinated effort with the on-site project manager or other appropriate person identified by school officials;

(ii) At any point during the construction period to verify compliance with the requirements of this chapter;

(iii) Before the completed construction project is occupied and not more than five business days after the date requested by school officials or as otherwise agreed to by the school officials and the local health officer.

(A) If an imminent health hazard is identified, a solution must be identified and agreed to by school officials, the local health officer, and the local building official and implemented by school officials before the affected portion of the building is occupied.

(B) If other conditions of noncompliance with this chapter are identified, school officials shall be provided with a written list of items and consulted in developing a correction schedule based on the level of risk to health and safety.

(iv) To confirm satisfactory correction of the items identified under ((iii) of this subsection.

PM Kamali stated that there is no change to the intent of this section. This is the local health officer's role in a planned review.

No comments

Member Hanson asked if we say "as is" does this change other sections?

PM Kamali confirmed that staff will align all sections for consistency.

Facilitator Langehough called for a vote on the language.

Voting Results:

As is	With edits
17	-

Facilitator Langehough announced that the committee reached 100% consensus for the language as is and that any additional alignment would be taken into consideration during review.

9. Language: Showers and Restrooms

Required Plan Review – Section (1)(a)

Facilitator Langehough introduced the language.

Language:

(1) When new installation or renovation of an existing shower or restroom facility is planned, school officials shall:

(a) Consult with the local health officer to confirm if a construction review and plan approval is required.

No discussion.

Facilitator Langehough called for a vote on the language.

Voting Results:

As is	With edits
19	-

Facilitator Langehough announced that the committee reached 100% consensus for the language as is.

Showers – Section (1)(b)

Facilitator Langehough introduced the language.

Language:

- (b) Provide shower facilities for grades nine and above for classes in physical education and for team sports that:*
 - (i) Automatically maintains hot water between 100° F and 120° F;*
 - (ii) Meet a ratio of one shower per 10 individuals of each sex participating in physical education classes or team sports;*
 - (iii) Meet the requirements of the uniform plumbing code set forth in chapter 51-56 WAC;*
 - (iv) Provide floor surfaces in shower areas that are water-impervious, slip-resistant, and sloped to floor drains. Walls must be water-impervious up to showerhead height. Upper walls and ceilings must have an easily cleanable surface;*
 - (v) If provided, have drying areas adjacent to showers and locker or dressing rooms. Walls and ceilings must have an easily cleanable surface and floor surfaces must be water impervious, slip-resistant, and sloped to floor drains; and*
 - (vi) Provide locker or dressing rooms adjacent to showers or drying rooms. Walls and ceilings must have an easily cleanable surface. When drying areas are provided, floor surfaces in locker or dressing rooms must be appropriate for the intended use, easily cleanable and dryable to effectively inhibit mold growth. When drying areas are not provided, locker or dressing room floor surfaces must be water-impervious, slip-resistant, and sloped to floor drains.*

Voting Results

Revisions were made and a consensus was reached that there was no need for a vote on that language as is or with edits.

Revised Language:

- (b) If showers are provided, shower facilities must:*
 - (i) Automatically maintains hot water between 100° F and 120° F;*
 - (ii) Meet the requirements of the uniform plumbing code set forth in chapter 51-56 WAC;*
 - (iii) Provide floor surfaces in shower areas that are water-impervious, slip-resistant, and sloped to floor drains. Walls must be water-impervious up to showerhead height. Upper walls and ceilings must have an easily cleanable surface;*
- (c) For grades nine and above for classes in physical education and for team sports showers must be provided that:*
 - (i) Meet a ratio of one shower per 15 individuals, or as agreed upon between the school officials and the local health officers, for each sex participating in physical education classes or team sports;*

*(ii) If provided, have drying areas adjacent to showers and locker or dressing rooms. Walls and ceilings must have an easily cleanable surface and floor surfaces must be water impervious, slip-resistant, and sloped to floor drains; and
(iii) Provide locker or dressing rooms adjacent to showers or drying rooms. Walls and ceilings must have an easily cleanable surface. When drying areas are provided, floor surfaces in locker or dressing rooms must be appropriate for the intended use, easily cleanable and dryable to effectively inhibit mold growth. When drying areas are not provided, locker or dressing room floor surfaces must be water-impervious, slip-resistant, and sloped to floor drains.*

Member Freeman asked if we look at grades 9 and above for physical education and team sports, do we assume that we are not looking at the total student body, but the maximum in PE?

PM Kamali said yes. Not just the largest, but for the average number in the classes.

Member Hammond asked if this is just about locker rooms or all showers?

Member Hockaday recognized that they see showers in special education classes. There are other showers used by students in the building.

Member Hammond talked about the showers attached to locker rooms. More and more buildings are having showers for other reasons.

PM Kamali clarified that this applies specifically to showers for sports.

Member Hockaday suggested that it might be easier to deal with all showers in this section. They stated that other showers are specific for a room with a door that should adhere to many of the same standards.

Chair Hayes suggested that (5) or (6) could be separated to only apply to team sports and Items (1)-(4) could apply to all showers.

Member Allison agreed.

The committee in general questioned item (2) where it provides a shower-to-student ratio.

PM Kamali asked for a few moments to edit and then discuss.

Member Hanson asked whether “sex” should be “gender.”

Chair Hayes agreed to flag and get legal counsel from the Office of the Attorney General.

Facilitator Langehough asked how (5) and (6) are different.

Member Hockaday said it could be combined for better clarity.

The committee agreed there might be an opportunity to streamline.

Member Buck asked if (ii) is currently active or added, because high school students don't take showers after PE, or wrestlers after practice.

Facilitator Langehough confirmed that it is new, and it's based on L&I shower requirements similar for employees.

PM Kamali said that some students shower, and some do not. We know that showers prevent infection. The number is based on L&I standards.

Member Buck insisted that it is not a realistic expectation. Students are not going to shower after PE or sports. That's the reality. Making it mandatory will include excessive space in a shower or locker room that will not be used. In the 70s, huge showers were built that were not used.

Member Hockaday talked about the equity issue. Some students may not have other opportunities or access to showers.

Member Thompson agreed that the specifications are important but questioned the ratio and maybe encourage a higher ratio or a locally determined ratio.

PM Kamali was open to amending the ratio. There have been situations where students wanted to shower, but showers were not accessible or appropriate.

Member Hammond wondered if the uniform plumbing code covered ventilation or if it should be included in this section.

Member Freeman stated that a remodel in Inchelum included three showers as opposed to the old communal showers. Individual showers are replacing them and require more space.

Member Hockaday stated that the ratio only applies the number of students in the classes or on the sports teams. Ventilation is also a concern.

Chair Hayes suggested that the local health officer and school district could decide on the ratio during the planning stage.

PM Kamali said that the ratio could be agreed upon by local health officer and school officials.

Member Hockaday expressed concerned that they might get 35 answers from across the state. They recommended gathering real data. If they go by the local health jurisdiction, results will be all over the place.

Member Jenks talked about the spirit of minimum ratio. The K-12 guide uses a 1:8 ratio. Maybe a 1:10 ratio is a good minimum standard, which mirrors other states.

Member Buck said that if purpose is to provide minimum standards, it shouldn't be a ratio.

Member Hockaday said these are minimum standards for health and safety and asked others about the size of their sports teams.

Member Buck said that they have up to 120 students on the football team, and they don't shower.

Member Hockaday suggested increasing the number of students to showers but keeping the minimum requirement.

Member Kellogg talked about the need for flexibility. If this is required, some programs might be cut.

Chair Hayes suggested doubling the ratio to 1:20 or agreed upon by local health officer and a school official. Provide a minimum that could be increased if necessary.

Member Hockaday said that the international plumbing code has a formula for fixtures of 1 shower required for every 15 people.

Member Hanson said that there's no definition of space when considering showers with schools and the local health jurisdiction, or when considering cultural needs.

Chair Hayes stated a concern that if there's a unique circumstance, it's not in the rule.

Member Kellogg asked if there could be waivers.

PM Kamali confirmed that the section on variances would cover a need for waivers.

Facilitator Langehough called for a vote on the language with an edit in (c) using a ratio of 1:15 or "as agreed."

Voting Results:

Fist	1	2	3	4	5
-	-	-	4	10	5

Facilitator Langehough announced that the committee reached a consensus for the revised language.

Restrooms – Section (1)(c)

Facilitator Langehough introduced the language.

Language:

- (c) Provide restrooms:*
- (i) That automatically maintains hot water between 100° F and 120° F;*
- (ii) At a ratio of one toilet per 15 individuals of each sex;*
- (iii) Meet the requirements of the uniform plumbing code set forth in chapter 51-56 WAC*
- (iv) That provide water-impervious floor surfaces that are slip-resistant and sloped to floor drains;*
- (v) With walls that are water-impervious up to water splash height. Upper walls and ceilings must have an easily cleanable surface; and*
- (vi) With soap and single-use or disposable towels or blower or equivalent hand-drying device.*

Member Kellogg asked if this is intended to make an individual bathroom for all genders.

Chair Hayes said that the ratio has to add up to all students regardless of gender.

Member Buck said that there is code that governs this already and pointed out the code is about fixtures, not toilets.

Member Freeman stated that toilet and urinal are not the same, that's why it says fixtures.

Member Hockaday suggests that it needs to reach the requirements for the overall building code. A federal code was changed the lower limit for food safe temperatures from 100 to 85 degrees. They agreed that 85 degrees is an acceptable minimum for washing hands. The updated code was published the previous week.

PM Kamali pointed to research that states people won't wash if the temperature is too hot or too cold and supports lowering the minimum temperature to 85 degrees.

Member Fogg introduced the need for accessible toilets that are appropriate for a child in a wheelchair instead of an adult in a wheelchair.

PM Kamali suggested we put that in a parking lot for now for additional research. ADA requirements should supersede this rule.

Member Buck asked member Fogg about the student's age.

Member Fogg confirmed that the toilet should be for a child vs adult. The student that needed a wheelchair-accessible toilet required a full time IA for assistance.

Member Buck said he thought there was code for K-2 and 3-5.

Member Hammond said we need to meet, not exceed the uniform codes. The uniform code talks about "fixtures."

PM Kamali said that in the current rule, "fixture" applies to toilets. References to hand washing does not use the word "fixture."

Member Hockaday suggested lowering the minimum from 100 degrees to 85 degrees. The maximum should 120 since higher temperatures can be uncomfortable and burn skin. It's less about the temperature and more about the level of comfort of the water to reduce germs.

Member Hanson suggested including language specific to the number of bathrooms and how to handle gender.

Member Freeman asked about whether the temperature refers to premixed water.

Member Hockaday suggested that better language would include mixed water.

PM Kamali quoted the language as fixtures that "can maintain" the temperature.

Member Jenks stated that capping the range at 120 degrees is good.

PM Kamali reminded members that the language is specific to restrooms.

Member Buck asked if we need a ratio in (ii).

Chair Hayes asked if we will lose something if we drop the ratio and suggested flagging it, so we can move on with the vote.

Member Buck said we already have code that covers this, so we are creating new requirements.

Member Kellog stated that the word fixture is confusing and could refer to a sink or a toilet.

Member Hanson asked if all these were already in the building code.

Chair Hayes said we will look at the temperature. The ratio of fixtures is higher in the building code.

PM Kamali quoted chapter 129 of the Building Code which requires 1:35 male and 1:25 for female students. This would be the driving language. We would reference the code, which updates on a three-year cycle. There are existing rules with WA DOH that are 1:15.

Member Jenks recommended not calling out by gender.

Member Freeman agreed, especially when considering single bathrooms in modulars.

PM Kamali mentioned that Washington Building Code divides by sex.

Member Buck stressed that the building code addresses this should be the default. Schools are addressing needs for non-binary restrooms. School districts will build the appropriate number.

Member Hanson agreed with member Buck. We have a set of standards in the building code, and the more we can keep the same the easier.

Chair Hayes endorsed talking about the future. It appears schools can lose flexibility regarding fixtures (toilets re: urinals).

Member Hanson asked if building codes reference the rest of this?

PM Kamali said no, not to the specificity.

Member Hockaday said that a restroom off a kitchen would require a minimum temperature of 100 degrees.

Member Freeman said this pertains solely to bathroom facilities and not kitchens.

Member Hockaday said staff and students in the kitchen have to double wash for bathrooms off kitchens: wash in the bathroom and the kitchen.

Facilitator Langehough called for a vote on the language.

Voting Results:

As is	With edits
6	15

Facilitator Langehough announced that the committee reached consensus for the language with edits.

Revised Language:

- (a) *Provide restrooms:*
 - (i) *That can maintain a handwashing water temperature between 85° F and 120° F;*
 - (ii) *At a ratio of one fixture per 15 individuals;*
 - (iii) *Meet the requirements of the uniform plumbing code set forth in chapter 51-56 WAC*
 - (iv) *That provide water-impervious floor surfaces that are slip-resistant and sloped to floor drains;*
 - (v) *With walls that are water-impervious up to water splash height. Upper walls and ceilings must have an easily cleanable surface; and*
 - (vi) *With soap and single-use or disposable towels or blower or equivalent hand-drying device.*

No discussion.

Voting Results:

Fist	1	2	3	4	5
-	-	-	4	11	4

Facilitator Langehough announced that the committee reached consensus for the revised language.

If Plan Review Required – Section (2)

Facilitator Langehough introduced the language.

Language:

- (2) *If a new installation or renovation of an existing shower or restroom facility requires local health officer review and approval, the local health officer shall follow the construction plan review requirements for new construction or alterations set forth in WAC 246-370-XXX.*

Member Buck asked for clarification if installing a shower over 5,000 square feet.

PM Kamali stated that if the local health officer must review it, then they'll follow the directions of this chapter.

Facilitator Langehough called for a vote on the language.

Voting Results:

As is	With edits
20	-

Facilitator Langehough announced that the committee reached 100% consensus for the language as is.

10. Language: Routine Inspections

Local Health Officers – Section (1)

Facilitator Langehough introduced the language.

Language:

- (1) *Responsibilities of the local health officer.*
 - (a) *Conduct an environmental health and safety inspection of each school facility within their jurisdiction every (insert number) years.*
 - (b) *Routine inspections may be more frequent if determined necessary by the local health officer.*
 - (c) *Notify school officials at the time of discovery, or immediately following the inspection, if conditions that pose an imminent health hazard are identified and follow the imminent health hazard requirements set forth in WAC 246-370-XXX.*
 - (d) *Consult with school officials upon completion of the inspection about findings and recommended follow-up actions and, if necessary, collaborate with school officials to develop a remediation schedule.*
 - (e) *Develop draft and final inspection reports, in consultation with school officials, within sixty days following an inspection. The report must include inspection findings related to this chapter and any required remediation.*
 - (f) *Confirm, as needed, that corrections are accomplished.*

Member Hanson commented that (b) needs work, perhaps more of a definition.

Member Hockaday explained that the varying age of buildings may influence the frequency of inspections and provided the example of a recently built building vs an older builder, in such a scenario, the older building may need more frequent inspections.

PM Kamali added that (b) also allows for flexibility and the self-inspection structure, that it may not mean more frequent inspections from health officials.

Member Buck suggested that the local health officer should notify the school district prior to inspection, as other scheduled inspectors do, to limit the disruption of the school day.

Member Hockaday agreed with the suggestion and suggested that the local health officer could schedule a visit for the benefit of both the school and health officials.

Member Freeman suggested adding a range of years. Subsection (b) might apply to an older building.

PM Kamali clarified that there is currently a rule to notify staff when a non-school employee is coming onto school grounds.

Member [unidentified] recommended using something like the language from WAC 246-366A.

Member Main confirmed that WAC 246-366A allows the Spokane Health District to operate their current program.

PM Kamali clarified that the language in WAC 246-366A provides flexibility for a properly trained school official to complete the needed annual inspection themselves.

Member Hockaday agreed with the ideas and suggested adding the language “no more frequently than” or “at least every X number of years.” They suggested tabling (a) and (b) to discuss the frequency at another time and voting on (c) – (f).

Member Hanson commented that the rule should protect schools from the disruption of too frequent of inspections.

Facilitator Langehough asked for further comment. Upon hearing none, they confirmed that staff will redraft (a) and (b). Staff will bring back language to address notification and frequency at a later meeting. They instructed members to vote on (c) – (f).

Voting Results:

As is	With edits
18	3

Facilitator Langehough announced that the committee reached consensus in favor of (c) – (f) with approved language as is.

11. Open Discussion/Questions

Due to time constraints, the committee did not have open discussion or questions.

12. Recap

Facilitator Langehough said that staff will send out an email to all TAC members with a recap of this meeting.

13. Next Steps

Facilitator Langehough turned the floor over to PM Kamali to review the next steps.

PM Kamali said that some important next steps are coming up:

- The next TAC meeting is October 17, 2024, in Olympia. Everyone will receive hotel and travel information soon.
- We might add some online meetings with an in-person option in Olympia:
 - In one of the meetings, we will review the fiscal analysis. The Board has been working with partners, DOH, and OSPI to generate the fiscal report. This meeting will occur before our last meeting.
 - In the last meeting, we will look through the rule in its entirety.
- We are halfway through our rule topics. Staff will send e-mails to TAC members to gather feedback on the process.

Chair Hayes thanked everyone for staying a little later and expressed gratitude to everyone working in between meetings to clear up some action items from this meeting.

ADJOURNMENT

Chair Hayes adjourned the meeting at 3:00 p.m.

WASHINGTON STATE BOARD OF HEALTH

Patty Hayes, Chair

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