

WASHINGTON STATE BOARD OF HEALTH

Minutes for School Environmental Health and Safety Rule Project
Technical Advisory Committee Meeting
December 16, 2024
Virtual Meeting
ASL (or CART)
Department of Health
111 Israel Road
Tumwater, WA 98501
Public Observation Room: Town Center 1, Room 15
Virtual meeting: ZOOM Webinar

Technical Advisory Committee Members:

1. Minutes Review

Patty Hayes, Committee Chair, welcomed committee members and convened the School Rules Technical Advisory Committee meeting at 9:00 a.m.

Chair Hayes welcomed the American Sign Language and Spanish language interpreters and expressed appreciation for their patience and support.

Chair Hayes presented meeting minutes and asked if there were any questions or comments.

Devon Kellogg, Committee Member, said they will submit a few corrections via email.

2. Reminders

Chair Hayes stated that the meeting will be recorded and posted online shortly after the meeting then reminded everyone to speak slowly for the translators.

3. Objectives and Meeting Agreement

Karen Langehough, Facilitator, reviewed the objectives for the meeting and previously discussed committee agreements on how to work together.

Facilitator Langehough outlined the objectives:

- Review outstanding action items
- Vote on remaining definitions and language
- Review approved language for:
 - Inconsistencies
 - Confusing language
 - Redundancies
 - Potential gaps

Facilitator Langehough reviewed the rulemaking timeline. The committee will have a fiscal review in January, a final review in February, and prepare to present at the State Board of Health meeting in March.

4. Outstanding Action Items

Facilitator Langehough reviewed the outstanding discussion around ventilation measurement. They asked committee members for their input regarding the best method to measure ventilation:

- 1) Cubic feet per minute per person
- 2) Carbon dioxide (CO₂)
- 3) Other

Andrew Kamali, Project Manager, added that staff are working with subject matter experts (SMEs) at the Department of Health (Department).

Brian Freeman, Committee Member, noted that the committee should be clear whether it is striving to meet a gold standard or a minimum standard for ventilation. The committee should also consider the financial impact.

Lauren Jenks, Committee Member, said that the committee looks at minimum standards and should be thoughtful about what those standards mean. They spoke about the health impacts of air quality on children's health. The committee should split up the discussion about standards for new and existing buildings.

Suzie Hanson, Committee Member, agreed on the need for clarification about the difference between gold and minimum standards.

Nicole Daltoso, Committee Member, preferred Method 1 (cubic feet per minute per person). CO₂ increases could be due to outside sources, such as school buses parking in temporary zones, and recommended to avoid using Method 2.

Member Hanson asked what other measurement methods might be and how easy it would be to use Method 1 for older buildings.

PM Kamali said that Ali Boris, Department SME, would be able to better explain these nuances. The solution might depend on existing technology.

SME Boris said that Method 1 or 2 could be used for existing buildings. They explained that CO₂ measurements can be made with a handheld device or with a sensor installed in a building's HVAC system. Method 1 would have to be measured by an expert and be integrated into the plan review process. The discussion in the rule so far has excluded existing buildings.

Member Daltoso asked if the committee should establish new requirements for existing buildings or state that the building met the code at the time it was built. They also shared concerns about getting excessive feedback with using CO₂ as the sole measurement.

Erin Hockaday, Committee Member, agreed with a combination approach. They suggested that Method 1 could be established at the time of plan review. They agreed with Member Daltoso about the challenges of using a point-in-time measurement. They asked if other committee members have seen sensors that can produce an average reading rather than a point-in-time reading.

Member Freeman asked if a standard using Method 1 would be determined based on the maximum room occupancy. They also asked if there are differences between this proposed rule and the current mechanical code.

Member Daltoso seconded Member Freeman's question. They added to Member Hockaday's question, asking if the committee was looking to establish a constant in a classroom.

PM Kamali said that this discussion around setting minimum standards has come up with SMEs.

Member Kellogg said that they wished to keep CO₂ as a measurement. The committee would want to know whether these rules are effective, so they would want to know if measurements are going beyond established minimums.

Chair Hayes asked what the mechanical standards are and how the committee might reference them.

Member Daltoso noted that they were agreeable to using both Methods 1 and 2 if their use was well-defined. They looked forward to hearing what comes out of discussions with technical experts.

Member Hockaday believed the mechanical code references the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Standards, which recommends standards for CO₂ levels be established in relation to outdoor air quality. They said the committee could use a combination of this proxy measurement as well as an upper limit for CO₂ levels.

Member Kellogg spoke about how new net zero buildings use CO₂ measurements to control airflow. They suggested other measurements to consider could be for toxins like volatile organic compounds and formaldehyde. They said this suggestion reflects the position of the Washington State Parent Teacher Association.

Facilitator Langehough thanked the committee and told them the staff would take their feedback to the experts and bring back any recommendations.

5. Definition: School Official

Facilitator Langehough introduced the definition and asked for clarifying questions.

Proposed Language

“School official” means a member of the district or school staff who has the authority to make decisions on behalf of the district or school to maintain and improve environmental health and safety within the limitations of this rule.

Tammy Allison, Committee Member, asked if this definition is somewhere else already.

Facilitator Langehough said this is overarching for all the language that references the school official, but we have not finalized the definition.

PM Kamali asked Pam Schwartz, Committee Member, and Member Hanson if this definition works for private schools. Both replied that the definition works for private schools.

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

Voting Results

As is	With edits
19	0

Facilitator Langehough announced a consensus for the language as is.

6. Definition: New Construction

Facilitator Langehough introduced the definition.

Proposed Language

“New construction” means new buildings or structures, including construction of additions to existing school facilities and reconstruction or retrofitting of an existing building not originally intended for use as a school facility. New construction does not include reconstruction of an existing school facility.

Facilitator Langehough asked for any clarifying questions.

Member Hanson asked if there are levels of retrofitting. For example, if changing a room to a classroom.

PM Kamali deferred to Member Hockaday.

Member Hockaday explained that new construction is applicable when moving into an existing building that wasn't used as a school previously.

Member Freeman asked whether we are doing stationary machinery at a different time.

Facilitator Langehough said that the agenda changed after sending it to members. The original had stationary equipment next, but it was moved to later in the agenda.

Chair Hayes clarified this language would be used throughout the rule. The intent is that new construction doesn't apply to retrofitting.

PM Kamali said the intent here is that new construction is new, not just retrofitting. They said that if you are just changing an existing school facility it isn't considered new construction.

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

Voting Results

As is	With edits
19	0

Facilitator Langehough announced a consensus for the language as is.

7. Language: Specialized Rooms (3)

Facilitator Langehough introduced the language.

Proposed Language

(3) Emergency shut-off valves or switch for gas and electricity connected to stationary machinery are installed during **new construction**. Valves or switches must:

- (a) Be located close to the room exit door;
- (b) Have unobstructed access; and
- (c) Have signage posted adjacent to the valve that room occupants can easily read and understand from the opposite side of the room during an emergency.

Facilitator Langehough explained that the intent of the specialized room sections is to set standards to mitigate risk and injury in specific rooms where high-risk tasks are completed and that the vote for this section vote is yes or no.

Member Schwartz asked if this is part of the existing code.

PM Kamali replied that this was not in WAC 366 but was in the recommendations for 366A. The staff revised this for new construction only, since retrofitting is costly.

Member Hanson said this would be impossible in an older building and was glad it was for new construction. They asked to hear from schools that are doing new construction whether this was a reasonable request.

Member Hockaday recommended consulting with Department of Labor and Industries (L&I), regarding electrical equipment and the definition of a specialized room. This language broadens the definition. It could be a room that has a special lift or something powered by electricity. Shops and career and technical education (CTE) spaces have specific codes for energy control procedures. Typically, devices that can be unplugged don't need a shut off.

Member Freeman asked if this was in the uniform building code for schools. If it is, we don't need it in the rule. We need to be very specific about the definition of stationary machinery to exclude lifts and similar things.

PM Kamali replied that if it's in the uniform code, then it comes as a recommendation, not a requirement. L&I strongly encourages it but doesn't require it. We can cover lifts and things like that and specify in stationary machinery if we go forward with this language.

Member Daltoso answered yes to Member Hanson's question about new construction. It's very doable and agreed with Member Hockaday's comment regarding verification as an option for unplugging equipment. They would support this language, especially in the CTE shops.

Facilitator Langehough asked if the unanswered questions could be action items.

PM Kamali replied that the committee could move forward with a vote. There will be a verification and sharing of that information if anything changes.

Member Freeman asked if staff consulted the building code. For example, does it allow for the switch to be at the teacher's workstation? Can we mirror the current code recommendation?

PM Kamali clarified that the committee is voting on whether we want to include this language for new construction or leave it out of the rule. We can still go in and amend it as needed to align with recommendations from L&I and from the building code.

Facilitator Langehough called for a vote to include or exclude this language.

Voting Results

Include	Exclude
21	0

Facilitator Langehough announced a consensus to include the language for new construction.

8. Definition: Stationary Machinery

Facilitator Langehough introduced the definition.

Proposed Language

"Stationary machinery" means machinery that is designed to be installed in a fixed location and does not require intermittent movement to service different needs.

Member Allison asked if this stationery machinery was only in specialized rooms.

PM Kamali answered that this will only be referenced in specialized rooms.

Member Freeman recommended replacing “machinery” used in the definition since it’s part of the term. For a CTE classroom that is home economics would this include stoves or ranges?

PM Kamali replied that we can expand the definition a little more and be more specific. Would “including or not limited to” language be helpful or would putting that in guidance be preferable?

Member Hanson preferred adding it to guidance and asked what is excluded from the definition of machinery.

Member Daltoso recommended adding those clarifications to the guidance. The initial list in the guidance can be updated if needed. Inclusion and exclusion list in the guidance would be helpful.

Member Hockaday recommended changing “machinery” to “equipment.” A stove is stationery equipment that would qualify the class as a specialized room. The stove produces fumes and will need additional ventilation.

Facilitator Langehough reminded the committee that this section is for new construction and discussed edits with Member Hockaday’s recommendation for the word “equipment.”

PM Kamali explained that we would provide clarity in guidance around lifts and equipment that can be unplugged.

Facilitator Langehough called for a vote on the revised language using fist to five voting.

Proposed Language

“**Stationary machinery**” means equipment that is designed to be installed in a fixed location and does not require intermittent movement to service different needs.

Voting Results

Fist	1	2	3	4	5
0	0	0	0	11	9

Facilitator Langehough announced a consensus in favor of the revised language.

Morning Break from 10:20 to 10:30 a.m.

9. Language Review

Facilitator Langehough explained the next agenda item is to review the full language. This is a time for committee members to review the approved language and comment on inconsistencies, redundancies, gaps, or confusing language. The committee will not vote during this review. Instead, staff will make comments live on the document to ensure feedback is captured correctly. Staff will then work offline in the coming days to incorporate comments into the language.

PM Kamali reminded everyone that there will be continued opportunities for input. This is not the only opportunity.

WAC 246-370-001 – Purpose

Facilitator Langehough asked for comments or feedback on the Purpose section.

Member Kellogg asked if there was a place to access the language that the public can also view.

PM Kamali explained that once staff has worked through the comments from today's meeting and updated the language, it will be posted for our informal comment period. There will be more to come on the informal comment period later in the meeting.

Member Kellogg asked if this section applies to all buildings. For example, a church that provides a school onsite.

Member Freeman asked if this applies to K-12 specifically.

PM Kamali explained that this section applies to all those registered as a school. The applicability and definition sections will go into further detail.

WAC 246-370-005 – Definitions

Facilitator Langehough moved from Purpose to Definitions and asked members to review the section for feedback and comments.

PM Kamali pointed out that definition (6) "Emissions" is from L&I. Legal gave guidance to mirror the language, not just to reference it.

Member Allison asked if a health officer is a legally qualified position.

PM Kamali explained that it is and that the definition used is the definition in the RCW.

Member Jenks added that it states, "or their authorized representative."

Member Schwartz asked about sound levels mentioned in (7) "Equivalent Continuous Sound Level" or "Leq." Is there a specific or designated number for "over a period of time."

Member Hockaday explained that the noise section covers details and believes it's a 30 second average.

Member Freeman suggested avoiding using the term age when referring to preschool or kindergarten, as ages can vary.

Member Hockaday wondered if adding to the language "primary purpose of serving children not old enough to attend kindergarten" would be flexible enough.

Member Hanson agreed with Member Freeman and added that kindergarten is a tricky space in this state when it comes to age. The language needs to have flexibility for students who participate in early learning and enter directly into first grade.

PM Kamali directed staff to place a comment about amending age, to perhaps enrolled, or something similar and reminded members that subsection (1) of Applicability, states that these rules do not apply to facilities licensed by the Department of Children, Youth, and Families (DCYF).

WAC 246-370-010 – Applicability

Facilitator Langehough asked for comments on the Applicability section.

Member Hockaday asked if subsection (1) would apply to facilities that have preschools on site.

PM Kamali answered if it's licensed under DCYF, then it falls under their applicability, but if it's not licensed, then these rules would apply.

Member Allison asked about the applicability of the WAC in relation to the dates the permits were issued.

PM Kamali answered that this WAC will apply only once it becomes effective. Permits issued before that date won't apply.

Member Freeman asked about potable water and the need for signage which was discussed in a previous committee meeting.

Nina Helpling, Policy Advisor responded that signage is addressed in other chapters, and due to concerns with costs associated with it from committee members, it was not included in the language.

WAC 246-370-015 – Safety

PM Kamali introduced the Safety section as a requirement that we didn't need to vote on.

Member Freeman suggested that when discussing vocational education, the language should mirror that of the Office of Superintendent and Public Instruction (OSPI), WAC 392 and use the term vocational or career and technical education.

Staff made note of the suggestion.

WAC 246-370-020 – Site Assessment

Member Kellogg highlighted concerns regarding nearby hazards impacting the environmental health and safety of a school. This does not appear to address such hazards enough.

PM Kamali answered that historical research and known issues are part of the site assessment. For example, if the school is in a flood area, then it would be addressed in the site assessment.

WAC 246-370-030 Construction Plan Review New, Alterations, and Portables

Member Schwartz called out the alteration of a specialized room or playground in Section (1)(d) of Construction. The term alteration is general and vague.

Member Daltoso clarified that the committee working on this thought that within the guidance supplement to this WAC, there could be further details and went on to explain that this pertained to when something was used or meant for one purpose and was going to be changed for another purpose only.

Members Hanson and Schwartz both commented they believe the term is too general and needs more guidance with it.

PM Kamal agreed that the term is vague, but it was with the intent to allow local health flexibility.

Member Hanson raised concern that the definition is helpful for the local health jurisdiction, but there are varying degrees of helpfulness. Having better guidance would be helpful to schools and school officials.

PM Kamali noted the concerns and assured members the guidance document could be robust.

Member Freeman commented on lines 219-221 regarding the local building official. The language should consider including state since L&I is the state.

PM Kamali asked staff to comment on the document to investigate it and adjust the language as needed.

WAC 246-370-040 Routine Inspection

Member Hanson wanted to understand the routine inspection language better. The language says no more frequently than every year, but it could be in intervals of up to five years. The language is saying it can happen annually.

PM Kamali explained that the baseline is every three years, but it could be every one to five years, as needed. If it is every year, there must be a written risk base.

Member Schwartz echoed Member Hanson's concern with the frequency of inspection and added that the risk factor of a building's age is a huge concern. Just because a building is old, doesn't mean it's in disrepair.

Chair Hayes commented that this section is one that members can take back to their organizations for thoughts and ideas on. The committee tried to have consistency for schools with this language, but the committee does not want to create burdens or issues with the language, either. The language can be clarified.

Member Hason added that the consistency is appreciated. As people come and go in positions, we want them to understand what the intent is. They agreed with Member Shwartz's comment about the age of buildings. There can be absolutely nothing wrong with an old building. That in and of itself isn't a risk factor.

PM Kamali provided some background on the use of the age of the building. It comes directly from the proviso. It's open to amendment with the possible removal of the language. Staff will make a note to consider removing it from the document.

Member Freeman gave a hypothetical example. If a local health jurisdiction says buildings before 1970 are a risk, it would be every single building built before 1970 uniformly applied, not just a specific building or a specific school district. Every building before 1970. They could imagine an older building is more likely to be problematic. If a building is remodeled, then that would change the age of the building. The way they read the language is there would be a written inspection schedule and criteria, and it would be uniformly applied.

Member Main agreed that something should be uniformly applied. As they were reading, what they visualized was based on the data they are observing during inspections. They would provide rationale for deviating from the three-year baseline. There should be a need to provide some justification as to why a local health jurisdiction is deviating from the standard. It should not just be the building's age.

PM Kamali relayed that staff would look at it for better wording or amending as needed. Staff would investigate every comment from this discussion, to verify and work through it and will then make

amendments to the version that goes out for public comment. Later in the agenda, we will go into the details of the process, but there will be time for the committee to review language in the future. Committee members will be notified when the new version is ready and it will include what was changed and where.

Chair Hayes was curious about the negative ramifications or unintended consequences of removing the age of a building from the criteria. We have heard reasons to remove it, but are there reasons to keep it?

Member Rasmussen suggested the use of the language for criteria being “such as, but not limited to” and believed they don’t think there would be an issue with taking it out because of that.

PM Kamali believed that was a good consideration. The health jurisdiction must provide a rationale as to why they want to amend the schedule. Chances are it is not just one thing, but a combination of things. They added that they don’t think local health can do annual inspections for one single reason.

Member Hockaday suggested it could be simplified if a period was put after jurisdiction. They explained that they were involved in developing the language, and the intent was just to provide examples. Much like the food code, you can increase inspections based on risk, so you aren’t applying it based on bias.

PM Kamali asked committee members about Member Hockaday’s suggestion. If a period went after jurisdiction in the language and the examples were removed, would that suffice for everyone?

Committee members verbally agreed. PM Kamali asked staff to make the corrections.

10. Language Review

WAC 246-370-050 – General Building Requirements

Member Kellogg asked why it says “jackets or backpacks” instead of “jackets and backpacks” in Section 4.

PM Kamali said that you don’t necessarily have jackets or backpacks, not sure what the impact would be to switch it to “and.”

Facilitator Langehough proposed including a comma.

Marcus DeHart, Board staff made an editorial comment. If we were using an either/or construction, it would mean you could only have one or the other. If we change it to “and” it means you must have both. If you keep just “or” it could be a jacket or a backpack or both.

Member Kellogg agreed with adding a comma. Board staff made a note in the document.

Member Schwartz asked looking at Section 5(a)(ii), how does this impact the inspection when often the water does not get hot right away?

Member Main said that we let the water run long enough to where they are confident that the temperature being measured is representative of how hot the water is in the water lines.

Member Freeman provided an editorial comment about “jackets or backpacks.” These items are specific to students, while the other items are the broader responsibility of the school.

Member Hanson asked if it is a safety issue to not have the water at 85 degrees.

Member Hockaday asked for clarification on Member Hanson's question. Is the intent to as if the water is under 85 degrees is there a concern?

Member Hanson said yes.

Member Hockaday said it depends. It's a matter of having a comfortable temperature of water to encourage hand washing for a full 20 seconds. The ability to emulsify can be affected by low temperatures. The 85 degrees is consistent with other codes that are backed by research and centered around handwashing.

Member Allison asked if this is more specific to hand washing stations. Or is this just everywhere it must be the same?

PM Kamali said this would apply to handwashing stations and restroom sinks or anywhere within the school where handwashing is required. They added that the 85-120 degrees addresses a health and safety issue if students are not washing their hands appropriately. If the water is too cold, they are not going to wash their hands properly. This is backed by evidence.

WAC 246-370-060 – Showers and Restrooms

Member Freeman asked on row 29, why it says 100 degrees.

PM Kamali answered that the 100 degrees is based on Department of Labor and Industries (L&I) standards.

Member Hanson wanted to clarify the ratio of 1:15 individuals in Section C row 286. Is this the number the committee decided on?

PM Kamali said yes and there was a debate about that. L&I requires a ratio of 1:10 showers, whereas this rule requires 1:15 which is less stringent. We are trying to reduce the number of required showers but still make it sufficient for people to use them.

Member Hanson asked what employees L&I is talking about when referencing the number of showers.

PM Kamali answered typically in places where exposure to hazardous substances exists.

Member Hanson asked the smaller districts if the ratio of 1:15 works.

Member Freeman said the ratio of 1:10 is where it becomes problematic. It depends on the class size, but the ratio of 1:15 is much better than 1:10.

PM Kamali referred to Member Hanson's initial question and noted there is still the variance request process. Under the variance section of this rule, you can request to change the ratio of showers if you have evidence of the showers not being used.

Facilitator Langehough asked members to review Section D.

Member Hanson asked if hand blowers are considered sanitary.

PM Kamali said we would love to remove those as an option, but we also know there may be some cost issues. The hand blowers are riskier and tend to spread germs further, introduce slippery surfaces, and promote the growth of mold.

Member Rasmussen agreed.

Member Hanson asked if we could put something in the guidance. It's a good place for education.

Facilitator Langehough asked Board staff to make a note.

WAC 246-370-070 – Ventilation

PM Kamali noted that this section is where we are still working with experts to determine what the best way to measure is.

Member Kellogg asked if the version displayed had been changed from the original one sent out.

Nina Helpling, Policy Advisor, explained that with the added definition of New Construction, we were able to simplify the language to remove references to excluding existing facilities.

Member Hockaday asked if we are referring to the building permit on rows 312 and 318.

PM Kamali answered yes.

Member Kellogg asked if this is saying that if an HVAC is replaced, it does not need to meet these standards.

PM Kamali said the new construction definition omits Section 1's requirement for remodels. An older school facility may not have a type of system that can meet those standards in the space or infrastructure that the building has.

WAC 246-370-080 – Indoor Air Quality

Member Schwartz asked if Part 6 row 342 is the result of the indoor air quality (IAQ) committee's work.

Member Kamali answered yes. This is the result and what we discussed at a committee meeting.

Member Hanson said that "implementation of a written IAQ plan" sounds like schools are supposed to have the plan and be implementing the plan within five years. Was that the intent?

PM Kamali said the intent is to implement it but what that implementation looks like is determined by the school.

Member Allison added that at first there was hesitation with this until talking with their support services staff. Their support services staff has a plan but has never implemented it. Schools may already have something. It may not be documented. It can be simple or complicated depending on how you make it.

Member Daltoso noted that the coordinator portion was removed. The IAQ subcommittee recommended that guidance include templates for the plans to make this process more straightforward.

Member Kellogg asked about row 337. Are we just looking at fragrances or are we looking at volatile chemicals?

PM Kamali answered that the language focuses on fragrances because they are added and can be removed. With chemicals like bleach we can't change the scent. We do include instructions, such as not using bleach around students or using alternative cleaners that are safer. That is covered in a different piece.

Member Kellogg asked how we are evaluating whether the air quality is meeting the standards and what standards are specified.

Facilitator Langehough asked if Member Kellogg is identifying a potential gap in how air quality is being measured.

Member Kellogg said yes.

Member Hockaday answered that their district uses L&I standards for things such as permissible exposure limits for certain chemicals or contaminants as a baseline level.

Member Kellogg asked if L&I does inspections.

Member Hockaday said L&I sets the standards. The local health jurisdiction uses these standards for guidance. They clarified that this isn't speaking to what everyone does, but what they do as a jurisdiction.

Member Kellogg couldn't find a reference to that in the language for this rule. That seems to be missing even if it is referring to L&I standards.

PM Kamali thanked Member Kellogg for pointing that out and noted that the staff will review that.

WAC 246-370-090 – Temperature

Member Peterson asked for clarification on maintaining a temperature within the range. How quickly must that temperature be reached for it to meet our standards?

PM Kamali said we do not use the word maintain and that's why we removed it due to the question of what is maintaining.

Member Peterson noted they were looking at the older version of the document and not the new one for the last question. The concern is more for some of the colder temperatures—especially in classrooms that have students who are medically fragile in special education. If the heating is out and it stays below 60 degrees for hours and the students are kept in classrooms, how long before we can deem it not acceptable per our rules?

PM Kamali said the point of this is to give some flexibility to schools. School officials know your school and students better than we do, so if it is concerning you, then it is time to act.

Member Schwartz asked about older buildings that do not have air conditioning. How does the readiness plan impact those older classrooms?

PM Kamali clarified the question. Do you mean, what do you do if you have already taken the steps in your plan, and it is still not getting the temperature within the range?

Member Schwartz answered yes.

PM Kamali answered that it would be something you cover and follow in your readiness plan.

Member Hanson commented liking this language as it assumes two things. It assumes that you are making the plan according to your community and school building. It allows for flexibility. The intent is to say you need to have a plan so that parents know that you are paying attention to IAQ.

Lunch Break from 12:26 pm to 1:00 pm

WAC 246-370-100 Noise

Facilitator Langehough welcomed committee members back from lunch and directed them to the Noise section of the language. Committee members had no comments.

WAC 246-370-110 Lighting

Member Hockaday suggested that under Lighting, in the first line of the table, that it aligns with the new definition of specialized room, so it's clear that it applies to it.

PM Kamali directed staff to make a note of it.

Member Freeman brought up windows being optional in specialized rooms. Would this be all specialized rooms or some specialized rooms?

Member Hockaday explained that from their perspective, there's a narrower definition of specialized rooms in code. It would depend on other variables, such as how much time they spend in the room. All day would possibly require windows. Extracurricular or an hour a day? A window would not be necessary.

Member Main said that since they do not see an exemption, it would likely apply to all specialized rooms, though, as Member Hockaday said, it would require a bit further look into how the room is being used. No windows all day would raise concerns.

Member Yonts stated that schools are not able to anticipate the needs of students all the time and many times rooms need to be retrofitted to fit the needs of students. Some students do not have access to the outside for more than 50% of their day.

Member Hockaday suggested adding the language "given the students do not spend greater than 50% of their time in that space."

Member Yonts agreed but explained that there are self-contained programs that do not have access to a room with windows.

PM Kamali asked for further clarification when referencing the program. Is it a behavioral program that did not have access intentionally, like for student health or safety, or something else?

Member Yonts gave the example of a non-verbal autism room and relayed the concern for the students who are furthest from educational equity. Schools sometimes struggle with meeting the needs of students.

Member Daltoso agreed with Member Yonts and explained even in larger school districts when there's a need, it gets filled and the room may not have windows. If it's the only available space in the building, what are school officials supposed to do in that case?

Facilitator Langehough wondered if the Variance section could address some of those types of circumstances.

Member Fogg wanted to reiterate that students are in situations where they don't leave the classrooms for most of the day or at all. They may even have lunch in the classroom. The students are in these situations not because it's preferred, but because it's the only place to go.

PM Kamali agreed that the Variance section could cover these situations but emphasized the need to connect with people who have such circumstances. From an equity standpoint, having students in a room for eight hours a day, five days a week, without access to natural sunlight is not healthy.

WAC 246-370-120 Injury Prevention

Member Freeman asked for clarification about the dilution rate for chemicals using a premix machine. Would you use the diluted rate or the prediluted rate? What is this asking for?

Member Hockaday explained the school would need to retain the original bulk or concentrated container to cross reference so if the inspector has questions, the original bottle can be provided with the label on it.

WAC 246-370-130 Imminent Health Hazard Procedure

Member Kellogg wanted to address the issue of unhealthy outdoor air, such as from a wildfire, making its way into schools. Previous committee meetings discussed IAQ, but they don't see it addressed here in the ventilation language anywhere. We don't want contaminated air coming into the building.

Facilitator Langehough asked if this would be something the school would consult with the local health department about.

Member Kellogg agreed it would be, but that wildfires are much more frequent and widespread. Instead of consulting the local health jurisdiction, would it make more sense to incorporate language about IAQ here to address it? Could we also add the concern over extreme temperatures to this list needs to address?

PM Kamali agreed with Facilitator Langehough, that it would be something you would consult your local health department on. However, we could have more discussion internally about the issue as well.

Member Kellogg clarified, so there would be a standard procedure for how the ventilation systems are handled while you are assessing if it is safe or not for a student to be outside.

Member Hason responded that typically you respond immediately to an imminent danger, such as fire. After the initial response, other things can happen. They may need to be done simultaneously.

Member Jenks added if there is an emergency, or some immediate danger, you call 911. If there is a sewage spill, you call your local health officer.

Member Kellogg wondered at what point something becomes an imminent health hazard. The flexibility is nice, but it seems some important guidance is missing, a gap. It's not clear where the boundary is. They included the example of extreme temperatures.

PM Kamali appreciated the comments and insight and believed the guidance document will be the best place for such details.

Member Hanson explained they hear the fear of relying on school officials to make determinations when it comes to our children and their health and safety. That's a lot of responsibility that requires trust. They reminded the committee members that this is their job and what school officials do. There must be a level of trust in people who take care of these things.

Member Kellogg emphasized that there are real world examples where that doesn't happen and that there is a need to be specific for when you must take action. The rule, as written, doesn't address that.

Member Hockaday offered that if the committee wanted to be specific, L&I has some heat-related standards the committee could take examples from.

Member Freeman added that the Department of Health has minimums for outdoor health, and if there is an approved plan, you won't need to call the local health officer. You can just follow your plan.

Member Daltoso agreed with what Member Freeman was saying about there being resources and guidance that exist for schools. For athletics, the Washington Interscholastic Activities Association has guidelines for temperature. There are plenty of resources for schools to make judgment calls.

Member Kellogg appreciated the comments and wondered if there was an approved heat readiness plan in place or something similar that could provide more understanding.

PM Kamali stated that it's something that the staff can look into and consider for the guidance document.

WAC 246-370-140 Playgrounds

Facilitator Langehough moved the conversation to Playgrounds.

Member Kellogg asked about artificial turf and if the temperature on metal or plastic equipment is covered. They would like to see shade considered, such as trees or other measures for heat or other elements.

Member Hockaday stated that the American Society for Testing Materials (ASTM) standards say to select material that resists excessive heating, so metal slides are no longer allowed. Staff could use ASTM as a reference for guidance help.

Member Freeman asked for clarification regarding fall protection. If the school is replacing it with the same material, would it require a plan review?

Member Hockaday said that if replacing with the same material, no review is needed. If you were replacing it with a differing material, we would expect a plan review.

Member Main agreed the same is done in their district.

PM Kamali suggested that the language can be modified if it's not clear.

WAC 246-370-150 Specialized Rooms

Facilitator Langehough moved to the Specialized Room section, asking committee members for comments.

Member Hockaday asked if water temperature for emergency eyewash stations would be included as it is with L&I.

PM Kamali answered that temperature wasn't originally listed in the section but has no objection to it being there.

Member Hockaday explained that it's important to include. L&I uses the term tepid. You don't want the temperature too hot or too cold.

Member Rasmussen agreed and would like to see "tepid" used. The intake should have a mixing valve. Holding your eyes open for 20 minutes in cold water can hurt.

Member Hanson questioned the need for a handwashing sink and an adjoining restroom in a health room.

PM Kamali distinguished a health room from an isolation room. A health room is where you would see the nurse. An isolation room is where a student goes when they are contagious or they need to be kept separate from the general student population due to infection.

Member Peterson agreed with PM Kamali and added that sometimes students require a bit of toileting assistance or a private area to dress and that's often done in the health room.

Member Hanson said the clarification between an isolation room and a health room is helpful.

WAC 246-370-160 Variances and Emergency Waivers

Committee members had no comments on Variances and Emergency Waivers.

WAC 246-370-170 Severability

Committee members no comments on Severability.

WAC 246-370-180 Appeals

Member Freeman asked if schools could appeal a decision from a local health board.

Chair Hayes answered that the statute does not have a local board of health reporting to the State Board of Health. Jurisdiction has the authority. Their understanding is that the legislature would have to change the authority for that to happen.

Facilitator Langehough asked committee members if there were any final comments.

WAC 246-370-070 Ventilation (revisited)

Member Kellogg flagged a potential gap. The intention of this section is to ensure healthy indoor air quality in school buildings. The term "feasible" in the language does not require schools to do that. Unless it's a new building, there would be no regulation or requirement.

Member Allison commented that the term feasible is there because schools don't have the money to replace HVAC. Without money, it's not feasible.

Member Kellogg responded that they understood why language like that was voted on, but if the section is about protecting the IAQ for students, it's not ensuring that. With nebulous phrases, there is no guarantee the air quality is getting clean. There are a lot of gaps in ensuring clean air.

Member Freeman added that feasible could mean that if your system can handle a better-quality filter, then it will be done. If your system cannot handle it without replacing the whole system, then that wouldn't be feasible.

Member Kellogg added that the language for New Construction was also changed to not include HVAC upgrades.

PM Kamali appreciated the comments and reminded committee members that the staff is still doing research. There is still the informal comment period for the language and rules.

Member Hockaday didn't interpret "feasible" as affordable, but as what the system can achieve. When they choose to update the system, they will need to upgrade.

Member Freeman said without a grant to upgrade their system, their school district would never have been able to afford it.

Member Hanson added that financial constraints need to be recognized. The cost can't be ignored. This is a good job of balancing safety with minimum standards.

Member Allison said that cash flow is an issue for many districts. They do the best they can for their students. Money is an issue, but it doesn't mean they will allow students to breathe unhealthy air.

Member Kellogg added that they appreciated the discussion and reminded committee members that there is also a cost of unwell students and staff to be aware of.

Facilitator Langehough thanked everyone for their thoughts and recommendations, the good discussion, and sharing their concerns. Then turned the floor to Chair Hayes.

11. Informal Comment Period

Chair Hayes stated that the conversations that have been happening have led to a request:

The language will go out to our interested parties list for an informal comment period soon. Let's use this time to discuss how committee members and staff can distribute the draft to the organizations that they work with and gather feedback. Is there anything that staff can do to help you prepare for that? Specifically, what can staff do to help summarize the discussions that the committee has had during these meetings?

Facilitator Langehough asked how long the informal comment period would be.

PM Kamali said that the comment period ends on Sunday, January 19, 2025. This will give staff enough time to compile the comments for the committee to review at our February 6, 2025, meeting.

Member Hockaday stated that any graphic material or key changes document would be helpful to use when they present this to people within their organizations.

Chair Hayes asked Members Hockaday and Main if they have an environmental health directors meeting coming up where this topic could be discussed.

Member Hockaday stated that they will have a meeting on December 23, 2024. This will be discussed then. This is a monthly meeting, and attendance will likely be light. They also stated that they have a quarterly meeting with school stakeholders and have been keeping them up to date.

Member Hansen stated they would also like a list of key changes from 246-366 to 246-370 before giving their colleagues the full language for review. How can we ensure that when we share these changes with our colleagues that we can convey that the committee had a lot of discussion and came to an agreement on this draft language? It's important that we all go to our groups and state

that this is good work done by smart people. Further, it's important that our colleagues know that we voiced all our concerns and came to a consensus on the draft language that is being shared.

Chair Hayes said that approach would be very helpful.

Member Freeman said that the Rural Alliance Superintendence Meeting is on January 26, 2025. The Rural Education Center and Eastern Washington Quality Schools will meet with the Department of Commerce. Is there any way to extend the informal comment period deadline past January 19, 2025?

PM Kamali stated that anyone can send comments after January 19, and we will do our best to get those to the committee for the February 6, 2025, meeting. Staff need time to review the comments to prepare them for the meeting. There is a chance that we won't receive a lot of comments, but that is highly unlikely. We will do our best to address all the comments.

Member Kellogg stated that they like the idea of a summary of changes. They asked if the Board could provide a comparison document between 246-366, 246-366A, and 246-370.

PM Kamali stated that the Board is planning to create a comparison document.

Member Kellogg asked if there's a way to consider and address everyone's concerns on the language as we review the informal comments.

Member Main was glad to hear that the Board was going to create a side-by-side comparison. It will be helpful for the schools and school advisory committee to see. It sounds like there will be a summary of the high points as well. We need to ensure that we are reaching out to other local health jurisdictions that might be hearing this for the first time. Member Main requested that the Board send anyone who comments or has questions from those local health jurisdictions that might be hearing about this for the first time to Member Hockaday or themselves. Together they can help those jurisdictions understand the rule and how to address issues that might arise.

Member Yonts stated that their board meeting is also on January 26, 2025. They would be unable to provide comments until after that meeting.

PM Kamali stated that we are required to reduce spending, which means limiting travel. Our meeting on January 15 and 16 will be as planned. The February meeting will have to be in Olympia or online. Would it be helpful to make the February 6 meeting later and extend the comment period? (General visual agreement.) We will push the meeting out to February 13, 2025, and the comment period will end on January 30, 2025.

Member Allison stated that we have had a lot of discussion on this rule. Can we have a summary page that describes the conversations that have happened to get the point of consensus so that potential commenters do not send in feedback about specific things that we discussed and why we chose the language that we did?

Chair Hayes mentioned two factors. The committee can make a statement about the process that went into this rule language development. The Board can also work to support the committee to communicate representation by all parties involved.

Kevin Jacka, Committee Member, said that the Rural Alliance will meet on January 26, 2025, with school superintendents. The first topic of discussion is going to be the cost of implementing the rule. When the committee meets in January to discuss the financial considerations of this rule, can we share that information with our partners?

PM Kamali stated yes. Our goal is to have a full fiscal analysis of the entire rule that can be shared and the impact it has on schools before our January meeting.

Member Daltoso stated that Member Allison had asked about a summary page and agreed that it would be helpful. From the perspectives of large school districts, does Member Rogers know if the Washington Association of Maintenance and Operation Administrators will push this out?

Member Rogers said yes. They added that a cover letter that asked them to provide input would be helpful. That would give a statewide perspective on what the maintenance and custodial needs are.

Member Daltoso stated that it would be great if the staff could provide a cover letter.

Chair Hayes stated that it is important for standardized information to be developed for committee members to use to add to a personalized message from the committee member who is sending out the information.

Member Fogg supported the summary document that was mentioned and stated that having those translated into multiple languages like Spanish, Somali, and Mandarin would also be helpful.

PM Kamali asked if committee members could provide the different languages, they need translated so the Board could plan for those.

Member Fogg asked if the committee members can email that list of languages to the entire committee.

PM Kamali said yes.

Chair Hayes thanked everyone.

PM Kamali stated that the Board has done some work on a database for the informal comment period. There is a QR code that commenters can access that will take them to a form to comment. This can be accessed on the Board website. There is also a place to include if the commenter is a committee member, however, this will not influence the way we would analyze the comment. The topic area allows for multiple topics to be chosen and adds a new topic area for each topic chosen, including a "general" option.

PM Kamali stated that once the comment period starts, they will send an email with a link to the form for committee members to share with their contacts, how to access it from our website, and all the documents that we have created.

Member Kellog asked when staff will have the materials done.

PM Kamali stated that the goal is by the end of this week. It may not be all the materials, but the draft language and comparison documents will be done by this week. The summary page might take a little longer.

12. Recap/Next Steps

PM Kamali stated that they or Chair Hayes could speak to any of the committee's organizations. They thanked everyone for their hard work in getting this done in the last six months. The Board will send updates as they occur. The next committee meeting is the fiscal summit on January 15 and 16, 2025, in the SeaTac area. The Board will reschedule the February 6 meeting. There may be a need to add another meeting if we get a lot of comments. We will have a meeting in March where the committee will continue discussing our implementation recommendations. In April we will present our draft language to the Board.

Facilitator Langehough stated that staff had captured all the notes on action items in the document comments. They praised the team for remaining focused during the long review.

ADJOURNMENT

Chair Hayes adjourned the meeting at 2.53 p.m.

WASHINGTON STATE BOARD OF HEALTH

Patty Hayes, Chair

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