WASHINGTON STATE BOARD OF HEALTH

Notice of Public Meeting

School Environmental Health and Safety Rule Project
Technical Advisory Committee
Wednesday, March 19, 2025, 8:30 a.m. – 4:00 p.m.
Public observation location:
Department of Health
111 Israel Road SE,
Tumwater, WA 98501
Town Center 2 Room: 153
Virtual meeting: ZOOM Webinar
(hyperlink provided on next page)
Language interpretation available

Agenda

Time	Agenda Item	Speaker
	Call to Order	Patty Hayes, Committee Chair
8:30 a.m.	1. Introduction/Minutes Review	Patty Hayes, Committee Chair
8:35 a.m.	2. Reminders	Patty Hayes, Committee Chair
8:40 a.m.	3. Objectives and Meeting Agreement	Karen Langehough, Facilitator
8:45 a.m.	4. Review language	Karen Langehough, Facilitator
9:45 a.m.	5. Fiscal Analysis	Karen Langehough, Facilitator
10:30 a.m.	**Morning Break**	
10:40 a.m.	6. Fiscal Analysis	Karen Langehough, Facilitator
12:00 p.m.	**Lunch**	
12:45 p.m.	7. Implementation Discussion	Karen Langehough, Facilitator
2:15 p.m.	**Break**	
2:25 p.m.	8. Board Meeting Prep	Andrew Kamali, Project Manager
3:50 p.m.	9. Recap/Next Steps	Andrew Kamali, Project Manager
4:00 p.m.	**Adjournment**	

To access the meeting online and to register:
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WASHINGTON STATE BOARD OF HEALTH

Aviso de reunión pública

Proyecto de normas de salud y seguridad ambiental para las escuelas
Comité de Asesoramiento Técnico
Miércoles 19 de marzo de 2025, de 8:30 a. m. a 4:00 p. m.
Lugar de observación pública:
Departamento de Salud
111 Israel Road SE,
Tumwater, WA 98501
Town Center 2 Salón: 153
Reunión virtual: seminario web por Zoom
(hipervínculo en la página siguiente)
Servicios de interpretación disponibles

Orden del día

Hora	Punto del orden del día	Orador/a
	Apertura	Patty Hayes, presidenta del comité
8:30 a. m.	1. Introducción/Revisión de actas	Patty Hayes, presidenta del comité
8:35 a. m.	2. Recordatorios	Patty Hayes, presidenta del comité
8:40 a. m.	3. Objetivos y acuerdo de la reunión	Karen Langehough, facilitadora
8:45 a. m.	4. Revisión de idioma	Karen Langehough, facilitadora
9:45 a. m.	5. Análisis fiscal	Karen Langehough, facilitadora
10:30 a. m.	**Receso matutino**	
10:40 a. m.	6. Análisis fiscal	Karen Langehough, facilitadora
12:00 p. m.	**Almuerzo**	
12:45 p. m.	7. Debate sobre la implementación	Karen Langehough, facilitadora
2:15 p.m.	**Receso**	
2:25 p.m.	8. Preparación para la reunión de la Mesa Directiva	Andrew Kamali, gerente de proyectos
3:50 p. m.	9. Repaso y pasos a seguir	Andrew Kamali, gerente de proyectos
4:00 p.m.	**Levantamiento de la sesión**	

Para acceder a la reunión en línea y registrarse:
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Id. del seminario web: 824 1614 2919
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WASHINGTON STATE BOARD OF HEALTH

School Environmental Health and Safety Rule Project 2024 - 2025

TAC Membership

MEMBER	ALTERNATE	REPRESENTING
Patty Hayes WSBOH Chair		Washington State Board of Health
Tyler Muench Director of Advocacy & External Affairs	**Randy Newman** Director of School Facilities & Organization	Washington State Office of Superintendent of Public Instruction
Steve Main Division Director, School Safety Lead	**Sandy Phillips** School Health and Safety Program Technical Advisor	Spokane Regional Health District
Gina Yonts Associate Director	**Roz Thompson** Director of Government Relations	Association of Washington School Principals
Geoff Lawson Operations Coordinator	**Jeff Rogers** Manager or Environmental Health & Safety	Washington Association of Maintenance and Operation Administrators & Tacoma School District
Tammy Allison Board Director – Region 121	**Nicole Roel** WASBO Board of Directors, Olympia ESD 114	Washington Association of School Business Officials
David Hammond School Construction Committee Chair	**Dan Steele** Assistant Executive Director, Government Relations	Washington Association of School Administrators
Suzie Hanson Executive Director	**Sharon Ricci** Community Relations	Washington Federation of Independent Schools
Kate Espy Board Member and Legislative Representative		South Kitsap School District
Erin Hockaday Senior Manager, Surveillance & Investigation	**Bailey Stanger**	Benton-Franklin Health District

TAC Membership

MEMBER	ALTERNATE	REPRESENTING
Laurette Rasmussen School EH Specialist	**Jamie Bodden** WSALPHO Managing Director	Whatcom County Health & Community Services
Lauren Jenks Assistant Secretary, Environmental Public Health	**Kelly Cooper** Director, Policy and Legislative Relations	Washington State Department of Health
Kevin Jacka Executive Director	**Richard Conley** Consultant	The Rural Alliance
Samantha Fogg Co-President Seattle Council PTSA		Seattle Council PTSA
Devon Kellogg Volunteer WSPTA, Advocacy Committee	**Susan Baird-Joshi** Volunteer WSPTA	Washington State PTA
Laura Peterson Volunteer/Appointed Role WSPTA		Washington State PTA
Brook Wilkerson Director of Operational Supports	**Anders Lindgren** President	School Ops
Preet Singh Director of Health Services	**Jessica Sankey** Chief Operations Officer	Bellingham Public Schools
Brian Buck Executive Director of Support Services	**Kenny Johnson** Director of Maintenance & Operations	Lake Washington School District
Kellie Lacey Assistant Director of Human Resource	**Kelsey Greenough** Records Specialist	Richland School District
Nicole Daltoso Senior Director of Capital Facilities	**Theodore (Ted) Dehnke** Assistant Director of Maintenance	Evergreen Public Schools

TAC Membership

MEMBER	ALTERNATE	REPRESENTING
Brian Freeman Superintendent		Inchelium School District
Becky Doughty Executive Director of School Support Services (Operations)	**Sandra Jarrad** Chief Communications Officer	Spokane Public Schools
Jared Mason-Gere Government Relations Staff	**Julie Salvi** Lobbyist/Government Relations	Washington Education Association
Pam Schwartz Assistant Superintendent	**Doug Rich** Superintendent	Washington State Catholic Conference
Jake Cook Public Advocate		Public

School Rule Project Staff

Andrew Kamali
School Rule Project Manager

Nina Helpling
Policy Advisor

Mary Baechler
Community Engagement Coordinator

Marcus DeHart
Communications Consultant

Crystal Ogle
Administrative Assistant

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  - Raising a paddle sign to signal you to slow down.
  - Making a brief verbal interruption asking you to slow down.

TIPS FOR SPEAKING AND PRESENTING DURING THE MEETING

We ask that you help us mitigate the need for interruptions by speaking at a comfortable pace. Our ASL and Spanish interpreters cannot deliver your message accurately if you speak too quickly.

- Take a breath after each sentence to give the interpreter time to deliver your message.
- If you are reading from a script, please be aware that you may read faster than you speak.
- To help the interpreters and audience identify you, state your name each time you begin talking.
- Wait until someone else finishes speaking before you speak. Interpreters can only choose one person to interpret at a time.
- Pause after introducing technical terms, proper nouns, dates, numbers, or figures to allow for interpretation.

TIPS FOR TECHNICAL TERMS

- We recommend including a pause after introducing technical terms, proper nouns, dates, numbers, or figures.
  - Example: *"This briefing will discuss rulemaking around newborn screening for Ornithine Transcarbamylase Deficiency (OTCD) [pause for interpretation, wait for cue from interpreter to continue], Chapter 246-650 WAC [pause for interpretation, wait for cue from interpreter to continue]."*
- After you introduce technical terms or proper nouns use their acronyms for the remainder of the introduction.
  - Example: *"For the remainder of this discussion, I will refer to this condition as OTCD."*
- If you are using visual materials (e.g., tables), incorporate descriptive language of the visual material.
  - Example: *"This is a table showing XXXX. And now, we'll look at this part of the table…"*

WASHINGTON STATE BOARD OF HEALTH

Minutes for School Environmental Health and Safety Rule Project
Technical Advisory Committee Meeting
February 26, 2025
Virtual Meeting
ASL (or CART)
Department of Health
111 Israel Road SE,
Tumwater, WA 98501
Town Center Two Room: 153
Virtual meeting: ZOOM Webinar

Technical Advisory Committee Members:

Online Participants

Patty Hayes, RN, MSN, Chair
Brian Buck, Lake Washington School District
Brian Freeman, Inchelum School District
Brook Wilkerson, School OPS
David Hammond, Washington Association of School Administrators (WASA)
Devon Kellogg, Washington State PTA (reside in Lake Washington SD)
Erin Hockaday, Benton Franklin Health District
Gina Yonts, Association of Washington School Principals
Jared Mason-Gere, Washington Education Association
Jeff Rogers, WAMOA and Auburn School District
Kellie Lacey, Richland School District
Kevin Jacka, The Rural Alliance
Laura Peterson, Washington State PTA
Lauren Jenks, Washington State Department of Health
Laurette Rasmussen, Whatcom County Health & Community Services
Morgan Powell, Office of Superintendent of Public Instruction (OSPI)
Nicole Daltoso, Evergreen Public Schools (Clark County)
Pam Schwartz, Washington State Catholic Conference/Catholic Schools
Samantha Fogg, Washington State PTA (Seattle Public Schools)
Sandy Phillips, Spokane Regional Health District
Suzie Hanson, Washington Federation of Independent Schools
Tammy Allison, Washington Association of School Business Officials

Technical Advisory Committee members absent:

Anders Lindgren, School OPS
Bailey Stanger, Benton Franklin Health District
Becky Doughty, Spokane Public Schools
Dan Steele, Washington Association of School Administrators (WASA)
Doug Rich, Washington State Catholic Conference/Catholic Schools
Geoff Lawson, WAMOA and Auburn School District
Jacob Cook, Parent
Jaime Bodden, WSALPHO
Jessica Sankey, Bellingham Public School

Julie Salvi, Washington Education Association
Kate Espy, South Kitsap School District
Kelly Cooper, Washington State Department of Health
Kelsey Greenough, Richland School District
Kenney Johnson, Lake Washington School District
Nicole Roel, Washington Association of School Business Officials
Preet Singh, Bellingham Public School
Randy Newman, OSPI
Richard Conley, The Rural Alliance
Roz Thompson, Association of Washington School Principals
Sandra Jarrard, Spokane Public Schools
Sharon Ricci, Washington Federation of Independent Schools
Steve Main, Spokane Regional Health District
Susan Baird-Joshi, Washington State PTA (reside in Lake Washington SD)
Ted Dehnke, Evergreen Public Schools (Clark County)
Tyler Muench, OSPI

Technical Advisory Committee staff present:

Andrew Kamali, Project Manager
Nina Helping, Policy Advisor
Marcus DeHart, Communications
Michelle Larson, Communications
Anna Burns, Communications
Mary Baechler, Community Outreach Coordinator
Crystal Ogle, Administrative Assistant
Kelly Kramer, Policy Advisor

Guests and other participants:

Karen Langehough, FirstRule, Facilitator
Ali Boris, Department of Health
Brian Cawley, Hargis Engineers

1. Introduction/Minutes Review

Patty Hayes, Committee Chair, welcomed committee members and called the School Rule Technical Advisory Committee meeting to order at 10:01 a.m. Meeting materials became available on February 21, 2025, and are available on the Board's website. Board staff will post the recording within three business days.

Chair Hayes reviewed the minutes from the meeting on February 6, 2025.

2. Reminders

Chair Hayes discussed the April joint meeting with the State Board of Health (Board). The committee is scheduled for the afternoon so members can join for lunch and then participate in the discussion at the meeting.

Andrew Kamali, Project Manager, noted that committee members received a survey for transportation or hotel logistics for the night after the Board meeting. This needs to be filled out by Friday.

3. Objectives and Meeting Agreement

Karen Langehough, Facilitator, noted that we will heavily refer to the meeting packet today. The committee will begin with the ventilation subcommittee work and public comments. Bryan Cawley, subject matter expert (SME), will join the meeting at 11:00 a.m. for ventilation questions.

Facilitator Langehough outlined objectives for the day. The objectives include reviewing language, public comments, and survey responses, as well as voting on new language from the subcommittee. In March, the committee will review the fiscal analysis and develop implementation recommendations.

4. Language: Ventilation

Facilitator Langehough introduced the language:

Subcommittee Proposed Language (1)(d) and (7)(a)-(b)

> *A school official shall:*
> *1) Ensure the implementation of a written indoor air quality plan within five years of the effective date of this section that includes:*
> *d) A plan for monitoring carbon dioxide levels if required by subsection (7)(b) of this section.*
> *7) Provide adequate ventilation by:*
> *a) Ensuring direct mechanical exhaust for specialized rooms as set forth in WAC 246-370-150.*
> *b) Providing ongoing carbon dioxide concentration monitoring if the school facility does not have a mechanical outdoor air ventilation system or the outdoor air flow rate cannot be determined.*

Facilitator Langehough said that comments provided today are based on the old language. They provided an overview of comments.

PM Kamali introduced subcommittee members and that the group met on February 10 for two hours to develop draft language.

Lauren Jenks, Committee Member, asked about subcommittee language taking public comment into account.

PM Kamali said some comments were not available at the time. They may have an additional public comment period just for ventilation language.

PM Kamali noted that they combined indoor air quality and ventilation into one section. This language amends a comment of the indoor air quality plan. They refer to each other in the same section.

Tammy Allison, Committee Member, asked about page 49 of the packet, was (7) brought in from the old section?

PM Kamali said that section (7) was rewritten based on the original section for ventilation. They brought it into Indoor Air Quality, and the language has changed.

Devon Kellog, Committee Member, thanked everyone for their attention and work on this section. They appreciated focusing on new ventilation systems. Can we copy language from (1)(d) into

(7)(b) about CO_2 monitoring and mitigating? Can we add “provide adequate ventilation and filtration” to (7)?

PM Kamali said filtration is discussed throughout.

The committee held a brief discussion about where materials were in the packet. The group paused to reread for full context.

Chair Hayes asked subcommittee members to explain the reasons for the changes to help inform members who are not on the subcommittee.

Ali Boris, Subject Matter Expert (SME), explained that we’re now asking existing schools to provide the air they were designed to provide. Schools that are older or have natural ventilation provide as much fresh air as possible. CO_2 is proxy for fresh air monitoring. New schools can provide additional outside air. Filtration and ventilation are distinct strategies for improving air quality. We included testing and balancing every 10 years, which will include a measurement of outdoor air.

Member Kellog asked about section (e), new ventilation systems after the effective date. Does that include the replacement of an HVAC system in an existing building?

Brian Buck, Committee Member, said this relates to new construction or modernization of school, not lifecycle replacement of assets.

Suzie Hanson, Committee Member, expressed concern about current buildings. Did anyone discuss how this will affect small districts? What about buildings they don’t own and can’t control airflow? How do we address this?

SME Boris said the subcommittee had in mind that schools understand their ventilation system and what it’s capable of. If a school is unable to change airflow, then they have the option to use CO_2 as a proxy. We understand there are differences in schools.

Member Hanson was concerned about (7)(c). They asked if (b) was intended as an exception: if you cannot meet (c) then (b) is applicable.

Facilitator Langehough suggested that they re-order the list.

Member Hanson asked that the language specify on where the requirements end depending on the school system’s ability to function.

Member Boris noted it is still relevant for schools to read through (c) and (d).

Member Hanson said they will re-read it and decide if the language makes sense for school leadership.

PM Kamali agreed that this is unclear. We can provide different lead in. For example: “if (b) doesn’t apply, then (c).”

Jeff Rogers, Committee Member, stated that there is no duct-cleaning language provided but it should be recommended. Particulate build-up can affect student health.

Facilitator Langehough noted that section (d) includes particulate matter filtration.

Member Rogers asked when there's a buildup of allergens in the air, is there a way to eradicate particulate buildup?

Member Freeman questioned whether schools could maintain the maximum flow rates achievable while maintaining temp on days with extreme temperatures.

SME Boris said the air flow rate should not be interpreted as having windows and doors open constantly. We can consider revising the language to clarify.

Member Freeman asked in (7)(d)(i) if the maximum capacity is not reached, do you need to upgrade your system?

Nicole Daltoso, Committee Member, replied that there is no need to upgrade

Member Kellog suggested that (7)(b) may solve confusion between (c) and (d) if we put (b) as a subsection under (c).

Chair Hayes wanted to be clear on recommendations regarding schools that do not own the building. Looking at (d), the comment makes sense. We should have consistent language for circumstances for schools that don't own the building.

Erin Hockaday, Committee Member, was unclear that (b) was intended to be an exception to (c). subsection (b) was for cases in which the school has a natural ventilation system or is unable to monitor. They were uncertain about making exceptions. All kids deserve to breathe fresh air even if in small buildings that are not owned by the school.

Member Buck said that when schools don't have a mechanical outdoor system, it's not an exception for (c), but if you cannot ventilate or measure for airflow, then use CO_2 measures as a proxy.

Member Jenks said maximum outdoor air vent flow rates refer to the HVAC system's capabilities and does not include opening doors or windows. They responded to Member Roger's statement about duct cleaning: It's part of maintenance but is not required. Language must be clear to ensure the interpretation of intent.

Member Hanson agreed that kids deserve to breathe healthy air in small schools, but the reality of ensuring clean air needs to be considered. There are different types of buildings and a variety of levels of air control. We should keep in mind that schools have a hard time proving they are trying to meet the standards. They may not have a team to meet standards and budget constraints.

Member Daltoso suggested further information in K-12 guidance regarding schools that are small or in rental spaces; mitigation options or strategies for those with high CO_2; link suggestions to improve and what levels they should be. Folks will need guidance on how to improve indoor air quality.

Sandy Phillips, Committee Member, recommended including a maximum CO_2 level and when to take action.

Member Jenks would like to include maximum CO_2, the research isn't consistent. Guidance is easy to change as research changes.

Member Kellog said (1)(d) adds a plan for monitoring and mitigating indoor air quality. In (7)(d) on filtration, what if capacity isn't adequate to provide healthy air? How do schools determine what's adequate?

Member Boris stated current guidance will point to supplementing HVAC filtration with portable units. There's a lot to consider around these units.

Member Kellog and Member Buck discussed portables and filtration units under the WAC.

PM Kamali said that the 2000-2005 requires that portables be constructed with mechanical ventilation systems. There are not many that are older, so most should have some ventilation system.

Member Freeman said for (7)(f)(iv), HVAC technicians provide a detailed invoice. It would be cumbersome to review. Some have maintenance schedules but many small schools don't follow them. Small districts don't have records of when filters were changed. A template for schedules would be helpful.

PM Kamali said every district could handle it differently. The Department can provide a template for an indoor air quality plan.

Member Buck recommended keeping all maintenance records centrally, not on-site at individual buildings.

PM Kamali stated it may be helpful to separate ventilation and filtration. Ventilation as (7) and filtration as (8). It's important to distinguish as schools may have one or the other. It's easier to digest as separate sections. Making (f) as number (9).

Laurette Rasmussen, Committee Member, asked about the new section (9) and suggested adding something about routine maintenance according to the manufacturer's instructions or including timeframes. For (c)(iii) compliance—is compliance intended for schools to evaluate?

SME Cawley said ventilation rates are usually shown in new building plans. Engineers determine the rate before a site visit occurs. They recommended having a report ahead of the site visit. The frequency is usually five years.

PM Kamali asked to change the frequency from 10 years to 15 years.

SME Boris noted testing and balancing have a cost. They recommended doing them regularly to understand if the systems are operating as intended. Every 15 years is a long time for a building's indoor air quality to be inadequate.

Member Buck appreciated SME Boris' comment but supports 15 years as there are ways to test airflow volume using the building's system. CO_2 censors will identify if there are any issues before 15 years.

SME Cawley said some systems might look different depending on age. This is not an issue for new buildings. We should make requirements attainable for all.

Member Hanson agreed with 15 years, as there are other indicators of air problems available.

Member Kellog asked if this is different from the building code.

SME Cawley said there are differences between codes. Minimum versus maximum value for ventilation; filtration is the maximum amount the system can support. There's an exception within mechanical code for smaller systems.

Member Kellog asked about sections (7) and (8). We ask that a building's system do what it can within reason. Would it help to refer to the indoor air quality plan if it's not meeting standards? How do we determine if it's not meeting the standards?

Facilitator Langehough asked if section 1 addresses Member Kellogg's concerns.

PM Kamali stated that CO_2 is a proxy for ventilation, not filtration. Discussion for plan if you don't have filtration systems.

Member Buck discussed concerns when looking at (7)(d) that sizing up ventilation systems to meet the maximum allowable energy code will increase the other infrastructure costs associated with the mechanical systems. They suggested something like "recirculate to meet the maximum allowable in periods of increased health risk." Member Buck asked for SME Cawley, to weigh in.

SME Cawley said that there is an uptick in costs and that it is not inclusive of the unassignable square footage. For (7)(d), maybe a comment would be whether it is appropriate to provide language to allow the system to operate at higher ventilation rates until thermal comfort is compromised.

Member Buck clarified that they have systems that are energy-code compliant, but they can't provide the maximum outdoor air allowed in the code. We do have heat pumps and can run recirculated air to meet the maximum allowable. We can meet the intent of what we're trying to get to during periods of increased health risk. But, if that's not allowed, then we must go in and oversize our units and increase unassigned space for the new construction to meet these periods of increased health risks.

SME Cawley suggested sizing the system such that you could do it but not sizing the entire system to support it. The cost is significant. Is it reasonable to spend the extra dollars on a system that you need only a percentage of the time?

Member Buck said they are trying to meet the intent for periods of increased health risk with the current, most energy-efficient systems that they are putting into their buildings. We can, if allowed, also use the recirculated air to get there.

SME Cawley said once you include the recirculated air and the filtration, that procedure aligns with American Society of Heating and Air-Conditioning Engineers (AHRAE) 241. There are differing opinions on the value of this approach.

Member Buck asked if this is worth the cost to meet the maximum allowable for these periods of increased health risks.

PM Kamali said it would be on average an increase of $3.44 per square foot to meet that 150% of the minimum code.

Brian Freeman, Committee Member, said to put that into perspective, that is approaching 105% of School Construction Assistance Program (SCAP) funding. Member Freeman asked if in Member Buck's building the minimum temperature is not great, would the system have to be a larger capacity than is available in a more temperate zone?

SME Cawley said generally, yes.

Member Freeman said school districts in Ferry County that have low property value would have higher costs than the school districts in a more temperate zone with extremely high valuation. For the local community, the impact would be larger in the colder regions than it would be in the more

temperate regions. The SCAP formula is set across the state, so the colder areas would need to spend more money on ventilation per square foot than they would in temperate regions. If that's the case, how will this be funded?

SME Cawley agreed. Valuations are inversely proportionate to more extreme climates.

Member Freeman said that is why they cannot get behind 150%. It is unattainable.

PM Kamali asked SME Boris if recirculated air that is filtered appropriately has the same health and safety benefits as increasing ventilation rates.

SME Boris, said no. Filtration will remove particles, but it will not remove volatile organic compounds or other gaseous concerns. We want to at a minimum increase the outdoor air that we're providing to clean out contaminants in indoor spaces. Providing that in new buildings makes more sense than trying to upgrade every existing building in the state. However, with the details we are discussing here, we want to make sure that we're doing this in a way that makes sense for all schools. SME Boris didn't think recirculation was the solution.

PM Kamali said the compromise might be a reduction from 150% to 130%.

SME Boris said there might be an opportunity to reduce due to temperature limitations.

SME Cawley suggested that if we are worried about the extremes, then we could provide provisions to limit the infrastructure increase to when you can reasonably provide it.

Member Freeman said they could get behind if it was 150% based on a 50-degree ambient temperature. That way you have a level field, and the costs will be the same no matter what your climate.

Member Buck discussed being stuck on the "needed for" period and trying to get to why we would build the new buildings to the maximum when it's not required and have figured out different ways to increase outside ventilation during these periods of increased health risk.

SME Cawley said that the research on increased ventilation rates in class environments is hard to align with the data behind it to show what the net impact is. As those studies get aggregated, anecdotal evidence suggests better attendance because of increased ventilation and better student performance.

SME Boris said that aligns with what we have said in the past. Making these systems capable of providing more than the building code minimum is going to make it flexible so schools can handle increased periods of health risks. The quantification is hard. SME Boris was unsure about providing exact numbers. Academic research has shown that this is a way to improve indoor air quality.

Member Jenks said they want to ensure that the improvements that we see in health and attendance with greater ventilation occur between the minimum of the building code regulation and the maximum. If we were able to operate at a minimum all the time that it would be substantially worse than going up to 130% or 150%? In this range do we see those improvements?

SME Boris answered that the research is within the range of the building code minimum and some of it is above range.

Member Hanson asked if there is coordination with the Department of Commerce about what the energy requirements are to sustain that level of air ventilation and the current clean building program codes.

PM Kamali suggested instead of mandating 150% in the event of an increased health risk, increasing ventilation rates if the school system can take it. During the lunch break our team will put that together.

Member Freeman thanked PM Kamali for the suggestion.

Member Kellogg said in the heat section we have a range of temperatures and if you go outside of these temperatures you refer to the plan. When we're reviewing the language to meet this 150%, can we include some sort of reference point, so that we know when to go to the plan?

Facilitator Langehough asked for clarification.

Member Kellogg said for (7)(d), can we include a statement that if you are not meeting an appropriate requirement for the health and safety of the school then go to the plan that will help you mitigate situation. Having some kind of definition of that criteria would be helpful.

Facilitator Langehough transitioned the committee into a break for lunch.

Break for lunch from 12:40 to 1:10 p.m.

Facilitator Langehough welcomed committee members back from lunch and continued with the agenda item by asking members to take a moment to read and review the language on screen for Section (1)(d) and (e). Facilitator Langehough opened the floor for comments, questions, or discussion.

Subcommittee Proposed Language (1)(d) – (e)

> *A school official shall:*
> *1) Ensure the implementation of a written indoor air quality plan within five years of the effective date of this section that includes:*
> *(d) A plan for monitoring and mitigating carbon dioxide levels if required by subsection (7)(b)(iii) of this section; and*
> *(e) A plan with actions ensuring health and safety for periods of increased health risk or poor outdoor air quality.*

Member Rasmussen proposed changing the language in (e) to "or" rather than "and."

SME Borris agreed that "or" would allow it to apply to different scenarios.

The language was changed on screen from "and" to "or."

Facilitator Langehough asked members to vote on the language as it read on screen using the fist-to-five method.

Voting Results

Fist	1	2	3	4	5
0	0	0	4	11	13

Facilitator Langehough announced a consensus on the language for (1)(d) – (e).

After the vote, Member Kellogg questioned the implementation time of five years. They suggested it was too long to wait for better air quality in schools.

Member Allison reminded Member Kellogg that five years was agreed upon earlier by the committee and not something recently changed in the language.

Member Kellogg acknowledged it had been agreed upon but expressed reservations and questioned it.

Member Hanson commented that schools are not starting at ground zero. There has been a lot of effort to improve indoor air quality over the years. Much of this work is already being done. It's a lot of work to create this change and it also requires funding and a budget. Five years is reasonable.

Member Kellogg thanked Member Hanson for the explanation.

Facilitator Langehough then asked committee members to review section (7) then opened the floor for comments, questions, or discussion.

Subcommittee Proposed Language (7)

> *A school official shall:*
> *(7) Provide adequate ventilation by:*
> *(a) Ensuring direct mechanical exhaust for specialized rooms as set forth in WAC 246-370-150.*
> *(b) Ensuring all student-occupied instruction and gathering spaces during hours of occupation provide outdoor air ventilation flow rates as set forth in chapter 51-52 WAC at the time the ventilation system was permitted.*
> *(i) If outdoor air ventilation flow rates were not established at the time of the original building construction, ventilation airflow rates must be operated to meet chapter 51-52 WAC or maximum outdoor air ventilation flow rates achievable within existing system capacity.*
> *(ii) Compliance is determined based on variables including but not limited to:*
> *(A) The type and area of the space;*
> *(B) The planned number of occupants; and*
> *(C) The type of ventilation system;*
> *(iii) If the school facility does not have a mechanical outdoor air ventilation system or the outdoor air flow rate cannot be determined, provide ongoing carbon dioxide concentration monitoring.*

Member Kellogg raised the concern that nothing refers to an indoor air quality plan if rates don't meet a threshold. Their concern was with older buildings not being built to today's standards but held to the standards at the time they were built. The language says if feasible, but we aren't addressing feasibility. Without a target ventilation rate, there is no bar.

Member Jenks clarified that the language as is ensures the system is functioning to its designed standard. It doesn't require someone to replace the system. Ventilation rates are complex to calculate and require specific professionals, such as engineers, to figure out.

Member Kellogg commented that Member Jenks' answer addressed the part "if feasible" but questioned what triggers an indoor air quality plan. What sets the standard? Member Kellogg believed there should be a threshold identified that triggers a school to use the guidance and tells them how to handle the situation.

Member Jenks explained that the carbon dioxide level is how to know if an HVAC system is working the way it's designed. The carbon dioxide level of the school will tell us that.

PM Kamali clarified that a health risk or event would trigger the indoor air quality plan.

Member Hockaday suggested leaving triggers open-ended and not defining them further, so the local health jurisdiction and school can develop a correction plan. They commented that it would be difficult to capture all the mitigation triggers in a code.

Member Kellogg asked where a school would go for guidance on effective ventilation when making a plan.

Member Jenks answered the Department's K-12 Guidance.

Facilitator Langehough asked members to move to a vote on the language in section (7) as it read on screen using the fist-to-five method.

Voting Results

Fist	1	2	3	4	5
0	0	0	2	8	7

Facilitator Langehough announced a consensus on the language for section (7).

Facilitator Langehough asked committee members to review section (8) on filtration and then opened the floor for comments, questions, or discussion.

Subcommittee Proposed Language (8)

> *A school official shall:*
> *(8) Provide adequate filtration by:*
> *(a) Ensuring particulate matter filtration as set forth in chapter 51-52 WAC at the time the heating, ventilation, and air conditioning systems were permitted, including in facilities that have small, ducted air handlers and ventilation systems.*
> *(i) If particulate matter filtration requirements were not established at the time of the original installation of the system, the system must meet chapter 51-52 WAC or the maximum particulate matter filtration achievable within existing system capacity.*

Member Kellogg suggested a minimum and would like to see a reference to guidance or a plan if they cannot meet the current rule.

Facilitator Langehough explained that section (1) captures the criteria. They asked for further questions or comments. Hearing none, they called for a vote using the fist-to-five method.

Voting Results

Fist	1	2	3	4	5
0	0	0	3	8	6

Facilitator Langehough announced a consensus on the language for section (8).

Facilitator Langehough asked committee members to review section (9) and asked PM Kamali to verify that it should read 15 years rather than the range of 10-15 years.

PM Kamali verified that 15 years was correct.

Subcommittee Proposed Language (9)

> *A school official shall:*
> *(9) Perform routine maintenance of the mechanical ventilation system that includes:*

> *(a) Testing and balancing for heating, ventilation, and air conditioning systems every 15 years;*
> *(b) Performing routine inspections of heating, ventilation, and cooling systems to ensure systems are operating within intended parameters of this rule;*
> *(c) Replacing filters as needed to achieve required filtration and air flow rates; and*
> *(d) Maintaining records of these activities that are available for review.*

Facilitator Langehough opened the floor for comments, questions, or discussion.

Member Kellogg asked for a definition of routine inspections.

Member Allison explained that inspections are system-dependent; following one specific timeline doesn't work.

Member Hockaday added that it's a school official that inspects the system routinely, not the local health jurisdiction.

Facilitator Langehough asked members to vote on the language in section (9) as it read on screen using the fist-to-five method.

Voting Results

Fist	1	2	3	4	5
0	0	0	4	7	6

Facilitator Langehough announced a consensus on the language for section (9).

5. Revisiting Language/ Review of Public Comments

WAC 246-370-005 Definitions

Facilitator Langehough asked committee members to review the section on Definitions. There are four terms the committee should consider adding definitions for: "kindergarten," "site assessment," "transition services," and "sun control." Facilitator Langehough opened the floor for comments, questions, or discussion.

Member Phillips suggested adding kindergarten. Not all schools use the term, so we need to clarify that it is a class where a student will enter first grade the following year. They added that there's a definition for preschool.

PM Kamali recalled that the committee had a discussion earlier to add a definition for kindergarten, but it must have fallen off the radar.

Facilitator Langehough asked committee members if we needed to define site assessment.

Member Hockaday said it's not necessary. The language determines what is needed for a site assessment.

Member Daltoso said site assessment should be defined so everyone understands the general idea of what an assessment is. The language specifies what is being looked for in a site assessment, but there isn't a high-level definition of what one is.

Member Phillips agreed with Member Hockaday.

PM Kamali asked if a high-level definition of site assessment would cause harm.

Member Hockaday and Member Daltoso agreed that a definition would not cause harm.

PM Kamali agreed with Member Daltoso and recommended adding site assessment to the list of definitions.

Facilitator Langehough asked committee members if we need to define transition services.

Samantha Fogg, Committee Member, highlighted that transition services are an area of education that is frequently left out of conversations and shared an example of unintended consequences. They also shared that they have seen lower standards in buildings for students in transition services. They would like transition services to be added, not just defined: "… and transition services."

Member Daltoso agreed with Member Fogg and added that buildings that house transitional services are typically not inspected because they're technically post high school. They support a separate definition of transition services.

Gina Yonts, Committee Member, wondered about transitional programs in preschool buildings and if they should extend to those as well.

PM Kamali asked if "related activities" would suffice.

Member Fogg argued that transitional programs are not a related activity—it's school. There is a transition at both ends—age three and ages 18-22. These are regular students, not related activities.

Member Daltoso answered that it says, "and related activities by the school as defined in RCW." The RCW does not capture transition services in its definition.

Member Allison recalled that when working on language, the committee had determined that transition students are still in grade 12.

Member Jenks wanted to clarify that transition students are included in grade 12 because they don't receive a diploma until they are done with the program. They added that services and programs are different.

Facilitator Langehough summarized that they are hearing a recommendation to include services and programs.

Member Hockaday wondered if transitional facilities are considered in the fiscal analysis piece. If they are not currently inspected in the programs, that would need to be expanded.

David Hammond, Committee Member, cautioned about liability and unintended consequences and added that perhaps that would come with a legal review. Their district is considered K-12, but they have transition to kindergarten, pre-kindergarten, and older transitional students. The older students are sent to various worksites every day. Would rules have to extend to those buildings? They suggested that the definition not be too broad.

PM Kamali clarified that the applicability section says that this applies to all facilities operated for the primary purpose of providing education, including transition services. They recommended including a definition since it's used in this rule.

Facilitator Langehough asked committee members to move to the subject of sun control. Does sun control need a definition?

Member Allison questioned the need for a definition of sun control.

PM Kamali expressed concern about defining it as it can prohibit or limit sun control options unintentionally.

Facilitator Langehough did not hear a strong recommendation from committee members to add sun control to definitions, therefore moved on to recap what was decided. The committee decided to add definitions for kindergarten, site assessment, and transition programs and services. Facilitator Langehough noted the need to check that the fiscal analysis includes these services as well.

Action items

- Add a definition for kindergarten.
- Add a definition for site assessment.
- Add a definition for transition programs and services, with the caveat of not going to broad with it.

Break from 2:15 p.m. to 2:25 p.m.

6. Revisiting Language/ Review of Public Comments

WAC 246-370-010 Applicability

Facilitator Langehough asked the committee to review the language, and the informal comment summary then called for discussion.

Chair Hayes discussed the history of Group B and regulation.

PM Kamali said that Group B schools have their own system. At least a dozen in Washington are Group B. So, if we include, “you can’t have a group B system,” we’re not sure what the impact on these schools will be because that is how they are operating.

Member Jenks said that Group B must have a certified operator, and they would have to test their water like the Group A system. We cannot change the definition of less than 25 people per day. We can require testing for water quality standards that Group B has to meet based on Group A testing. Currently they are not required to test. The test would include a monthly bacteriological study. Now they don't have any requirements to test for bacteria, nitrate, arsenic, or anything like that.

Member Jenks asked about getting the list of Group B schools.

PM Kamali corrected that it is 32 schools and suggested getting more information about the regulation of water for the kids in those schools.

Facilitator Langehough discussed the public comment recommendation to include co-ops.

PM Kamali replied that if it’s parents only teaching and its home schools, they would be out of our authority.

Member Hockaday asked about when some homeschooled kids come to a facility to get lessons on music or physical education. We should make sure those are included, but if parents are providing the instruction, then it is out of our scope.

Facilitator Langehough brought up legacy schools. If a school already has approval in a certain area, then it would not be required for any new regulations in that area.

Member Yonts asked how they would know about changes in policy if they aren't subject to regulation. How do they know what they don't know?

Member Hanson suggested that legacy schools should put their money into air quality rather than taking down bathrooms. It depends on what the need is.

Member Yonts asked for an example of a legacy school.

PM Kamali replied that there is an exception for schools already permitted and approved by the health district. If they are already approved, they don't need additional approval. If the time of the permit is after this rule is effective, then they would need to comply.

Facilitator Langehough said that's covered either by the exemption process or by the indication of when things are implemented and required to be compliant. They asked PM Kamali for clarification.

PM Kamali said that was correct and referred to the public comment. They added that we would discuss bathrooms later.

Member Kellog asked if churches are exempt if they have schools on the premises.

PM Kamali answered that they had learned from Member Hanson that private schools are required to get those inspections and approvals to operate. They can't be exempted. If it's in a church, that church must get local health jurisdiction approval.

Member Hanson confirmed that it was correct.

Member Phillips asked for clarification for home-based instruction. Based on the definition, it's parents teaching their children. Would a school co-op with multiple parents teaching other people's kids still be included under our regulation?

Member Hanson answered that co-ops are considered private schools and must go through the processes for state approval and inspection. If kids are coming together for one class, but their parents are responsible for their education (homeschooled by their parents), they are not included.

Action items

- Get more information about Group B school's regulation of water.

WAC 246-370-015 Guidance

Facilitator Langehough asked the committee to review the language, the feedback summarized on the screen, and for comments.

SME Boris asked PM Kamali if they could comment on this section.

PM Kamali replied that the language was clean as is. The update frequency could be sooner than every five years. There needs to be a full review every five years. We're not seeing any committee members having concerns, so we're probably fine not moving forward with any of these comments.

SME Boris expressed concerns about using the word "violation" in the past. But this isn't using the word violation in a report, so it might not have the same effect. We would like to provide updates more frequently than every five years, if necessary, like updates to code and that sort of thing.

Facilitator Langehough noted that there weren't any changes recommended in the pre-meeting survey.

Action items

- No action items

WAC 246-370-020 Site Assessment

Facilitator Langehough asked the committee to review the language and asked for comments. The survey did not have any requested changes. The committee did not have questions or comments, so this section will be left as is.

Action items

- No action items.

Afternoon break from 2:45 to 2:55 p.m.

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

Facilitator Langehough asked the committee to review the section language, public comment summary, and provide comments. There were no recommendations in the survey to change the language.

SME Boris mentioned concerns from local health jurisdictions regarding additions or alterations. This may be a large value—5,000 square feet or 20%—but determining what threshold to use becomes the question. They asked if any committee members were interested in reviewing that.

Member Phillips discussed concerns as a local health jurisdiction with the 5,000 square feet being too large. The way the current regulation is written has worked fine. They review the project and decide whether they need to review it. If not, they let the building department know that there are no comments and no review is needed. With the new requirements, they might miss some things that should be reviewed. They added that the public comment about “licensed architects” was theirs. They often get the WAC compliance letter, and it may come from an engineer or an architect. They recommended adding “licensed architect” to this section.

PM Kamali agreed to the “licensed architect” recommendation.

Facilitator Langehough asked Member Phillips about their comment on 5,000 square feet or more than 20% is too large. Is the size that the school project required to be reviewed by the local health officer? When you say it's too large, is it too large for one person to review?

Member Phillips clarified that there is no review at all if a project is under 5,000 square feet.

PM Kamali discussed that there are additional requirements for specialized classrooms, restrooms, and showers. PM Kamali asked if there's any examples of rooms that are outside of that if a school is augmenting or adjusting a standard classroom without any specialized equipment. Does that require a plan and review?

Member Phillips gave examples of adding a standard classroom and required inspection. They gave the example of a sink with a drinking fountain and outlets right next to it. There are things required to be reviewed that could impact learning for students, particularly lighting and sound control. It would be easy to have a classroom or two that are under 5,000 square feet.

Member Rasmussen agreed. A school can move things around. If it’s less than 5,000 square feet, then there’s no opportunity to comment. For example, a classroom was put in with no windows. It’s

better to be aware of these things when making plans. If nothing needs to be reviewed, then we don't need to review it. It can be a conversation or a quick email. Member Rasmussen also agreed with adding “architect” in the other section.

Facilitator Langehough asked if the committee feels that the language has a gap. Should we address this differently?

Member Hockaday discussed subsection B. We could include “establishment” of a school or instructional space in an existing structure used for a different purpose. Bathrooms might be an exception.

PM Kamali reviewed Section 1 of showers or restrooms. When new installation or renovation of existing shower or restroom facilities is planned, school officials shall consult the local health officer to determine if construction review or plan approval is required. Within the construction plan review section, specialized rooms are specifically called out.

Member Hockaday discussed the loop happening in the language about 5,000 square feet. If the intent is to give flexibility, we should call that out in a different way.

PM Kamali agreed that there could be more consistency.

Member Allison said that the subcommittee had already reviewed it. Why are we discussing it if it’s already decided?

Facilitator Langehough replied that these are public and member comments we are responding to. These comments are something to review as feedback and determine whether we need to change it.

Member Daltoso said in earlier discussions they used square footage so schools wouldn’t have to have local health jurisdictions review everything they did.

Member Phillips pointed out that going through plan reviews is always useful for everyone’s benefit. It costs a lot more to correct it after the fact.

Member Buck said that with many mini projects every year, less than 5,000 square feet is a useful benchmark due to many projects with many architects. It would be harder to submit everything to the local health jurisdiction.

Facilitator Langehough discussed keeping Section C as is with the footage and percentage requirement. Add “instructional space” to Section B if repurposing a space within the school to become instructional space that was not instructional space before. That would be a plan review.

Member Buck discussed how room function changes over time. Every change should not warrant a plan review. The language as is allows for that.

PM Kamali recommended clarifying the language and adding the restrooms back in so that all areas that require plan review will be in one place. They agreed with the committee members that negotiated these kinds of percentages and square feet to support schools and local health jurisdictions. Some local health jurisdictions may not have the capacity to look at every single project and sometimes it may not be necessary. We can capture specific areas that are critically important for minimum health and safety standards.

Action items

- Clarify language about showers and restrooms within the plan review.

- Cross-check other sections for references to a construction plan review and capture in the Construction Plan Review section itself.
- Add “licensed architect” to the language.

WAC 246-370-040 Routine Inspection

Facilitator Langehough asked the committee to review the language and asked for comments

Member Freeman asked if inspections will be a service provided or if schools will be charged a fee for use. The language should be clear.

PM Kamali replied that local health jurisdictions are responsible for setting their own fees. We plan to advocate for sufficient funding for these programs to limit costs as much as possible for schools.

Member Daltoso said that funding these inspections is a huge issue in southern Washington. Some districts will not move forward with inspections. There are no penalties for issues found, so they are not motivated to make improvements. Lack of funding is a huge barrier as districts make significant budget cuts every year. Every year our public health department increases the fee, and it's not sustainable.

Chair Hayes suggested adding this to the report because of the statutory construction of the local health programs and authorities. The Legislature needs to hear about the funding barriers that Member Daltoso outlined. It isn’t something the Board can mandate within a rule, but it is something we can identify in the report as we will with other funding challenges in the report.

Member Freeman asked if the rule would say that the funding is provided to the local health jurisdictions.

Chair Hayes replied that staff can direct any questions from committee members to the Attorney General. However, since the authority resides at the local level, the decision to fund the Health Department rests with the local jurisdiction. The ability and willingness of local counties to do this varies widely across the state and is a local control decision. Some want them to charge a fee for it. The Legislature has been funding through foundational public health services the public health end of certain programming. So that goes through a process with the foundational public health services work.

PM Kamali discussed asking the Assistant Attorney General (AAG) if we can tell the Legislature or the counties that they must pay for this. The AAG said it cannot be written in the rule. We can advocate for it in the report. We know that programs are expensive and time consuming but necessary, so we want to support local health jurisdictions and schools in this process.

Member Fogg said that they see a standard funding null-and-void clause added to a lot of bills as they go through: if not funded in the budget, it’s not applicable.

Chair Hayes replied that null-and-void clauses are specific to the Legislature. The Legislature has the authority to determine whether a bill will be considered as an unfunded mandate or if it will tie into the budget. Since the Board does not have the funds to control, there is no null-and-void decision possible.

Facilitator Langehough discussed making the edits suggested for section 040(2)(b).

Member Hockaday agreed, saying they support the edits under 040(2)(a)(i).

Member Phillips agreed and supported the change under transition 2(b).

Chair Hayes discussed Transition 1 and raised concerns regarding language that allows a designee to opt to do something. Chair Hayes suggested changing the wording to require them to do so and expressed concerns over the phrase “locally determined risk factors.” Noting the fine difference that the health officer is going to allow the school official to do it versus allowing the school official to choose whether they want to.

PM Kamali acknowledged the concern and added that for the transition piece, the school officials would only have to attend the training if they plan to participate in this program.

Member Freeman noted that if there is a difference between jurisdiction based on credible data or local risk factors, if local risk factors, it must be able to be uniformly applied. They could say a locally determined risk factor could be a private school and therefore inspect it more often.

Facilitator Langehough asked the committee to raise their hand if leaving language 2(a) as is versus making edits. The majority raised their hand to leave the language as is.

PM Kamali that language had to be discussed to fit with the lead-in, “the local health office may allow a school official or designee to conduct…” It wasn’t a substantiative change.

Facilitator Langehough clarified the language for 2(b) is a grammatical change. PM Kamali agreed.

Action items

- Edits to 2(b) are OK.

WAC 246-370-050 General Building Requirements

Facilitator Langehough asked the committee to review the language, said that the survey results did not include any recommendations, and asked for comments.

Discussion

Chair Hayes mentioned that Member Jenks had been prepared to talk about handwashing. They had pulled local health jurisdiction folks to discuss eliminating the minimum handwashing temperature.

Member Hockaday said that self-metering handwashing fixtures are not a good handwashing environment because you must repeatedly re-engage the water supply mechanism.

Chair Hayes said that Member Rasmussen was going to discuss eliminating the minimum temperature.

PM Kamali revisited the meeting to review the science and the reports that concluded it is not necessary to have a minimum temperature to effectively wash your hands. Keeping the 120 degrees maximum is necessary to prevent scalding. When washing hands, most of the time spent scrubbing is not under flowing water. We think it is best to be silent on this since it’s covered under other rules. It’s better to have a handwashing facility, not focused on the temperature of the water as long as it’s not too hot.

Member Phillips agreed that self-metered faucets are an issue with short water flow times.

Member Daltoso supported lowering the 85-degree minimum temperature.

Member Hockaday asked PM Kamali if the building requirements for hot water were for lavatories. If it’s in our code, do we identify where we require hand washing sinks so that it's clear. If it’s a sink in

the greenhouse, not necessary to call it a hand-washing sink, ergo meets the building requirements for laboratory temperature.

PM Kamali said they discussed that separation and then decided to not use it so local health jurisdictions do not have to inspect. It's easier if we don't have a minimum temperature requirement, but it is important to identify where handwashing sinks need to be.

Member Freeman thought we had eliminated hand blowers for drying.

Chair Hayes recalled that discussion for hand blowers was focused on not requiring schools to remove them if they were already there.

PM Kamali suggested writing not to install hand blowers for new construction.

Action items

- Add back the language around self-metering faucets.
- Remove the minimum temperature.
- For new construction, hand blowers are not allowed; existing facilities are not required to remove existing units.

Facilitator Langehough discussed that the committee has not discussed deep cleaning and pest mitigation under this section, but the committee was out of time for this meeting.

Member Kellogg asked if it was possible to get any more public comments on ventilation.

PM Kamali replied that we might not be able to get comments before the deadlines but there will be a formal comment period later.

7. Recap/Next Steps

PM Kamali discussed the need to add one additional meeting and will send a survey out with possible dates. We need a response by close of business on Monday March 3, 2025. They reminded committee members attending the joint committee and Board meeting in April that a survey went out regarding hotel rooms and asked for responses as soon as possible so we can make sure accommodations are in place.

ADJOURNMENT

Chair Hayes adjourned the meeting at 4:00 p.m.

WASHINGTON STATE BOARD OF HEALTH

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Patty Hayes, Chair

Minutes for School Environmental Health and Safety Rule Project
Technical Advisory Committee Meeting
March 5, 2025
Virtual Meeting
ASL (or CART)
Department of Health
111 Israel Road SE,
Tumwater, WA 98501
Town Center Two Room: 166
Virtual meeting: ZOOM Webinar

Day 2

Online Participants

Patty Hayes, RN, MSN, Chair
Brian Buck, Lake Washington School District
Brook Wilkerson, School OPS
David Hammond, Washington Association of School Administrators (WASA)
Devon Kellogg, Washington State PTA (reside in Lake Washington SD)
Erin Hockaday, Benton Franklin Health District
Geoff Lawson, WAMOA and Auburn School District
Jared Mason-Gere, Washington Education Association
Laura Peterson, Washington State PTA
Lauren Jenks, Washington State Department of Health
Laurette Rasmussen, Whatcom County Health & Community Services
Nicole Daltoso, Evergreen Public Schools (Clark County)
Samantha Fogg, Washington State PTA (Seattle Public Schools)
Suzie Hanson, Washington Federation of Independent Schools
Tammy Allison, Washington Association of School Business Officials

Technical Advisory Committee members absent:

Anders Lindgren, School OPS
Bailey Stanger, Benton Franklin Health District
Becky Doughty, Spokane Public Schools
Brian Freeman, Inchelum School District
Dan Steele, Washington Association of School Administrators (WASA)
Doug Rich, Washington State Catholic Conference/Catholic Schools
Gina Yonts, Association of Washington School Principals
Jacob Cook, Parent
Jaime Bodden, WSALPHO
Jeff Rogers, WAMOA and Auburn School District
Jessica Sankey, Bellingham Public School
Julie Salvi, Washington Education Association

Kate Espy, South Kitsap School District
Kellie Lacey, Richland School District
Kelly Cooper, Washington State Department of Health
Kelsey Greenough, Richland School District
Kenney Johnson, Lake Washington School District
Kevin Jacka, The Rural Alliance
Morgan Powell, Office of Superintendent of Public Instruction (OSPI)
Nicole Roel, Washington Association of School Business Officials
Pam Schwartz, Washington State Catholic Conference/Catholic Schools
Preet Singh, Bellingham Public School
Randy Newman, OSPI
Richard Conley, The Rural Alliance
Roz Thompson, Association of Washington School Principals
Sandra Jarrard, Spokane Public Schools
Sandy Phillips, Spokane Regional Health District
Sharon Ricci, Washington Federation of Independent Schools
Steve Main, Spokane Regional Health District
Susan Baird-Joshi, Washington State PTA (reside in Lake Washington SD)
Ted Dehnke, Evergreen Public Schools (Clark County)
Tyler Muench, OSPI

Technical Advisory Committee staff present:

Andrew Kamali, Project Manager
Nina Helping, Policy Advisor
Marcus DeHart, Communications
Michelle Larson, Communications
Anna Burns, Communications
Mary Baechler, Community Outreach Coordinator
Crystal Ogle, Administrative Assistant
River Lin, Management Analyst Department of Health

Guests and other participants:

Karen Langehough, FirstRule, Facilitator
Ali Boris, Public Health Advisor Department of Health

1. Introduction/Minutes Review

Patty Hayes, Committee Chair, welcomed committee members and called the School Rules Technical Advisory Committee meeting to order at 9:30 am. Meeting materials became available on Friday, February 28, 2025 and can be found on the Boards website. Board staff will post the recording within three business days.

Chair Hayes thanked the committee for joining the extra meeting. Karen Langehough, Facilitator, is not available today, so Chair Hayes and Andrew Kamali, Project Manager, will facilitate.

Chair Hayes notified the committee that we will combine the minutes from today with the February 26 minutes and reviewed on March 19, 2025.

2. Reminders

Chair Hayes reminded everyone to speak slowly for the interpreters and notetakers. This meeting is the continuation of the February 26 meeting.

3. Objectives and Meeting Agreement

Chair Hayes focused the committee on review of the final 11 sections and public comments. The committee will consider changes to the content of any section of the rule that members feel merit changing. The timeline is the same as the last meeting.

4. Revisiting Language/ Review of Public Comments

Chair Hayes reviewed the highlighted summaries of the public comments on the slide. The staff highlighted topics that were most relevant to the sections. All comments are relevant, but the highlighting should help the committee focus. A stopwatch is in the upper right corner of each slide for the time allocated for each section.

Marcus DeHart, Communications Consultant, explained how to use the numbers on the slide to locate the section under review.

WAC 246-370-060 Showers and Restrooms

PM Kamali and Chair Hayes referenced the slide for showers and restrooms and the highlighted sections. They discussed why there are two sections for toilet requirements and the lack of specific requirements for special education.

Chair Hayes asked if the restroom section should align with the codes already in place. We are not adding in the need to renovate current buildings that are functional now. Should we rely on the building code for restrooms? The building code doesn't set requirements for the number of showers.

Member Hockaday said they support aligning with existing code. It makes it easier at the regulatory end to track one single requirement.

Member Rasmussen agreed. Let the building department decide on the number of toilets. They added their concern about showers, hearing from schools that students rarely use them.

PM Kamali suggested considering toilets and showers separately and aligning the toilet fixtures with the Universal Plumbing Code or the state building code. For showers, we should set a minimum number per gender. A vote is set up with two, three, or four showers per gender as a minimum. We propose moving away from the required ratio to make sure that there are at least a couple of showers available per gender.

Member Jenks agreed. If we follow the building code, someone else enforces that, but if we put that in this rule, then local health must enforce it. It is a workload issue for local health.

Member Allison asked if architects and builders use the building code to determine the number of showers when building a new school, aren't they using the building code for the number of showers? Why do we need to include a number if the building code gives us the number.

Chair Hayes explained that the building code does not have requirements for showers. We can decide if we need this for new construction. We can give the number and identify that it is for sports

like wrestling. It is a minimum health and safety standard to have some level of shower requirement. I recommend that we split this into two sections: to address the restrooms and then the showers. Member Jenks' remarks are important regarding guidance for local public health on what to prioritize in terms of inspections. Putting that in the report is important so the Legislature knows that it's a tactic we are taking. Chair Hayes asked Member Buck for their thoughts of aligning to the building code.

Member Buck supported aligning with the plumbing code for toilets.

PM Kamali asked for a vote on toilets, adjusting the toilet ratio to align with the uniform plumbing code.

Member Kellogg asked if the committee was changing the ratio.

PM Kamali replied that the language currently requires a ratio of one toilet per 15 individuals with up to 10% of toilet fixtures being substituted with urinals.

Member Kellogg said that we would change the language to 1:35 or 1:25.

PM Kamali replied that it was correct, which aligns with the building code.

PM Kamali said that a majority of committee members have voted in favor of this, then discussed moving on to showers and asked Member Buck to comment.

Member Buck said that the highlighted section recommends removing the required shower number but states that a shower should be available. They support that. Their schools have showers available, and they are primarily used by athletes or physical education and wrestlers. Most high schools will have showers, just not 16. We've built a high school and then added a second gymnasium to the high school and there wasn't any interest in adding more showers. The school has over 2,000 kids with six showers there.

PM Kamali shared some comments the Board has received over the last few years. One anecdote told the story of how a female student's only option for a shower was in a male coach's office. They discussed needing some specificity about availability—that there needs to be at least a couple of showers available.

Member Rasmussen asked if the rule would cover types of showers. The showers they grew up with were the big open room with 10 shower heads. Would the rule designate individual showers or private showers in consideration of privacy?

Member Buck replied that they are going away from the large space showers that were popular in the 70s and 80s at secondary schools. If the required number of showers gets too large, then there will be those open showers to meet the requirement. Their showers are individual stall showers now that provide privacy in the locker rooms.

Member Hammond said that they are building a new high school right now with individual stall showers.

Member Jenks discussed the K-12 guide and it looks similar with the exception to suggest at least one Americans with Disabilities (ADA) compliant shower provided for each gender. They asked if that should be included or left to the K-12 guide. There's nothing in the building code, and they added that ADA is an existing law.

Member Kellogg asked about verifying that the showers and toilets are functioning properly as a matter of health and safety.

PM Kamali replied that it would be covered under the inspection piece.

Member Phillips recommended requiring showers and gave the example of some districts pushing back about having any showers. They do get asked how many should be put in and would like to have guidance since it is lacking in the building code. They are comfortable with the toilets going through the building department requirements. They have not had issues except for vandalism and complaints from parents that the toilets are too far away from the classrooms. For showers, they prefer individual showers that have privacy and can shower in the nude (referencing the pool code). The larger area group showers do not get used.

Member Daltoso commented that for a new high school with capacity for 2,000 students, the sports locker room and the physical education (PE) locker room each had three single stall showers plus an ADA for a total of four. The coach's office or PE office has its own individual ADA shower.

PM Kamali asked the committee to consider voting for a minimum number of showers below the numbers that have been shared so far. There will be additional information and guidance for large, comprehensive high schools, maybe making recommendations with a gold-star ratio and recommendations about where the showers should be within the guidance.

Member Kellogg asked how this aligns with Labor and Industry (L&I).

PM Kamali said that L&I is written for the work environment where employees require showering.

Member Hammond asked if this was specific to high school.

PM Kamali said that it applies to physical education, team sports, grades 9 and above.

Member Hammond said the standard for elementary schools is to have at least one shower in the health room and one shower in a special education class.

Member Fogg said that transition services support ages 18 to 22. There's a huge issue that they do not have access to showers in schools. They requested advocating to get access to one. We need to understand that this is wanted and needed.

PM Kamali asked if all special education programs need access to at least one shower.

Member Hammond was not sure it applies to all. They might build a space for a specific program and then change the program later.

Member Rasmussen said that in the health room, it's important to have an accessible shower. Having the ability to take care of someone on site.

PM Kamali asked if for new construction, could the shower requirement be based on programs. The local health jurisdiction and the school would determine if one were needed for the space based on the program.

Member Phillips agreed with PM Kamali's proposal.

PM Kamali asked for a hand raise vote for showers based on programs in new construction.

Member Buck asked for clarification on the vote.

PM Kamali said the first vote is based on programs in new construction. This language would likely go in the specialized room section. The second vote is on the minimum number of showers.

Member Jenks asked if it would be a rule requirement. Or do we need to leave it in guidance?

PM Kamali moved to table the first vote and vote on it in a future meeting.

Member Fogg said it should be based on the needs of the students, not the program model. Facilities cannot determine the inclusion of a student in a general education model. They highlighted we should prioritize the need for accessible showers.

PM Kamali asked members to vote to determine the minimum number of showers, not the ratio. If there are no sports or physical education, schools can get a variance.

Member Buck said that some high schools are only grades 10 through 12. Is calling out 9 through 12 going to be complicated for those districts?

PM Kamali was not sure of the number of schools that would fall into that category. A variance could apply.

Member Hanson asked for clarification on the ratio. Schools can range from 50 students to 1,500 students. Are we not looking at the number of students at all?

Chair Hayes said we're going to set a minimum number in the rules and then put a recommended ratio in guidance for new construction. The rule should focus on the minimum health and safety in schools.

Member Hanson said that showers are an expensive component of a new building. They are concerned that schools wouldn't follow the rule if the ratio is the only in guidance.

Member Jenks said we've gone back and forth about not having enough showers and too many showers. What is the difference between having two, three, or four showers?

PM Kamali said that when we did the math on cost for ratios (based on class and team size, not school size), we were looking at 12 showers on the high end. These numbers may feel arbitrary, but they're meant to set the floor.

Member Hockaday asked if the minimum per school considers smaller schools with 50 students. Ratios would accommodate both small and large schools.

PM Kamali said that schools could use the variance process if these numbers don't make sense to them.

Member Hockaday said that the variance process involves costs and is challenging. Local health jurisdictions can charge a lot for variance review.

PM Kamali asked if the committee wanted to skip the vote.

Chair Hayes said we should at least get a sense of the group's opinion. Do we put it all in guidance? Do we consider not putting a number in at all? We could just say they're required and then put the numbers in guidance. They added that they didn't realize the costs for variances and wanted to be sensitive to that. Chair Hayes asked Member Buck if they wanted a hand vote on that consideration.

Member Buck said yes.

PM Kamali said were thinking of including a number because the Board has received comments in a school that the only shower available for a female student was inside a male coach's office.

Parents think that's not appropriate. We're thinking of a number. But maybe we should focus on location.

Member Jenks said that's for an existing school. We're covering new construction. They hope to see "one accessible shower" in the vote. The rest can be in guidance.

Member Hammond referenced the new Bethel High School. They have a total of 18 showers with accessible showers included, not in the coach's office. The school serves 2,000 students. A new middle school, grades 6 to 8, and 850 students has one accessible in both the boys' and girls' locker rooms, There's one universal shower in a private space.

PM Kamali said we'll come back to this and move to the next section

Action items

- Return to further discussion and vote on the topic.

WAC 246-370-080 Indoor Air Quality and Ventilation

PM Kamali reminded members of the time limit for this discussion is 20 minutes. Focus on mold and outdoor air monitoring.

Member Kellogg said they like "identify" but "promptly" feels vague.

Member Daltoso said that a school district would interpret that as "get on it quickly" or "It's immediate." If it's in a cavity or a wall, we may not identify it until it works through the sheetrock and wall, which can take a long time. We take it very seriously. The schools will respond the same.

Member Hockaday said that "routine identification" may be confusing as written.

PM Kamali shared a suggestion from Nina Helpling, Policy Advisor, to change it to "promptly control identified sources."

Member Jenks said that schools should not be required to monitor outdoor air. They can rely on local weather services and other agencies to alert them to poor outdoor air quality.

Member Phillips agreed with Member Jenks. They suggested, "be aware of local regulatory monitoring." Schools may not do it well or accurately.

PM Kamali agreed that other agencies monitor and share as relevant for schools.

Member Kellogg revisited the mold discussion. They said they would like to have active identification. They were concerned about "promptly control identified sources."

Member Daltoso said that teachers are not quiet when there are concerns in classrooms. Building administrators are aware if there are mold issues.

Member Hockaday said it's not always easy with moisture sources and mold. A visual inspection of moisture and smell usually makes it easier to identify. They were comfortable with the suggested language of "promptly control identified sources."

PM Kamali said we can easily include "promptly control identified sources." It does not change the intent of the section and provides clarity.

Member Kellogg requested that the language include clarification of what "prompt" means.

PM Kamali said “promptly” is an established term to mean “without delay” and “immediate action towards remediation.”

Action items

None.

WAC 246-370-050 General Building Requirements

PM Kamali reviewed the summary about ceiling height. This is already addressed in the building code.

Member Kellogg mentioned that they had sent PM Kamali comments in writing.

Member Phillips said this doesn’t only deal with new construction. Sometimes they renovate buildings to accommodate education purposes. It’s good to have something handy for the change of use situations where the building code is not always applied.

Member Hockaday said that public health implications of ceiling height are less about air flow and more concerned with vertical projections.

PM Kamali proposed focusing on vertical projections, not ceiling height.

Member Hockaday and Member Phillips agreed with the proposal.

Member Buck said that some specialized rooms have cord reels hanging from the ceiling. We want to be careful, as this is the standard for some lab settings. Would that be allowable under this language?

Member Hockaday suggested using “clear vertical distance” in the language. Cord reels are usually over a table. You wouldn’t be as concerned about walking into it. We don’t want something to dangle in the middle of a walking path.

Member Phillips said that cord reels are common in shops. They’re usually retracted when not in use.

Member Daltoso said that if the concern is an obstruction in the walking or egress path, the fire marshal will also catch this during an inspection.

PM Kamali suggested focusing on vertical projections with clear vertical distance. That would not be a new requirement; it currently exists in 366.

Member Kellogg asked about handwashing temperature. Are we still requiring warm water? Are we taking a different approach?

Member Jenks explained that the Center for Disease Control (CDC) states that you don’t need warm water for basic health and safety when handwashing. Building code and plumbing code will set temperature requirements for hand washing sinks. We can avoid mentioning the temperature. We can focus more on where handwashing sinks are required based on specific uses of spaces. Utility sinks are regulated differently.

Member Kellogg was curious if requirements for drinking fountains exist in other codes or regulations.

PM Kamali was not sure.

PA Helpling said they're not required.

Member Kellogg asked if access to potable water is in the building code.

PM Kamali said it's not called out in the building code for educational spaces and is not included in the existing code either.

Member Jenks asked if we should check the lead in school rules as well.

PM Kamali said we need additional background and will come back to the group.

Member Phillips commented on "not attached to handwashing sinks." Virtually every public elementary school has a sink in each classroom that can be used for handwashing. There usually is a drinking fountain attached to it. The language was changed in the K-12 guide that a handwashing sink in a bathroom should not have a drinking fountain attached.

Member Jenks said we can probably omit classroom sinks.

Member Buck asked if we were including the deep cleaning comments.

PM Kamali said that cleaning is the responsibility of the school to determine. It's not something that local health jurisdictions would inspect.

Member Hockaday brought up vacuum breakers. They said that the "housekeeping sink" is too general. They agreed with comments to include "serrated, threaded, or quick-coupling nozzles."

PM Kamali asked if defining "housekeeping sink" would clarify the language.

Member Hockaday said that in practice, we would look at the threaded faucets and coupling nozzles. Sinks in labs might not be considered "housekeeping."

Member Phillips agreed that it should be more about the faucet type instead of referring to it as "housekeeping." Faucet type is in the K-12 guide.

Member Rasmussen agreed with Member Phillips and Member Hockaday.

Action items

- Conduct additional research on existing regulations on drinking fountain requirements and share with the committee.
- Amend the language on vertical projections from ceilings.
- Review terminology on "housekeeping sink" to clarify the language.

WAC 246-370-090 Temperature

PM Kamali asked members to review the slide for Temperature and opened the floor to discussion, questions, or comments.

Member Kellogg agreed with the comments that specialized rooms should be included in a readiness plan.

Member Allison disagreed with the comments and is concerned that if you put every type of specialized room into a readiness plan, it may turn out to be difficult to accommodate.

Member Kellogg clarified that they would like to see maximum and minimum temperature requirements in classrooms, specialized rooms should not be included.

Member Jenks commented that certain rooms need higher or cooler temperatures such as kiln rooms or labs. They are not certain the committee discussed keeping under regular temperature ranges for art or other classes.

Member Phillips provided the example of greenhouses having different temperatures as well.

Member Rasmussen added that shop classes with big doors may be cooler. Some room temperatures may not be as easily controlled. These are different than general classrooms. They also wanted to clarify that special education rooms are not specialized rooms.

Member Allison commented that they now understand Member Kellogg's concerns about specialized rooms in a readiness plan. Specialized rooms are excluded in the language. Also, for clarification, when it states a classroom temperature, a special education room is a classroom, so it applies.

PM Kamali clarified that specialized rooms have specialized equipment and are not special education rooms. We may need to add additional clarification here.

Member Hockaday agreed that the section can be confusing; special education classrooms also contain specialized equipment such as lifts. Perhaps if the language said to include considerations for spaces where activities may dictate temperatures outside of this range to protect health and safety or something like that. It can be unique to each school. For example: "we have a greenhouse that may operate at this temperature."

Member Kellogg expressed concern because the language reads that specialized rooms don't have to have a readiness plan. They believe they should be included in the plan.

PM Kamali reminded members that they decided not to include specialized rooms in the language because they didn't want to limit the type of specialized education that could be taught. So, each school could offer programs they desire.

Member Kellogg pointed out that the language doesn't specify boundaries.

Member Phillips suggested one solution could be to add specialized rooms to the readiness plan but have a higher trigger level.

Member Rasmussen added that the plan could include things like taking more breaks, opening a window, bringing in fans, making sure students hydrate, or limiting exposure to high temps for certain amounts of time. There are various ways to mitigate this.

PM Kamali asked that the suggestions be moved to an action item for staff.

Chair Hayes summarized that the committee members are saying that a specialized room could be included in a readiness plan, but it could have its own section and might not apply the same temperature range.

Member Hockaday agreed with Chair Hayes' summary and added that there must be information in the plan addressing how they are going to mitigate safety or health risks in those scenarios.

PM Kamali asked school officials to weigh in on the discussion.

Member Buck commented that specialized rooms are used for a variety of purposes and suggested it may help to keep the temperature to that of a gym, commons, or corridor, which is 60 to 79 degrees Fahrenheit. If it goes above or below that, then it would trigger the plan.

PM Kamali reiterated that the plan is to keep the classroom safe and suggested that the committee not vote on this yet. PM Kamali suggested allowing staff to amend language and move to the next subsection.

Action items

- Provide clarification in specialized rooms to avoid confusion with special education.
- Include specialized rooms in the readiness plan.
- Consider amending specialized room temperatures to 60 to 79 degrees Fahrenheit to match gym, commons, corridor and temperatures outside of that would trigger a plan.

WAC 246-370-110 Lighting

PM Kamali directed the committee to review the slide summary on Lighting and reminded members that this section was not updated as the science has not changed. The comment is about windows in classrooms.

Member Kellogg expressed concern that some students spend the entire day in classrooms that do not have windows. They supported language saying that no student shall occupy an instruction area without windows more than 50% of the day.

Member Phillips suggested placing food storage lighting with other storage lighting at 10 foot candles. It would be better for energy codes as well.

PM Kamali clarified that the comment is to omit the language that says to include food storage and move the food storage down to non-instruction areas.

Member Phillips agreed.

Chair Hayes emphasized that this is a technical amendment and is not an additional burden.

Action items

- Change food storage to 10 foot candle and move to non-instruction areas.

Break from 11:30 a.m. to 11:40 a.m.

WAC 246-370-120 Injury Prevention

PM Kamali asked committee members to review the injury prevention section and asked if defining low hazard would be important.

Member Daltoso explained that they and the people who work to enforce the rule know the definition of low hazard. They wonder whether teachers who look at the code might create their own definition or interpretation of low hazard.

Member Hockaday wondered if there is a section on “safer chemical choices” and suggested it could be defined in guidelines.

Member Jenks explained that “safer chemical choices” are defined in guidelines.

Member Buck echoed what Member Daltoso said. Their team understands what safer products are but believes it would be helpful to be in guidance.

Member Kellogg asked if there would be a problem defining it in code.

PM Kamali explained that having low hazard in guidance provides more flexibility as things change or update rather than putting it in rule.

Action items

- None.

WAC 246-370-130 Imminent Health Hazard Procedure

Member Kellogg expressed concern that the Imminent Health Hazard section is too broad and believes examples would help.

Chair Hayes remembered there being a conversation around providing a list of imminent health hazards in guidance and believes it was decided to put it there.

Member Jenks confirmed that examples would be in guidance.

Member Kellogg expressed concern about removing the requirement to notify parents or caregivers from the language. They would like to put it back in.

Member Allison pointed out the language that schools are to consult with local health officials regarding messages to families.

Member Kellogg said that the language uses “may consult” and therefore it’s not required.

Member Allison supported it being up to local health officials to determine if communications are needed.

Member Daltoso agreed with Member Allison. The rule should not dictate too specifically when it comes to communication between schools and families.

Member Hockaday supported Member Daltoso’s comment that local health can be available as schools need it.

Member Kellogg clarified that their concern is that it says nothing about a school needing to communicate to parents and families.

PM Kamali explained that we removed a requirement to notify parents to leave the decision up to schools for the reasons Member Daltoso and Member Allison mentioned. They noted that school districts know their families and communities better than we do at the state level. PM Kamali added that staff could check on and confirm the Office of Superintendent and Public Instruction (OSPI) WAC language for required notification for schools.

Member Kellogg mentioned that if the school district doesn’t want to raise an alarm, communication doesn’t have to happen during the event. It can happen after the event. They expressed the need for parents to know if their child was exposed to a health hazard so they can monitor it at home as needed.

Member Jenks agreed with Member Kellogg and explained that the reason it was removed wasn’t because communication with a family is not important. It was because regulating communication

between a school and families is out of scope. Communication is a good idea for the reasons Member Kellog mentioned, but the committee cannot regulate everything a school does, just the minimum health and safety standards.

Member Allison explained that as a small school district, they don't want legislators to assume from the language in the WAC that they don't communicate with their families. They are in constant communication with parents and are very transparent with families.

Member Daltoso agreed with Member Allison. Their school district doesn't keep anything from their families, especially if there is an event or exposure to a health hazard.

Member Kellogg appreciated all the comments and concluded that it would reassure them as a parent to have notification if there are any potential harmful effects they should watch for at home.

Action items

- Check and confirm OSPI WAC language for required notification.

WAC 246-370-140 Playgrounds

PM Kamali asked committee members to review the playground language and comments and then opened the floor to discussion.

Member Kellogg stated it would help to require shade somewhere on the playground so kids have a place to go for shelter.

Member Buck wanted to ensure that the committee was not confusing a playground with a play structure. Playgrounds usually have a play area that is shaded. Shade sails on a play structure do not last long in Western Washington and they cost a lot of money. They want to be sure they don't make the requirement that all play structures have shade.

Member Hockaday commented that there are no requirements for shade for playgrounds in the American Society for Testing and Materials (ASTM) and the Consumer Product Safety Commission (CPSC) standards, but they do reference recommendations. The recommendation is to have shade.

PM Kamali concurred that the ASTM standards don't mandate shade but do encourage it for specific conditions.

Member Kellogg asked Member Buck if shade is required in some other code.

Member Buck replied that their elementary schools all have a covered play area.

Member Kellogg clarified that they were referring to a space in the playground, not specifically structures, but somewhere kids can go on a hot day to cool off.

Member Allison commented that there are sunshades that are over the playground equipment itself or the play structure; they're extremely expensive. It's hard to fund playground equipment, and they're not ADA accessible when they put in the wood chips.

Member Hockaday supported that, saying that we are not requiring a shaded structure, but should; it should be as described by Member Buck. Adding that as somebody who has a health district on the eastern side of the state, it gets very hot by April or May, so they would support that.

Member Rasmussen agreed, saying that most of their elementary schools have a play barn with a big roof. They have seen a few sails, but they don't last. We don't have a rule on that. They are not sure why the Department of Children, Youth, and Families (DCYF) rule is called out here.

Member Allison discussed that they had passed a bond for shade covers for all their elementary schools. The covers are quite expensive but now the bond is gone. If you include that requirement, the money has already been used. It's not minimum, and it's very expensive.

PM Kamali discussed wording for a shaded area that is accessible for students that are on the playground. Not that the playground must be shaded, but a place where students can get out of direct sunlight.

Member Phillips asked how long children are on the playground during recess. A lot of their playgrounds do not have shade, perhaps a canopy or a building overhang. Public schools may have that, but private schools may not. Look at your fiscal analysis. With climate change and temperatures changing, it might be a burden for schools to be required. CPSC recommends shade for certain metal slides that are older equipment.

Member Hammond said that children have 15 to 20 minutes for recess—for lunch, up to 25 minutes. It's their practice to have shaded areas on all their playgrounds. They have play structures—their community expects that. If it's raining, kids can get outside and at least be under the play structure.

PM Kamali discussed that it may not be necessary to add a specific requirement for shade to be put in as it seems to be standard practice for most school districts. We may conduct a survey and ask additional questions.

Action items

- Develop a survey and ask additional questions about shade to see if we need to add it to the rule.

WAC 246-370-150 Specialized Rooms

Member Kellogg discussed that specialized rooms are different from individualized education program rooms. Specialized rooms are excluded from a lot of things like temperature and window guidelines or rules.

PM Kamali asked if Member Kellogg was asking about the differentiation between specialized rooms and special education rooms and ensuring special education rooms are not excluded from temperature requirements.

Member Kellogg said yes and window requirements.

PM Kamali discussed the highlighted comment about the epi-pen section and suggested making a statement that if they are medically necessary or required, they are exempt from that requirement.

Member Kellogg discussed not seeing that windows are required for special education, but that students needed access to light.

PM Kamali thanked Member Kellogg and asked if there were more questions. There were none.

Action items

- Ensure special education rooms are not excluded from temperature requirements and window requirements.

WAC 246-370-160 Variances and Emergency Waivers

PM Kamali introduced the public comment about exemptions at the discretion of the Board.

Member Kellogg commented that readiness plans would take into consideration emergency routes, evacuation considerations, and so on.

PM Kamali said the public comment for exemption language existed in 366. We chose to change the structure by using the variance and waiver process rather than exemptions through the Board.

Member Rasmussen said that they do variances and waivers all the time, but their local board of health is not involved. They suggested removing the “Board of Health.”

Member Hockaday asked when a school wants an exception, will it be a variance or a waiver? Previously there was the language that waivers were really for emergencies or temporary facilities. Now there are two paths for an exemption, and it’s unclear when to go through the full variance process or to quickly waive something.

PM Kamali replied that the determination would sit with the local health jurisdiction. The comment on exemptions is unclear. Is it looking for a permanent exemption from part of the regulation? With a variance, the local health jurisdiction has the authority to say that this variance can continue, or it needs to be reviewed at a future date.

Member Hockaday agreed with that option. Keep it as defined by the local health jurisdiction because if the school has already paid to turn in a construction plan, then Member Hockaday may be able to work on a waiver during the plan review and not charge an additional fee for a variance.

Member Rasmussen asked if this commentator invented a new pathway, or did we already have both of those considered.

PM Kamali replied that this verbatim is in place in 366.

Member Jenks asked whether this comment changed what we had already had in place.

PM Kamali replied that in 370, the school official may submit a written variance request to the local health officer or that the local health officer may grant a school official an emergency waiver for some or all the requirements in these rules. Currently in 366, if you want a variance or exemption, you must appeal it to the Board.

Member Jenks replied that they liked what we had better than the comment.

Member Hockaday agreed with Member Jenks to leave it as is because a local health jurisdiction can decide on whether they charge or don't charge for a variance. For example, in their food safety program, they don't charge for simple variances. They recommend that the committee leave that discretion in terms of the complexity up to the local health jurisdiction and then the true waivers are for emergency situations.

Member Allison asked if there is a time frame for how long the variance is going to last. Does it have to renew every year? Is that something that could be added into the variance language? They were concerned about charges happening every year.

Member Rasmussen said that for a variance those numbers are a permanent variance to that requirement. A waiver is for something like “there’s been a fire in the kitchen, so the school is getting food from another district.” That would have a timeframe of when things are repaired. Variances are one-time only—a permanent situation.

Chair Hayes said that our approach has been to allow a process for variance. We can have guidance in the report that variances don't have to be renewed. In response to this comment, we must clarify that we are not providing a direct path to the Board for an exemption process. This is a process that can be efficiently and quickly done between a local health department and the school. We don’t want confusion by having a separate process at the state level.

Action items

- Clarify language about the authority of local health jurisdictions to approve variances and waivers.

WAC 246-370-180 Appeals

PM Kamali asked if there were any concerns with the Appeals section. They noted that the Board and committee don’t have any authority to compel local health jurisdictions on the exact process that they must use within their own internal organization. It’s not within our scope.

Member Rasmussen agreed with PM Kamali. There’s no way to make this consistent between all the local health jurisdictions. They have their own processes for appeals and didn’t think it should be included.

Member Kellogg asked if there is a reason why we don’t have emergency plans or evacuation procedures required.

Member Hockaday replied that there are already requirements for emergency plans for schools. In our area, these are managed by the educational service districts (ESDs) and OSPI. The health district does not do emergency preparedness plans with the schools.

Member Kellogg thanked Member Hockaday and asked about seismic upgrades. A lot of these buildings are considered seismically unsafe. There’s a huge cost and a big risk.

Member Allison replied that they annually review buildings with their risk management insurance company. They inspect every three to five years. For old buildings it would be identified by your insurance company if they saw something very dangerous.

Member Kellogg asked if this should be covered by this rule.

Member Allison replied they thought not. It is something that must be insured. This is for minimal health and safety. Some of these buildings are not up to seismic upgrades.

Chair Hayes acknowledged the concern. It is not a role for local public health. They don’t have seismic experts. This would not be an appropriate requirement for local public health to try and inspect. It doesn’t belong in the rule.

Member Daltoso agreed with Chair Hayes. In newer buildings, the building code has been updated for the seismic requirements of our region. It's going to take bond funds to upgrade schools, so it’s up to the districts individually and out of scope for our purposes.

Member Hockaday commented that this is out of scope. They cannot inspect for seismic regulations. It’s an important piece of advocacy, but it aligns more with the building department.

PM Kamali asked if there were any other comments.

Member Allison asked about funding and the fiscal analysis. If the legislation passes everything but doesn't fund it, do we have to do any of this?

PM Kamali replied that there will be more discussion about funding at the next meeting. There is a proviso in place that prevents implementation of new school environmental health and safety rules till they've been funded.

Action items

- Next meeting on March 19 to review fiscal analysis.
- Discussion of implementation.
- Committee approval of language to go to the Board.

5. Recap/Next Steps

PM Kamali reminded members that the next meeting on March 19, 2025, will look at the fiscal analysis again. We will discuss implementation and funding pieces, finalize, and get the committee's approval to move forward with this language to the Board. We may send a survey with data points for our fiscal analysis.

Chair Hayes thanked everybody. We have more pieces to wind up for the next meeting.

PM Kamali thanked the committee for their time and flexibility to attend this last-minute meeting, adding that we are truly grateful for the effort here.

ADJOURNMENT

Chair Hayes adjourned the meeting at 12:32 p.m.

WASHINGTON STATE BOARD OF HEALTH

_____
Patty Hayes, Chair

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

WASHINGTON STATE BOARD OF HEALTH

School Environmental Health and Safety Rule Project 2024 - 2025

Technical Advisory Committee (TAC) Charter
Start Date: August 1, 2024 **End Date**: June 30, 2025
Members: See TAC Membership Addendum A

Objective

To review and update the rule for school environmental health and safety. The State Board of Health (Board) and the Department of Health (Department) shall conduct the review with a multi-disciplinary technical advisory committee (TAC). The proposed new rule shall establish the minimum statewide health and safety standards for schools. The TAC will help the Board consider the size of school districts, regional cost differences, the age of the schools, the feasibility of implementing the proposed rule by section or subject area, and any other variables that may affect the implementation of the rule.

Team Expectations

We will:

- Be respectful of all perspectives and opinions.
- Communicate openly and respectfully, disagree without being disagreeable.
- Assume positive intent and ask for clarification.
- Share the air—allow everyone to share insights, one person speaking at a time.
- Ask questions and seek to understand.
- Be on time for meetings and calls.
- Be present and actively participate (no multitasking during meetings).
- Be efficient with our meeting time.
- Meet deadlines and commitments.
- Support the final decisions of the TAC.
- Stay focused on the goals and objectives of the committee.

Decision Making

- The committee will use Fist to Five and Ranked Choice Voting to make decisions.
- Primary or Alternate member voting: Both may attend, but the Primary speaks and votes. The alternate only speaks and votes when Primary is not in attendance.

Information Sharing

Board Project Team will:

- Email meeting materials 72 hours before the scheduled meeting
- Email updates and notices to TAC members and designated alternates
- Post information on 2024-2025 School Rule Review Project | SBOH (wa.gov)[1] to keep the public informed.

[1] https://sboh.wa.gov/rulemaking/agency-rules-and-activity/2024-2025-school-rule-review-project

WASHINGTON STATE BOARD OF HEALTH

School Environmental Health and Safety Rule Project 2024 - 2025

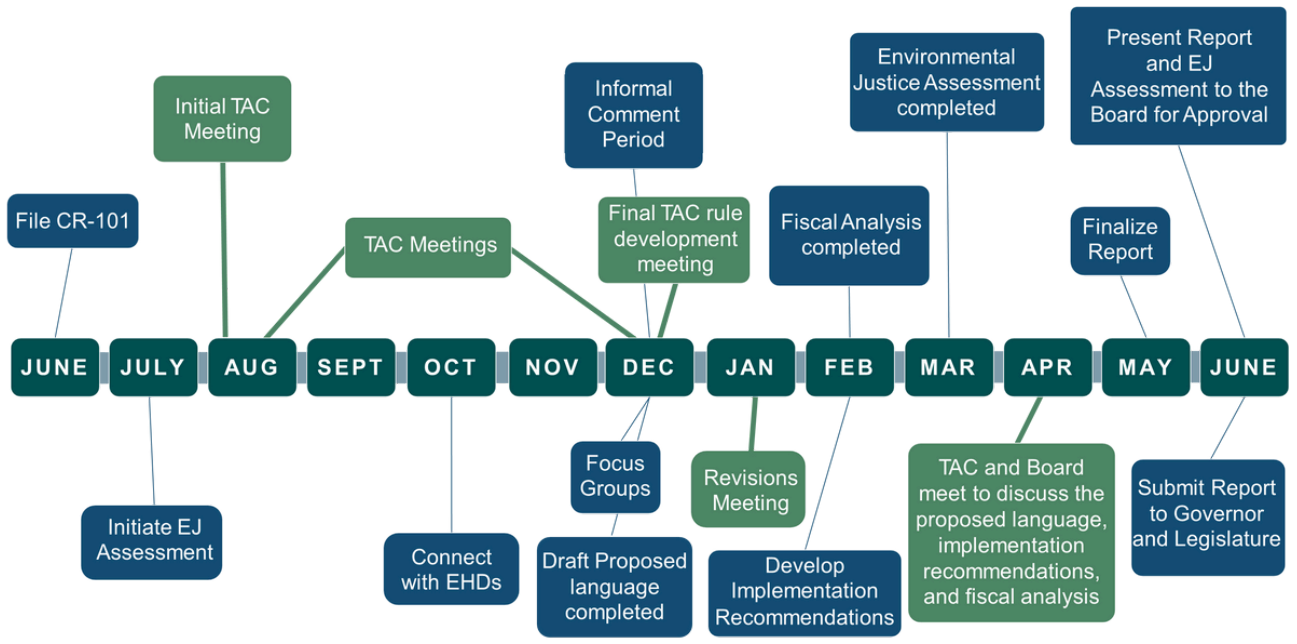
Reference Materials

- Chapter 246-366 WAC[2] Primary and Secondary Schools
- Chapter 246-366A WAC[3] Environmental Health and Safety Standards for Primary and Secondary Schools
- Chapter 296-800 WAC[4] Safety and Health Core Rules
- Title 110 WAC[5] Children, Youth, and Families, Department of

TAC Timeline

Date & Location	Location
Thursday, August 1, 2024	Wenatchee
Thursday, August 22, 2024	Olympia
Tuesday, September 17, 2024	Arlington
Friday, October 4, 2024	Leavenworth
Thursday, October 17, 2024	Olympia
Thursday, October 31, 2024	Olympia
Wednesday, November 20, 2024	Spokane
Wednesday, December 4, 2024	Olympia

Project Timeline



[2] https://app.leg.wa.gov/WAC/default.aspx?cite=246-366&full=true&pdf=true
[3] https://app.leg.wa.gov/WAC/default.aspx?cite=246-366A&full=true&pdf=true
[4] https://apps.leg.wa.gov/WAC/default.aspx?cite=296-800&full=true&pdf=true
[5] https://apps.leg.wa.gov/wac/default.aspx?cite=110&pdf=true

WASHINGTON STATE BOARD OF HEALTH

Draft Language
Chapter 246-370 WAC

March 13, 2025

Contents

Highlighted sections include revised language.

WAC 246-370-001 Purpose

(1) The purpose of this chapter is to set minimum environmental health and safety standards for school facilities operated for the primary purpose of providing education.

WAC 246-370-005 Definitions

(1) "**Air cleaning technologies**" means technologies used to reduce the levels of air contaminants in indoor air.

(2) "**Air contaminant**" means pollutants in the air that could, depending on dose and circumstances, cause adverse health impacts.

(3) "**Carbon Filter**" means a type of filter that uses activated carbon or charcoal to absorb air contaminants.

(4) "**Decibel (dB)**" means a standard unit of measurement of sound pressure.

(5) "**Decibel, A-weighted (dBA)**" means a decibel measure that has been weighted in accordance with the A-weighting scale. The A-weighting adjusts sound level as a function of frequency to correspond approximately to the sensitivity of human hearing.

(6) "**Department**" refers to the Washington State Department of Health.

(7) "**Emergency washing facilities**" means emergency washing facilities such as emergency showers, eyewashes, eye/face washes, hand-held drench hoses, or other similar units.

(8) "**Emissions**" mean substances released into the air, including gases and particles, from various sources.

(9) "**Equivalent Continuous Sound Level**" **or** "**Leq**" means the sound pressure level of a noise fluctuating over a period of time, expressed as the amount of average energy.

(10) "**Foot candle**" means a unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot.

(11) "**HEPA filter**" means a high-efficiency particulate air filter, a type of pleated mechanical air filter that can theoretically remove 99.97% of particles with a size of 0.3 microns.

(12) "**Imminent health hazard**" means a significant threat or significant danger to health or safety that requires immediate action to prevent serious illness, injury, or death.

(13) "**Integrated pest management**" means a program that reduces sources of food, water, and shelter for pests by using the least toxic pest controls when necessary.

(14) "**Local board of health**" means the county or district board of health as defined in RCW 70.05.010(3).

(15) "**Local health officer**" means legally qualified physician who has been appointed as the health officer for the city, town, county, or district public health department as defined in RCW 70.05.010(2) or their authorized representative.

(16) "**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.

(17) "**Noise abatement**" means measures taken to reduce unacceptable sounds or vibrations.

(18) "**Noise criterion**" means a single number for rating the sound quality of a room by comparing actual or calculated sound level spectra with a series of established octave band spectra.

(19) "**Noise criterion 35 (NC35)**" means the curve for specifying the maximum permissible sound pressure level for each frequency band.

(20) "**Portable**" means any school building with a prefabricated structure that can be transported and installed on-site to provide additional educational space.

(21) "**Preschool**" means an educational establishment or learning space offering early childhood education to children not old enough to attend kindergarten.

(22) "**Readiness Plan**" means a written guide to ensure the health and safety of the occupants of a school facility in the event of a particular hazard, such as extreme heat or wildfire smoke.

(23) "**School**" means any public institution of learning where the primary purpose is educational instruction for children in any grade from kindergarten through grade twelve, including transition programs, programs where students will advance to grade one the following year, and related activities by the public school as defined in RCW 28A.150.010 and any private school or private institution regulated by chapter 28A.195 RCW.

(24) "**School facility**" means all buildings and land intended primarily for student use including, but not limited to portables, sports fields, playgrounds, classrooms, and common areas.

(25) "**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.[1]

(26) "**Site assessment**" means an assessment of any historical or other readily available information on site conditions and surroundings to evaluate whether the site poses a potential hazard to human health and determine if further investigation is needed.

(27) "**Source capture system**" means a mechanical exhaust system designed and constructed to capture air contaminants at their source and release air contaminants to the outdoor atmosphere.

(28) "**Specialized room**" means a space or room that has a specific function that uses equipment, furniture, or supplies not found in a standard room that are a potential health and safety risk. This may include but is not limited to a career and technical education room, laboratory, art room, or health room.

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

(30) "**Transition services**" means a coordinated set of activities as defined in 392-172A-01190 WAC.

WAC 246-370-010 Applicability

(1) Chapter 246-370 WAC applies to all facilities operated for the primary purpose of providing education, including those primary and secondary school facilities that offer preschool education or transition services except:

(a) Any facility or part of a facility that is licensed by the department of children, youth, and families under Title 110 WAC;

(b) Private residences used for home-based instruction as defined by RCW 28A.225.010(4);

(c) Facilities hosting educational programs where educational instruction is not a primary purpose, including, but not limited to, detention centers, jails, hospitals, mental health units, or long-term care facilities;

(d) Private facilities where tutoring is the primary purpose;

(e) Public or private postsecondary education facilities providing instruction to students enrolled in secondary school; and

(f) State-tribal education compact schools established under chapter 28A.715 RCW.

(2) Additional environmental health and safety rules that apply to school facilities include, but are not limited to:

(a) Facility and equipment sanitation, food preparation, food storage, and food temperature control as set forth in chapter 246-215 WAC;

(b) Food service workers, including contracted staff and volunteers, who must maintain a current food worker card as set forth in chapter 246-217 WAC;

(c) Water Recreation Facilities or aquatic venues as set forth in chapters 246-260 and 246-262 WAC, as applicable;

(d) Sewer and liquid waste disposal supplied to the school facility that:

(i) Is connected to a municipal sewage disposal system as set forth in chapter 173-240 WAC, if available; or

(ii) Is connected to an on-site sewage disposal system designed, constructed, and maintained as set forth in chapters 246-272A or 246-272B WAC, and local ordinances;

(e) The installation and maintenance of carbon monoxide detection and alarms in mechanical rooms and occupied zones as set forth in chapter 51-54A-0915 WAC;

(f) Potable water supplied to the school facility that:

(i) Meets the provisions of chapters 246-290 or 246-291 WAC;

(ii) Meets the requirements of the uniform plumbing code set forth in chapter 51-56 WAC; and

(iii) Follow the requirements for lead in drinking water set forth in RCW 43.70.830 through 43.70.845 if the facility was built or the plumbing was replaced before 2016.

(3) These rules are not intended to replace or supersede the department of labor and industries' authority and jurisdiction under Title 296 WAC over employee safety and health.

(4) These rules are not intended to replace building code council requirements under Title 51 WAC. In the event this chapter is more stringent to protect health and safety it may supersede Title 51 WAC.

(5) If the local permitting jurisdiction received a complete building permit application for school construction before the effective date of this chapter, the construction-related requirements of chapter 246-366 WAC apply.

WAC 246-370-015 Guidance

(1) The department, in cooperation with the state superintendent of public instruction, shall review potentially hazardous conditions in schools that are in violation of good safety practices and jointly prepare a guide for use during routine school inspections that:

(a) Recommends corrective action to remediate violations of good safety practices;

(b) Includes recommendations for safe facilities and safety practices; and

(c) Is reviewed and updated at least every five years.

WAC 246-370-020 Site Assessment

(1) A local health officer shall conduct or require a site assessment when a school district is planning:

(a) To construct a new school facility on a site that was previously undeveloped or developed for other purposes; or

(b) To convert an existing structure for primary use as a school facility.

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

(a) A new school facility on an existing school site; or

(b) An addition to an existing school facility.

(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 department of ecology, chapter 173-303-110 WAC; and

(c) A noise assessment that measures noise from all sources during the hours that school is normally in session.

(i) The noise must not exceed:

(A) An hourly average of 55 dBA or the mean sound energy level for a specified time in Leq 60 minutes; and

(B) A maximum sound level, recorded during a specified time, measured as Lmax, of 75 dBA during the time of day the school is in session.

(4) A school official shall:

(1) Notify the local health officer within 90 days of starting:

(i) The preliminary planning for school construction that requires a review and approval of a site assessment by a local health officer under subsection (1) of this section, or

(ii) The preliminary planning for school construction under subsection (2) of this section to determine if a site assessment is required.

(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 to the local health officer the written report that assesses the potential impact on health and safety presented by the proposed site and includes, but is not limited to, the following:

(i) The findings and results obtained under subsection (3) of this section;

(ii) An analysis of the findings;

(iii) If a site exceeds sound levels under subsection (3)(c)(i), the school official must include a plan for noise reduction in the new construction proposal;

(iv) A description of any mitigation proposed to address identified health and safety risks present at the site; and

(v) Any site assessment-related information requested by the local health officer to complete the site assessment review and approval process.

(d) Obtain the site review and written site approval from the local health officer when required under subsection (1) or (2) of this section.

(5) The local health officer shall:

(a) When notified by a school official, 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 60 days of receiving a complete request unless a school official 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 60 days of receiving a complete request unless the school officials and the local health officer agree to a different timeline.

(6) If a written site assessment request from a school official is received by the local health officer before the effective date of this section, the site assessment requirements of chapter 246-366 WAC apply unless otherwise specified in this chapter.

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

(1) The following school construction projects must be reviewed and approved by the local health officer:

(a) Construction of a new school facility, playground, bathroom, shower, or specialized room;

(b) Establishment of a school in all or part of any existing structure previously used for another purpose;

(c) Additions or alterations consisting of more than 5,000 square feet of floor area or more than 20 percent of the total square feet of an existing school facility, whichever is less;

(d) Alteration of a playground, bathroom, shower, or specialized room; and

(e) Installation or construction of a portable classroom.

(2) A school official shall:

(a) Consult with the local health officer at the 50 percent design development stage for school construction projects plans to determine if the project requires construction review.

(i) Provide additional documents requested by the local health officer, which may include, but are not limited to, written statements signed by the project's professional engineer or licensed architect verifying that design elements comply with requirements specified by these rules; and

(ii) Consult with the local health officer to determine whether additional construction project review is required to ensure that the project meets the requirements of this rule;

(b) Obtain written approval from the local health officer for the construction project before starting construction.

(i) If the school official meets the requirements of subsection (2)(a) but the local health officer does not meet the requirements of subsection (3), the school official may proceed with their scheduled construction timeline.

(c) Request a preoccupancy inspection by the local health officer to ensure the correction of any imminent health hazards before allowing occupancy at the school facilities; and

(d) Notify the local health officer at least five business days before a desired preoccupancy inspection.

(3) The local health officer shall:

(a) Respond to a request to consult with a school official within 15 business days of receipt;

(b) Consult with a school official to determine requirements for plan review and approval;

(c) Review construction project plans at the 50 percent design development stage to confirm the need for a construction review and approval to meet the health and safety requirements of this chapter;

(d) Consult with a school official when requiring additional reviews;

(e) Identify and request any additional documents needed to determine compliance with the requirements outlined in this chapter;

(f) Provide written approval within 60 days of receiving the 100 percent design development for the construction design plans or provide a written statement describing construction project plan deficiencies that need to change to obtain approval. The school official and the local health officer may alter this timeline if mutually agreed upon; and

(g) Conduct inspections:

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

(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 a school official or as otherwise agreed to by the school official and the local health officer;

(A) If an imminent health hazard is identified, the school official, the local health officer, and the local building official must identify and agree upon a solution that the school officials will implement before occupation of the affected portion.

(B) If other conditions of noncompliance with this chapter are identified, the local health officer must provide the school official with a written list of items and consult 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.

WAC 246-370-040 Routine Inspection

(1) The local health officer shall:

(a) Conduct an environmental health and safety inspection of each school facility within their jurisdiction every three years, prioritizing areas for emphasis based on risk.

(b) 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 246-370-130.

(c) 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.

(d) Issue a final inspection report within 60 days following an inspection. The local health officer may establish an alternate timeline for issuing the final inspection report when agreed upon in consultation with school officials. The report must include inspection findings related to this chapter and any required remediation.

(e) Confirm, as needed, that corrections are accomplished.

(2) The local health officer may:

(a) Adjust the inspection interval of the schools within their jurisdiction if:

(i) The local health officer develops a written risk-based inspection schedule that is uniformly applied throughout the jurisdiction based on credible data or local risk factors.

(A) The time between routine inspections may not exceed five years.

(B) The time between routine inspections may not be more frequent than one year.

(b) Allow a school official or qualified designee to conduct the required additional inspections under a program approved by the local health officer if the program includes provisions for:

(i) Assuring that the school official or designee conducting the inspection has attended training in the standards, techniques, and methods used to conduct an environmental health and safety inspection;

(ii) Completing a standardized checklist at each inspection; and

(iii) Providing a written report to the local health officer detailing the findings of the inspection, within 60 days of completing the inspection.

WAC 246-370-050 General Building Requirements

A school official shall ensure that school facilities:

(1) Are clean and in good repair;

(2) Do not attract, shelter, or promote the propagation of insects, rodents, bats, birds, and other pests of public health significance;

(3) Have floors that suit the intended use, allow easy cleaning, and dry easily to inhibit mold growth and mitigate fall risks;

(4) Have no projections from the finished ceiling that are less than seven clear vertical feet from the finished floor;

(5) Have vacuum breakers or backflow prevention devices installed on hose bibs, sinks, and supply nozzles where hoses or tubing can be connected;

(6) Provide proper storage for student jackets or backpacks, play equipment, and instructional equipment to mitigate trip, pest, or other public health hazards; and

(7) Provide toilet and handwashing facilities accessible for use during school hours and scheduled events. Self-closing metering faucets used in handwashing facilities must provide at least 10 seconds of running water.

(a) Provide handwashing facilities with access to:

(i) Soap;

(ii) Fixtures with water temperatures that do not exceed 120-degrees Fahrenheit;

(iii) Single-use towels, disposable towels, blower, or equivalent hand-drying device; and

(b) Provide toilet paper.

WAC 246-370-060 Showers and Restrooms

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

(a) Provide at least one shower facility for grades nine and above for classes in physical education and for team sports that:

(i) Meets the Federal Americans with Disabilities Act (ADA);

(ii) Meets the requirements of the uniform plumbing code set forth in chapter 51-56 WAC;

(iii) Is accessible for use during school hours and scheduled events;

(iv) Automatically maintains hot water between 100° F and 120° F;

(v) Contains floor surfaces in shower areas that are impervious to water, slip-resistant, and sloped to floor drains. Walls must be impervious to water up to showerhead height. Upper walls and ceilings must have an easy-to-clean surface;

(vi) Contains floor surfaces in drying rooms, or locker rooms if a drying room is not available, that are impervious to water, slip-resistant, and sloped to floor drains. Walls and ceilings must have an easy-to-clean surface; and

(vii) Provide locker or dressing room areas with easy-to-clean wall and floor surfaces.

(b) Provide restrooms:

(i) With handwashing fixtures that do not have water temperatures that exceed 120° F;

(ii) That meet the requirements of the uniform plumbing code set forth in chapter 51-56 WAC;

(iii) That contain floor surfaces impervious to water, slip-resistant, and sloped to floor drains;

(iv) With walls that are easy to clean and impervious to water up to water splash height. Upper walls and ceilings must have an easy-to-clean surface; and

(v) With soap and single-use or disposable towels. Blower or equivalent hand-drying devices are prohibited.

WAC 246-370-070 Indoor Air Quality and Ventilation

A school official shall:

(1) Ensure the implementation of a written indoor air quality plan within five years of the effective date of this section that includes:

(a) Identified areas of indoor air quality concerns and develop preventive measures to address the concerns;

(b) A schedule to perform routine inspections of heating, ventilation, and cooling systems;

(c) An integrated pest management plan;

(d) A plan for monitoring and mitigating carbon dioxide levels if required by subsection (7)(b)(iii) of this section; and

(e) A plan with actions ensuring health and safety for periods of increased health risk or poor outdoor air quality.

(2) Control sources of air contaminants by:

(a) Excluding sources of potential air contaminants from a school facility; or

(b) Providing a space with appropriately used and maintained ventilation to minimize student exposure to potential air contaminants.

(3) Develop and implement a plan to test for radon every five years in regularly occupied areas on or below ground level.

(4) Prohibit the use of air fresheners, candles, or other products that contain fragrances.

(5) Physically contain construction activities that generate emissions or conduct construction at times that minimize student exposure.

(6) Promptly control identified sources of moisture and remediate mold using measures to minimize occupant exposure to mold and chemicals used during the remediation process.

(7) Provide adequate ventilation by:

(a) Ensuring direct mechanical exhaust for specialized rooms as set forth in WAC 246-370-140.

(b) Ensuring all student-occupied instruction and gathering spaces during hours of occupation provide outdoor air ventilation flow rates as set forth in chapter 51-52 WAC at the time the ventilation system was permitted.

(i) If outdoor air ventilation flow rates were not established at the time of the original building construction, ventilation airflow rates must be operated to meet chapter 51-52 WAC or maximum outdoor air ventilation flow rates achievable within existing system capacity.

(ii) Compliance is determined based on variables including but not limited to:

(A) The type and area of the space;

(B) The planned number of occupants; and

(C) The type of ventilation system;

(iii) If the school facility does not have a mechanical outdoor air ventilation system or the outdoor air flow rate cannot be determined, provide ongoing carbon dioxide concentration monitoring.

(8) Provide adequate filtration by:

(a) Ensuring particulate matter filtration as set forth in chapter 51-52 WAC at the time the heating, ventilation, and air conditioning systems were permitted, including in facilities that have small, ducted air handlers and ventilation systems.

(i) If particulate matter filtration requirements were not established at the time of the original installation of the system, the system must meet chapter 51-52 WAC or the maximum particulate matter filtration achievable within existing system capacity.

(9) Performing routine maintenance of the mechanical systems that include:

(a) Testing and balancing for existing heating, ventilation, and air conditioning systems every fifteen years;

(b) Performing routine inspections of existing heating, ventilation, and cooling systems to ensure systems are operating within intended parameters of this rule;

(c) Replacing filters as needed to achieve required filtration and air flow rates; and

(d) Maintaining records of these activities for review upon request.

WAC 246-370-080 Temperature

(1) A school official shall ensure the development of an extreme temperature readiness plan and implement it when:

(a) A school facility is occupied by students and:

(i) Classroom temperatures are outside of the range of 65 degrees to 79 degrees Fahrenheit; or

(ii) Hallways, gymnasiums, and common area temperatures are outside of the range of 60 degrees to 79 degrees Fahrenheit.

(2) A school official may consult with a local health officer to develop an extreme temperature readiness plan.

WAC 246-370-090 Noise

A school official shall ensure:

(2) For new construction:

(a) Ventilation equipment or other equipment that will contribute to mechanical noise sources in a classroom must include designs that ensure that the background sounds conform to a noise criterion curve or equivalent not to exceed NC-35. The school official shall certify that equipment and features are installed according to the approved plans.

(b) The actual background noise at any student location within a newly constructed classroom does not exceed 45 dBA (Leqx) and 70 dB(Leqx) (unweighted scale) where x is thirty seconds or more. The health officer shall determine compliance with this section when the ventilation system and the ventilation system's noise generating components, e.g., condenser, heat pump, etc., are in operation.

(c) The maximum ambient noise level in specialized rooms shall not exceed 65 dBA when all fume and dust exhaust systems are operating.

(2) Portable classrooms constructed before January 1, 1990, moved within the same school property or the same school district, are excluded from the requirements of this section if the portable classrooms:

(a) Do not alter the noise abatement features;

(b) Do not increase noise-generating features;

(c) Were previously used for classroom instruction;

(d) Do not change ownership; and

(e) Are located on a site that meets the noise assessment requirements set forth in WAC 246-370-020(3)(c).

(3) The maximum noise exposure for students in classrooms shall not exceed the levels specified in Table 1.

(4) That activities that expose students to sound levels equal to or greater than 115 dBA are prohibited.

(5) That students are provided and required to use personal protective equipment where noise levels exceed those specified in Table 1. Personal protective equipment must reduce student noise exposure to comply with the levels specified in Table 1.

Table 1 Maximum noise exposures permissible	
Duration per day (hours)	Sound Level (dBA)
8	85
6	87
4	90
3	92
2	95
1-1/2	97
1	100
1/2	105
1/4	110

WAC 246-370-100 Lighting

A school official shall:

(1) Provide light intensities that meet or exceed those specified in Table 2.

(a) Natural lighting, energy-efficient lighting systems, lighting fixtures, or bulbs may be used to maintain the minimum lighting intensities.

Table 2

Lighting intensities measured 30 inches above the floor or on working or teaching surfaces. Some lighting fixtures may require a start-up period before reaching maximum light output.

Task	Min. Foot Candle Intensity
Specialized rooms where safety is of prime consideration or fine detail work is done, for example, family and consumer science laboratories, science laboratories (including chemical storage areas), shops, drafting rooms, and art and craft rooms.	**50**
Kitchen and food preparation areas.	**50**
General instructional areas, for example, study halls, lecture rooms, and libraries.	**30**
Gymnasiums: main and auxiliary spaces, shower rooms and locker rooms.	**20**
Non-instructional areas including auditoriums, lunchrooms, food storage rooms, assembly rooms, corridors, stairs, storerooms, and restrooms.	**10**

(2) Control excessive brightness and glare in all instructional areas. Surface contrasts and direct or indirect glare must not cause excessive eye accommodation or eye strain problems.

(3) Provide sun control to exclude direct sunlight from window areas and skylights of instructional areas, assembly rooms, and meeting rooms during at least 80 percent of the normal school hours. Sun control is not required for sun angles less than 42 degrees up from the horizontal. Sun control is not required if air conditioning is provided, or special glass is installed having a total solar energy transmission factor less than 60 percent.

(4) Provide lighting in a manner that minimizes shadows and other lighting deficiencies on work and teaching surfaces.

(5) Provide windows in sufficient number, size, and location to enable students to see outside at least 50 percent of the school day. Windows are optional in specialized rooms.

WAC 246-370-110 Injury Prevention

A school official shall:

(1) Mitigate potential slip and fall hazards by, but not limited to:

(a) Providing stairwells and ramps with handrails and stairs with surfaces that reduce the risk of injury;

(b) Providing protection or barriers for areas that have fall risks such as balconies and orchestra pits;

(c) Storing unsecured equipment in a manner that prevents unauthorized use or injury;

(2) Ensure chemical and cleaning supply storage that includes:

(a) Manufacturer use instructions, warning labels, and Safety Data Sheets for proper storage of the supplies;

(b) Labels on supplies that are diluted from bulk chemical or cleaning agents with the accurate agent name and dilution rates;

(c) The original bulk or concentrated containers of cleaning and disinfectant agents for reference to labels and instructions until diluted contents are exhausted;

(d) Separation of incompatible substances; and

(e) Access limited to authorized users.

(3) Provide fragrance-free and low-hazard cleaning and sanitation supplies when available or ensure cleaning at a time and manner that would limit exposure to students; and

(4) Provide a written policy to mitigate injury and the spread of diseases if the school allows animals other than service animals in a school facility.

WAC 246-370-120 Imminent Health Hazard Procedure

(1) If a school official identifies a condition that could pose an imminent health hazard, a school official shall:

(a) Take immediate action to mitigate hazards and prevent exposure if an imminent health hazard is confirmed;

(b) Immediately consult with the local health officer to investigate the suspected hazard; and

(c) A school may consult with the local health officer in developing appropriate health and safety messages for school staff, students, and parents.

(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) Consult with school officials to mitigate hazards and prevent exposure; and

(c) If requested, assist school officials in developing health and safety messages for school staff, students, and parents.

WAC 246-370-130 Playgrounds

(1) A school official shall:

(a) Consult with the local health officer regarding playground review and approval requirements prior to:

(i) Installing new playground equipment or fall protection surfaces;

(ii) Adding new playground features or equipment to an existing playground; or

(iii) Modifying existing playground equipment, features, or fall protection surfaces;

(b) Install, maintain, and operate playground equipment, including used equipment, and fall protection surfaces:

(i) In a manner consistent with the ASTM F 1487-21: Standard Consumer Safety Performance Specification for Playground Equipment for Public Use; and

(ii) In a manner consistent with the manufacturer's instructions and *Consumer Product Safety Commission Handbook for Public Playground Safety*, 2010;

(c) Provide playground plans and equipment specifications and any additional information the local health officer requests; and

(d) Obtain plan review and written approval from the local health officer before installing, adding, or modifying playground equipment or fall protection surfaces.

(2) The local health officer shall:

(a) Consult with a school official to determine requirements for playground plan review and approval consistent with the scope of the project;

(b) Review playground plans and equipment specifications to confirm that the requirements of these rules are addressed;

(c) Identify and request any additional documents required to complete the review;

(d) Provide written approval or denial of the playground plans and equipment specifications within 60 days of receiving all documents needed to complete the review unless the school officials and the local health officer agree to a different timeline;

(e) Verify that playground installation complies with the requirements of this section; and

(f) Coordinate all playground-related inspections with the school official.

(3) The use of chromated copper arsenate or creosote-treated wood to construct or install playground equipment, landscape structures, or other structures on which students may play is prohibited.

WAC 246-370-140 Specialized Rooms

A school official shall ensure specialized rooms that are part of a school facility include, if applicable:

(1) Single-use soap and single-use towels at handwashing sinks.

(2) Emergency washing facilities:

(a) An emergency shower must be provided:

(i) When there is potential for major portions of a person's body to contact corrosives, strong irritants, or toxic chemicals; and

(ii) That delivers water to cascade over the user's entire body at a minimum rate of 20 gallons (75 liters) per minute for fifteen minutes or more.

(b) An emergency eyewash fountain must be provided:

(i) When there is potential for a person's eyes to be exposed to corrosives, strong irritants, or toxic chemicals;

(ii) That irrigates and flushes both eyes simultaneously while the user holds their eyes open;

(iii) With an on-off valve that activates in one second or less and remains on without user assistance until intentionally turned off; and

(iv) That delivers at least 0.4 gallons (1.5 liters) of water per minute for fifteen minutes or more.

(c) Emergency washing facilities must:

(i) Be located so that it takes no more than 10 seconds to reach and no more than 50 feet;

(ii) Be kept free of obstacles blocking their use;

(iii) Function correctly; and

(iv) Provide the quality and quantity of water that is satisfactory for emergency washing purposes.

(d) The design, installation, and maintenance of emergency washing facilities must meet the American National Standards Institute (ANSI) publication Z358.1 - 2014, American National Standard for *Emergency Eyewash and Shower Equipment.*

(3) A prohibition of use and storage of compounds that are:

(a) Considered shock-sensitive explosives, for example, picric acid, dinitro-organics, isopropyl ether, ethyl ether, tetrahydrofuran, dioxane; or

(b) Lethal at low concentrations when inhaled or in contact with skin, for example, pure cyanides, hydrofluoric acid, toxic compressed gases, mercury liquid and mercury compounds, and chemicals identified as the P-list under WAC 173-303-9903. This excludes prescribed medications such as epinephrine pens.

(4) Safety procedures and processes for instructing students regarding the proper use of hazardous materials or equipment.

(5) Appropriate personal protective equipment when exposure to potential hazards might occur.

(6) Appropriate situation-specific emergency equipment is available when exposure to potential hazards might occur.

(7) Appropriate ventilation, source capture system, or other equipment approved by the local health officer to prevent the recirculation of air into the room or transfer of airflow into other parts of the school facility and to prevent contaminant from entering the students breathing zone.

(8) A designated health room that includes:

(a) The means to visually supervise and provide privacy for room occupants;

(b) Surfaces that staff can easily clean and sanitize;

(c) A handwashing sink in the room;

(d) An adjoining restroom; and

(e) Mechanical exhaust ventilation that ensures that air does not flow from the health room to other parts of the school facility.

(9) Emergency shut-off valves or switches 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.

WAC 246-370-150 Variances and Emergency Waivers

(1) School officials may:

(a) Submit a written variance request to the local health officer if there is an alternative that meets the intent of chapter 246-370 WAC. The variance request must include:

(i) The specific rule section or sections that the variance would replace;

(ii) The alternative proposed to replace the required rule;

(iii) A description of how the variance will provide a comparable level of protection as the rule that it will replace;

(iv) Any clarifying documentation needed to support the request, including but not limited to, engineering reports, scientific data, or photos.

(b) Implement a variance only after obtaining approval from the local health officer.

(2) The local health officer shall:

(a) Provide written approval or denial of a request for a variance to the school applicant and the department within 60 days of receiving a complete written variance request, unless the school official and the local health officer agree to a different timeline.

(3) The local health officer may grant a school official an emergency waiver from some or all the requirements in these rules:

(a) For the use of a temporary facility if the facility normally used by the school is not safe to be occupied; or

(b) If a school can safely remain in operation during an imminent health hazard.

WAC 246-370-160 Severability

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

WAC 246-370-170 Appeals

(1) A school official may appeal any environmental health and safety decisions or actions of the local health officer to the local board of health.

(2) The local board of health will conduct environmental health and safety appeals in a manner consistent with the written procedure within each office.

WASHINGTON STATE BOARD OF HEALTH

School Environmental Health and Safety Rule 2024 – 2025

Fiscal Analysis

March 19, 2025

WASHINGTON STATE BOARD OF HEALTH

School Environmental Health and Safety Rule 2024 – 2025

Contents

Cost Assumptions

- **General:** All cost assumptions represent both the school and local health jurisdiction costs to comply with the proposed requirements in chapter 246-370 WAC beyond those currently incurred by 246-366 WAC.

  For example, 246-366-040 (current regulation) and 246-370-030 (proposed regulation) WAC are both subsections for construction plan review. This fiscal analysis will address any new costs or savings that will occur based on the change in requirements from the existing rule to the proposed rule.

- **Labor:** Calculated labor costs assume that the new or additional requirements in chapter 246-370 WAC may require additional labor hours than what are currently required under chapter 246-366. The Board staff surveyed local health officials (LHOs), the Department of Health (department) staff, and school officials to estimate how many additional hours would be required to comply with the new rule requirements. Additionally, they identified staff members who would be mostly likely to perform the additional labor hours. Data from the Office of Financial Management[1], Office of Superintendent of Public Instruction[2] (OSPI), and local health official surveys were used to calculate hourly wages. Benefits and indirect cost are included in the hourly wage estimates. Benefits and indirect costs can vary year by year and are only an approximate percentage of the hourly wage.

  Some, but not all, local boards of health require cost recovery. These boards will assess additional fees to the schools.

  Labor cost categories:

  - **LHO Hours**: LHOs that don't require fees for cost recovery will incur a cost for hourly services.
  - **Hourly LHO Fees**: Schools will incur a cost when their LHOs require fees for cost recovery.
  - **School Official Hours**: School officials provided a range of hours and hourly wages.

- **Construction Costs:** Professional engineers that specialize in school construction supported construction cost calculations.
- **Trade Service Costs:** Board staff conducted phone surveys of industry professionals that perform the work in Washington state, searched the internet, and consulted with professional engineers that specialize in school construction to calculate trade service costs.
- **Consumable Goods:** Board staff priced goods through online retail searches, phone surveys, consulted with professional engineers, and consultation with department staff to calculate consumable goods.
- **All dollars are rounded up to whole numbers.**

Sections Not Analyzed

WAC Section and Title	Section Purpose	Why is section exempt from analysis?
WAC 246-370-001 Purpose **Formerly** 246-366-005[3]	Introduces the topic of the rule and why the rule is adopted.	The purpose section of the rule is to clarify who the rule intends to govern.
WAC 246-370-005 Definitions **Formerly** 246-366-010[4]	Add clarity to rule language and do not impose requirements for schools to conform to	Definitions bring clarity to rule language only.
WAC 246-370-010 Applicability **Formerly** 246-366-060[5], -070[6], **and** -130[7]	Outlines what type of school this WAC applies to and refers to other regulations that schools must conform to.	Applicability clarifies the entities that are governed by this rule and other environmental health and safety regulations that those entities are also governed by.
WAC 246-370-090 Noise **Formerly** WAC 246-366-110[8]	Stipulates permissible levels of noise within a school facility.	There were no changes from WAC 246-366 other than non-substantive changes clarifying language.
WAC 246-370-100 Lighting **Formerly** WAC 246-366-120[9]	Stipulates required lighting levels based on tasks performed within a school facility	There were no changes from WAC 246-366 other than non-substantive changes clarifying language.
WAC 246-370-160 Severability **Formerly** WAC 246-366-160[10]	Outlines how individual provisions of the rule are independent from each other and if one provision is found to be invalid the other provisions are not affected.	Non-substantive changes clarifying language.
WAC 246-370-170 Appeals New WAC Topic	Explains how an entity can appeal a decision made by the local health officer	Explains a process for appeals.

Fiscal Analysis by Section

WAC 246-370-015 Guidance

Formerly 246-366-140[11]

WAC 246-366-140 requires the department and OSPI to jointly prepare a guide used by staff during routine inspections. WAC 246-366-140 requires the creation of the guide but does not require updates to the guide at any frequency. The department published the first *Health and Safety Guide for K-12 Schools in Washington State* (K-12 Guide) in June 2000. The department and OSPI published two subsequent updates of the guide. Once in January 2003 and a second in September 2024.

New Requirements of WAC 246-370-015:

- The department must review and update the guide at least every five years.

Labor Cost

- OSPI estimates:
  - It will take one Administrative Program Specialist 2 position 120 hours to update the K-12 Guide to conform to the updated requirements of this rule.
  - It will take one Administrative Program Specialist 2 position 40 hours to update the K-12 Guide every five years thereafter.
- Department estimates:
  - It will take one Public Health Advisor 4 position 350 hours and two Public Health Advisor 3 positions 200 hours each (total of 750 hours) to update the K-12 Guide to conform to the updated requirements on this rule.
  - It will take one Public Health Advisor 4 position 300 hours and two Public Health Advisor 3 positions 100 hours each (total of 500 hours) to update the K-12 Guide every five years thereafter.

Labor: One Time Update Costs

Agency	Position	Hourly Total Compensation	Total Number Hours	Position Total	Total
OSPI	Administrative Program Specialist 2	$ 69	120	$ 8,222	$60,293
Department	Environmental Planner 4	$ 72	350	$ 25,373	
Department	Environmental Planner 3	$ 67	200	$ 13,349	
Department	Environmental Planner 3	$ 67	200	$ 13,349	

Labor: Once Every Five Years Costs

Agency	Position	Hourly Total Compensation	Total Number Hours	Position Total	Total
OSPI	Administrative Program Specialist 2	$ 69	40	$ 2,741	$ 37,838
Department	Environmental Planner 4	$ 72	300	$ 21,749	
Department	Environmental Planner 3	$ 67	100	$ 6,674	
Department	Environmental Planner 3	$ 67	100	$ 6,674	

WAC 246-370-020 Site Assessment

Formerly 246-366-030[12]

Site assessments are historical reviews of properties that consider commonly known and reasonably ascertainable information to identify recognized environmental conditions in connection with the subject property and the surrounding area.[13]

WAC 246-366-030 currently requires "the board of education to obtain written approval from the health officer that the proposed development site presents no health problems." WAC 246-366-030 also requires the completion of a noise assessment at the site before beginning construction.

New requirements of WAC 246-370-020

- Adds an ASTM Phase 1 Environmental Site Assessment.[13]
- Requires a school official to notify the LHO 90 days before construction planning and throughout the plan development stage of the construction project.
- Requires a school official to submit a written report on the health and safety impacts of the construction project.
- Adds a 60-day deadline for LHOs to approve or deny completed site assessments.
- Gives LHOs flexibility to decide if a new school facility on an existing school site or if an addition to an existing school facility requires a site assessment.

Costs

A basic ASTM Phase 1 Site Assessment is a historical research and evaluation project of the site conditions and the surrounding areas. This includes historical land use to determine if there are known soil contamination issues or other environmental factors of interest. If a site assessment is for a renovation of an existing building, then additional research will be required to assess the building use and potential building contamination. If there is a concern about contamination of a site, a Phase 2 Site Assessment might be required. During a Phase 2 site assessment, physical testing of the ground or building materials might be required to confirm contamination and make recommendations for remediation if needed.

Site assessment costs were an estimate from phone surveys of companies that perform site assessments in Washington state.

Trade Service Cost: Site Assessment

Task	Estimated Low Cost	Estimate High Cost
ASTM Phase 1 Site Assessment[13]	$1,400	$5,000
ASTM Phase 2 Site Assessment[13]	$10,000	$30,000

Labor: Site Assessment Additional Costs

Labor Category	Hourly Wage		Number Hours		Total Costs Per Site Assessment	
	Min	Max	Min	Max	Min	Max
LHO Hours	$41	$106	3	12	$123	$1,272
Hourly LHO Fee	$100	$250	3	12	$300	$3,000
School Official	$48	$133	2	200	$96	$26,600

Total Labor Costs

Labor Description	Min	Max
Total Costs to LHO without fee recovery	$123	$1,272
Total Costs to LHO with fee recovery	$0	$0
Total costs to schools if charged LHO Fee	$396	$29,600
Total costs to schools if not charged LHO Fee	$96	$26,600

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

Formerly 246-366-040(1)&(2)(a)[14]

Before the start of construction, a school official must submit construction plans for review and approval. The LHO must review the plans and discuss possible changes to construction based on current health and safety regulations. Once construction is complete, the LHO will inspect the newly constructed building to ensure there are no imminent health hazards present and that the building is in compliance with the current regulations.

New requirements of WAC 246-370-030

- Added additional parameters requiring a construction plan review:
  - New or altered playgrounds
  - New or altered specialized rooms
  - New or altered bathrooms or showers
  - Remodeling an existing building that was not used as a school facility
  - Altering more than 5,000 square feet or 20% of the total square feet of the school
  - Installation of a portable classroom
- Added a specific timeline for the construction plan review:
  - A school official will consult with LHO at 50% design development.
  - A school official will request a preoccupancy inspection at least five days in advance.
  - LHO has 15 days from receipt of a request to consult with a school official.
  - LHO provides construction review results within 60 days of receiving the completed 100% design development paperwork.
- Added flexibility for school officials and LHOs:
  - After the initial construction review at 50% design development, the LHO determines if additional review is needed.
  - If at any time the LHO cannot meet the required timeline requirement of 246-370-030 WAC, the school official may choose to proceed with construction.

Costs

Findings from LHO surveys concluded that the local health staff already performed these tasks and no additional labor hours would be required.*

Labor: Construction Plan Review

Labor Category	Estimated Increase in Hours		Estimated Hourly Wage		Total	
	Min	Max	Min	Max	Min	Max
*LHO Hours	0	0	$0	$0	$0	$0
School Official Hours	1	100	$46	$134	$46	$13,400

WAC 246-370-040 Routine Inspection

Formerly WAC 246-366-040(2)(b)[15]

Routine inspections of school facilities by an LHO ensure that the environmental health and safety of the school complies with the regulations. WAC 246-360-040(2)(b) requires an LHOs to inspect school facilities on a routine basis.

NEW requirements of WAC 246-370-040

- LHOs must inspect school facilities once every three years.
- LHOs have the flexibility to increase the frequency of inspections up to once every year or decrease the frequency of inspections to once every five years based on local risk factors or credible data.
- An LHO may have a qualified designee complete additional inspections.
- LHOs have 60 days to issue a final report to school officials

Cost

Labor Additional Costs Per Routine Inspection

Labor Category /Task	Hourly Wage		Number of Hours		Per routine inspection	
	Min	Max	Min	Max	Min	Max
LHO Hours	$41	$106	1	2	$41	$212
School Official Hours	$42	$133	0	6	$0	$798
				Total	**$41**	**$1,010**

Labor Additional Costs For Routine Inspection Per Year

Labor Category /Task	Hourly Wage		Number of Hours		Per year	
	Min	Max	Min	Max	Min	Max
LHO Hours: Training	$41	$106	0	40	$0	$4,240
School Official Hours: Training	$42	$133	4	6	$168	$798
				Total	**$168**	**$5,038**

WAC 246-370-050 General Building Requirements

Formerly WAC 246-366-050[16]

This section of the rule describes the basic requirements that all school facilities should comply with such as:

- Clean and in good repair
- Free of pests
- Appropriate floors for intended use
- Adequate storage for loose items to prevent injuries
- Toilet and handwashing facilities available during school and school events

New requirements from WAC 246-370-050

- Add vacuum breakers or backflow devices on all faucets that can connect a hose or tube to the fixture and be used for activities like filling a mop bucket or diluting chemicals.

Cost

Any sink that can connect a hose or tube to faucets requires a vacuum breaker or back-flow prevention device installed to prevent potential backflow of unsafe water into the potable water pipes of the school facility. These can be purchased at a local hardware store or purchased online and shipped directly to the school. The total cost to a school varies depending on the number of fixtures that would require a vacuum breaker or back-flow device, therefore the total cost to schools is indeterminant.

Consumable Goods: One Time Cost

Goods	Cost (Per Devise)	
	Min	Max
Self-Draining Vacuum Breaker[17]	$9	$25
Faucet with inline Vacuum Breaker[18, 19]	$96	$130

WAC 246-370-060 Showers and Restrooms

Formerly WAC 246-366-050[20] and WAC 246-366-060[21]

The restroom and shower section of the rule outlines the requirements for newly constructed and renovated restrooms and showers.

New requirements from WAC 246-370-060

- Prohibiting forced air hand drying devices when constructing or renovated bathrooms.

Costs (Confirming with State Economist)

WAC 246-370-070 Indoor Air Quality and Ventilation

Formerly WAC 246-366-080[22]

NEW WAC Chapter

This new chapter of WAC includes specific requirements to improve and maintain indoor air quality. Indoor air quality standards help to control airborne pollutants and introduce and distribute adequate outdoor airflow. This contributes to a favorable environment for students, better performance of teachers and staff, and a sense of comfort, health, and well-being. Comparative risk studies performed by EPA and its Science Advisory Board (SAB) have consistently ranked indoor air pollution among the top five environmental risks to public health. Improper indoor air quality can increase health issues such as cough, eye irritation, headache, and asthma. Nearly 1 in 13 children of school-age have asthma, the leading cause of school absenteeism due to chronic illness. Substantial evidence shows that indoor environmental exposure to allergens, such as dust mites, pests, and molds, can trigger asthma symptoms. These allergens are common in schools.[23]

NEW requirements from WAC 246-370-070

- Develop an indoor air quality plan.
- Remove and exclude potential sources of air contaminants.
- Develop an integrated pest management plan.
- Monitor carbon dioxide concentrations.
- Test for radon.
- Prohibit fragrances.
- Contain emissions from construction.
- Control mold growth and exposure.
- Provide appropriate ventilation.
- Provide appropriate air filtration.
- Inspect and maintain ventilation systems.
- Test and balance mechanical ventilation systems every 15 years.

Costs - Indoor Air Quality

Some schools have already developed radon testing plans and integrated pest management plans so this would not be a new cost for all schools, just those that would need to develop the plans.

Labor Indoor Air Quality: One Time Cost

Task	Hourly Wage		Number of Hours		One Time Costs	
	Min	Max	Min	Max	Min	Max
Develop radon plan	$43	$134	0	10	$0	$1,340
Develop indoor air quality plan	$43	$134	8	32	$344	$4,288
Develop integrated pest management plan	$43	$134	0	10	$0	$1,340
Total Average Costs					$344	$6,968

Many schools already implement these plans and would not incur any new costs.
The rule requires “routine” ventilation inspections. Depending on the type of system, the school could complete this task several times a year. The total annual cost is indeterminant. This is the cost per inspection. *

Labor Indoor Air Quality: Annual Cost

Task	Hourly Wage		Number of Hours		Annual Costs	
	Min	Max	Min	Max	Min	Max
*Routine ventilation Inspection	$43	$134	2	8	$86	$1,072
Implement radon plan	$43	$134	1	50	$43	$6,700
Implement indoor air quality plan	$43	$134	17	68	$731	$9,112
Implement integrated pest management plan	$43	$114	5	600	$215	$68,400
Total Average Costs					$1,075	$85,284

Costs - Ventilation

The ventilation and filtration subsections of WAC 246-370-070 allow schools the flexibility to maximize outdoor airflow rates and increase filtration where possible within the capabilities of the systems that already exist within the school facility. This means that schools will only incur costs based on where their current ventilation needs require them to make changes.

Included in this report are all potential costs for schools to conform with WAC 246-370-070(7)(b) of the proposed rule. Many of these costs in this section will depend on the size of the school to determine the total cost to comply with the proposed rule. Since school sizes vary from school to school some of the total costs to schools will be indeterminant. If the total costs to a school are indeterminant, a costs per square foot or the total cost of one consumable good was determined.

For ventilation specifically, schools are given three options to comply with the ventilation requirements in the proposed rule.

1) WAC 246-370-070(7)(b) "*Ensuring all student-occupied instruction and gathering spaces during hours of occupation provide outdoor air ventilation flow rates as set forth in chapter 51-52 WAC at the time the ventilation system was permitted"*

   If a school's ventilation system complies with this subsection of the rule the school does not need to take any further action and therefore will not incur a cost.

2) If the school cannot comply with WAC 246-370-070(7)(b) then WAC 246-370-070(7)(b)(i) states *"If outdoor air ventilation flow rates were not established at the time of the original building construction, ventilation airflow rates must be operated to meet chapter 51-52 WAC or maximum outdoor air ventilation flow rates achievable within existing system capacity."*

   To conform with this subsection of the proposed rule, a school must hire a professional to test and balance (TAB) the ventilation system.

Trade Services: One Time Cost

Task	Cost (per sq ft)
Test and balance	$0.81

3) If the school cannot comply with WAC 246-370-070(7)(b) or WAC 246-370-070(7)(b)(i), then the school must conform with WAC 246-370-070(7)(b)(iii) which states *"If the school facility does not have a mechanical outdoor air ventilation system or the outdoor air flow rate cannot be determined, provide ongoing carbon dioxide concentration monitoring."* To conform with this subsection of the rule a school must develop a carbon dioxide monitoring plan and purchase carbon dioxide sensor to monitor carbon dioxide in at least one room.

Consumable Goods Ventilation: One Time Cost

Goods	Cost (per room)	
	Min	Max
Portable carbon dioxide sensor	$170	$3,425
Fixed carbon dioxide sensor and installation	$2,000	$2,500

Labor Ventilation: One Time Cost - Conferring with Department

Task	Hourly Wage		Number of Hours		One Time Costs	
	Min	Max	Min	Max	Min	Max
Develop carbon dioxide monitoring plan	$43	$134				

Labor Ventilation: Annual Cost - Conferring with Department

Task	Hourly Wage		Number of Hours		Annual Costs	
	Min	Max	Min	Max	Min	Max
Implement carbon dioxide monitoring plan	$43	$134				

Costs: Filtration

Included in this report are all potential costs for schools to conform with WAC 246-370-070(8) of the proposed rule. The costs in this section will depend on the size of the school to determine a total cost to comply with the proposed rule. Since school sizes vary from school to school the total costs to schools will be indeterminant. Since the total costs to a school are indeterminant, a costs per square foot to comply with this rule was utilized.

Schools are given two options to comply with the filtration requirements WAC 246-370-080(8) of the proposed rule.

1) WAC 246-370-070 (8)(a) *"Provide adequate filtration by ensuring particulate matter filtration as set forth in chapter 51-52 WAC at the time the heating, ventilation, and air conditioning systems were permitted, including in facilities that have small, ducted air handlers and ventilation systems."*

   If a school's filtration system complies with this subsection of the rule the school does not need to take any further action and therefore will not incur a cost.

2) If the school cannot comply with WAC 246-370-070(8)(a) then WAC 246-370-070(8)(a)(i) states *"If particulate matter filtration requirements were not established at the time of the original installation of the system, the system must meet chapter 51-52 WAC or the maximum particulate matter filtration achievable within existing system capacity."*

Consumable Goods Ventilation: Annual Cost

Goods	Cost (per sq ft)	
	Min	Max
Increase filter size from MERV 8 to MERV 13	$0.07	$0.10
Increased utility rates depending on fuel source	$0.01	$0.02

TAB involves testing and adjusting the air and water flow, pressure, temperature, and humidity of HVAC systems. Certified professionals typically test the system, which requires specialized equipment to measure and adjust the HVAC systems. Visual inspection, functional testing, measuring airflow rates, adjusting system components, and documenting the results are all part of the TAB process.[24] The total cost to schools to perform a TAB will vary from school to school depending on school size and therefore is indeterminant.

Trade Services: Once every 15 years

Task	Cost/sq ft
Test and balance	$0.81

WAC 246-370-080 Temperature

Formerly WAC 246-366-090[25] and WAC 246-366-100[26]

This section of the rule stipulates the permissible indoor temperature range of school facilities. WAC 246-366-090 and WAC 246-370-090 require that classrooms maintain a minimum temperature of 65° Fahrenheit and that gymnasiums and other "common" areas maintain a minimum temperature of 60° Fahrenheit.

New requirements from WAC 246-370-080

- Sets a maximum indoor temperature of 79° Fahrenheit for the school facility.
- Requires school officials to develop an extreme temperature readiness plan.

Costs

Each school facility will prepare a customized plan to implement when the facility or parts of the facility are consistently above or below the minimum or maximum temperatures required in WAC 246-370-090 for extended periods of time. Since weather conditions vary from year to year and the readiness plan is uniquely tailored to each school, the total annual cost to implement the plan is indeterminant.

Labor Extreme Temperature Readiness Plan

Task	Hourly Wage		Number of Hours		Total	
	Min	Max	Min	Max	Min	Max
Develop Extreme Temperature Readiness Plan	$65	$133	1	10	$65	$1,330

WAC 246-370-110 Injury Prevention

Formerly WAC 246-366-050[27]

This section of the rule requires general overall facility injury prevention.

NEW requirements from WAC 246-370-110

- Provide fall protection for balconies and orchestra pits
- Store unsecured equipment when not in use
- Update chemical and cleaning supply storage
- Provide fragrance-free and low-hazard cleaning and sanitation supplies
- Develop an animal safety plan

Cost

Adequate fall guards are required when two adjacent occupied areas have a height distance of 30 inches are more per chapter 1015.2 of the 2024 International Building Code.[28] Most schools would already have the required protection in place. The size of an area that would require a fall guard varies from school to school, therefore the total cost to install fall guards is indeterminant.

Consumable Goods: One Time Cost

Goods	Cost (per linear foot)
Fall protection guards	$350

Proper storage and use of cleaning and chemical supplies requires a school to do an initial walkthrough of the school and inventory the supplies. Some schools, especially small elementary schools, may already be complying. Larger high schools with multiple specialized classrooms or older schools with large amounts of outdated or unlabeled supplies will take longer to inventory and properly store all supplies. Schools already in compliance will only have recurring annual maintenance costs.

Labor Chemical and Cleaning Supply Storage: One Time

	Hourly Wage		Number of Hours		One Time Costs	
Task	Min	Max	Min	Max	Min	Max
Initial inventory	$43	$134	0	32	$0	$4,288

Labor Chemical and Cleaning Supply Storage: Annual Cost

	Hourly Wage		Number of Hours		One Time Costs	
Task	Min	Max	Min	Max	Min	Max
Yearly Maintenance	$43	$134	1	10	$43	$1,340

Fragrance-free and low-hazard cleaning supplies are comparable in price to equivalent supplies with fragrances or those that pose a higher health hazard. Schools won't incur an additional cost to comply with this requirement of the proposed rule.

Not all schools allow animals on the premises and would not require an animal safety plan.

Labor Animal Safety Plan: One Time Cost

Task	Hourly Wage		Number of Hours		One Time Costs	
	Min	Max	Min	Max	Min	Max
Develop animal safety plan	$43	$134	0	120	$0	$16,080

WAC 246-370-120 Imminent Health Hazard Procedure

NEW WAC Chapter

This section of the rule requires that a school official takes action when an imminent health hazard is identified in a school facility. An imminent health hazard could be a sewage leak, prolonged utility interruption, fires, floods, etc.

NEW requirements from WAC 246-370-120

- Identify and mitigate exposure to an imminent health hazard
- Collaborate between school officials and LHOs to investigate the potential hazard

Costs

School officials currently identify and mitigate potential health hazards in schools. There will be no additional costs to schools to conform to this requirement.

LHOs believe that there will be additional labor hours associated with this requirement now that school officials are required to report potential health hazards to their local health department.

Labor Imminent Health Hazard Annual Cost

Labor Category /Task	Hourly Wage		Number of Hours		One Time Costs	
	Min	Max	Min	Max	Min	Max
LHO Hours: consulting	$41	$106	1	100	$41	$10,600

WAC 246-370-130 Playgrounds

NEW WAC Chapter

This section of the rule sets minimum installation and maintenance requirements for new and updated playgrounds.

NEW requirements from WAC 246-370-130

- A school official must submit plans and consult with their LHO before installing, updating, or modifying playground structures or fall protection surfaces.
- The LHO has 60 days to approve or deny the school official's plans for playground construction.
- School officials must maintain equipment consistent with ASTM F 1487 Standard Consumer Safety Performance Specification for Playground Equipment for Public Use and Consumer Product Safety Commission Handbook for Public Playground Safety, 2010.
- School officials cannot use chromated copper arsenate or creosote-treated wood to construct or install playground equipment, landscape structures, or other structures.

Costs

Still gathering costs In Survey

WAC 246-370-140 Specialized Rooms

Formerly WAC 246-366-140[29]

WAC 246-266-140 mentions minimum health and safety standards for chemical laboratories. WAC 246-370-150 created the definition of a "specialized room" to include more than just chemistry laboratories. Specialized rooms are classrooms that have a specific function that uses equipment, furniture, or supplies not found in a standard classroom that are a potential health and safety risk. This may include, but is not limited to, a career and technical education room, a laboratory, an art room, or a health room. These types of rooms could require special ventilation and permit temperatures outside of a normal classroom range.

NEW requirements from 246-370-140

- Requires emergency eye wash and showers in specialized rooms, not just installing them at the time of new construction
- Requires single-use soap and towels in hand-washing facilities
- Adds the Washington State Labor and Industry requirements for emergency eye wash and shower installation and fixture requirements
- Prohibits shock-sensitive and lethal at low-concentration compounds
- Requires safety procedures for students
- Provides personal protective equipment
- Requires installation of appropriate ventilation equipment for specialized room activities that produce air contaminants
- Adds specific requirements for school facilities that have health rooms such as showers and bathrooms
- Includes emergency shut off for gas and electricity in new construction

Costs

Construction costs are minimum estimates based on basic expected costs with assumptions that there could be at minimum ceiling work and floor work for all these installations. Some assumptions were made about electrical, plumbing, and parts costs as well.

Construction: One Time Cost

Goods	Cost
Emergency Eye Wash Install	$4,000
Emergency Shower Install	$6,000
Source Capture Ventilation	$20,000
Handwashing Sink	$3,000
Bathroom	$5,000
Emergency Shut Off Valves: Gas	$5,000
Emergency Shut Off Valves: Electric	$2,500

WAC 246-370-150 Variances and Emergency Waivers

Formerly WAC 246-366-150[30]

This section of the rule outlines how a school official can request an exception to the rule requirements. The request must show how the alternative to the rule still meets the intent.

NEW requirements from WAC 246-370-150

- Requires an LHO to approve or deny a variance within 60 days of receiving a complete variance packet
- Allows an LHO to issue an emergency waiver in an instance where a school might have to temporarily use a facility that is not regularly used as a school
- Allows an LHO to permit a school to remain in operation during an imminent health hazard event if it is safe to do so

Costs

Labor Variances Additional Costs

Labor Category	Hourly Wage		Number Hours	Total Costs Annually	
	Min	Max	Total	Min	Max
LHO Hours	$41	$106	10	$410	$1,060
Hourly LHO Fee	$100	$250	10	$1,000	$2,500

Total Additional Labor Costs

Labor Description	Min	Max
Total Costs to LHO without fee recovery	$410	$1,060
Total Costs to LHO with fee recovery	$0	$0
Total costs to schools if charged LHO Fee	$1,000	$2,500
Total costs to schools if not charged LHO Fee	$0	$0

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1 https://ofm.wa.gov/state-human-resources/compensation-job-classes/job-classes-and-salaries
2 https://ospi.k12.wa.us/sites/default/files/2024-02/allpersonnelsummaryreport2023-24.pdf
3 https://app.leg.wa.gov/WAC/default.aspx?cite=246-366-005&pdf=true
4 https://app.leg.wa.gov/WAC/default.aspx?cite=246-366-010&pdf=true
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[27] https://app.leg.wa.gov/WAC/default.aspx?cite=246-366-050&pdf=true
[28] https://codes.iccsafe.org/content/IBC2021P1/chapter-10-means-of-egress#IBC2021P1_Ch10_Sec1015
[29] https://app.leg.wa.gov/WAC/default.aspx?cite=246-366-140&pdf=true
[30] https://app.leg.wa.gov/WAC/default.aspx?cite=246-366-150&pdf=true

School Environmental Health and Safety Rule Project

Technical Advisory Committee Meeting

Virtual, March 19, 2025

WASHINGTON STATE BOARD OF HEALTH

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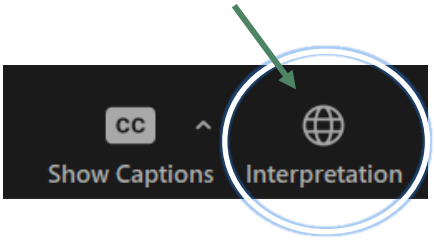
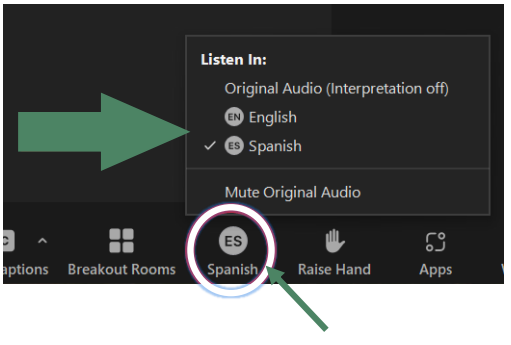
Canales de idioma
Language channels





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1

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Minutes Review

2

2

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Reminders

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3

Today's Objectives

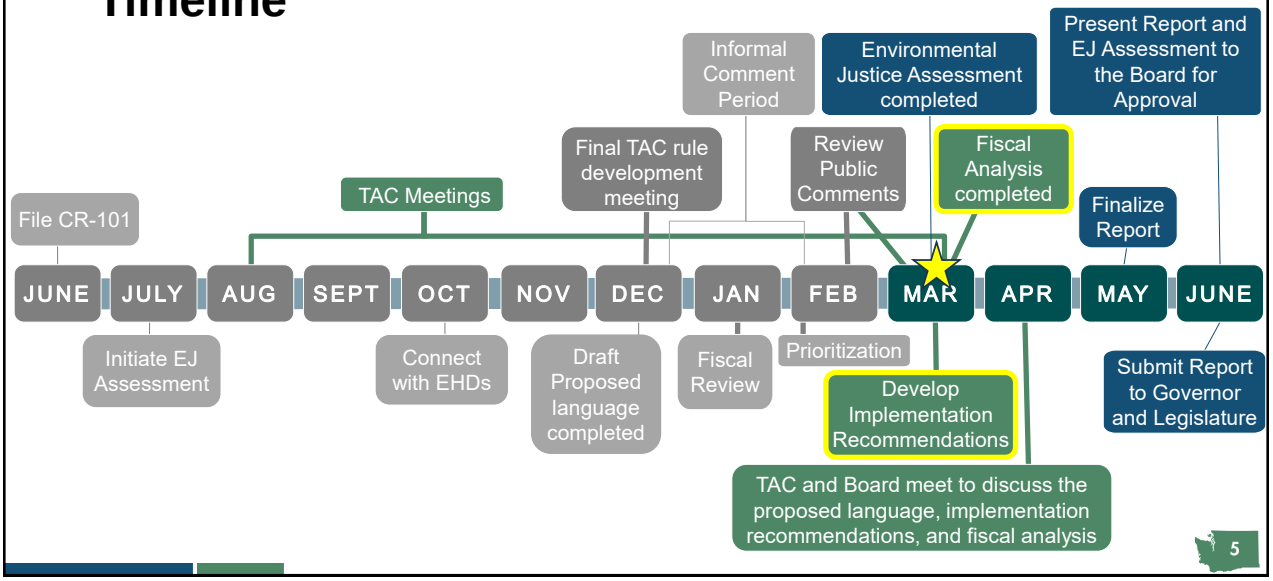
- Finalize language for showers, drinking fountains, and hand-washing sinks
- Review the updated fiscal analysis
- Develop an implementation recommendation

Meeting Packet

4

4

Timeline



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TAC Agreements

- Be respectful of all perspectives and opinions
- Communicate openly and respectfully, disagree without being disagreeable
- Assume positive intent and ask for clarification
- Share the air; allow everyone to share insights, one person speaking at a time
- Ask questions and seek to understand
- Be on time for meetings/calls
- Be present and actively participate (no multitasking during meetings)
- Be efficient with our meeting time
- Meet deadlines and commitments
- Support the final decisions of the TAC
- Stay focused on the goals and objectives of the committee

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Language Review

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Showers and Restrooms

Showers

1) When new installation or renovation of an existing shower or restroom facility is planned, school officials shall:
   a) Provide at least one shower facility for grades nine and above for classes in physical education and for team sports that:
      i. Meets the Federal Americans with Disabilities Act (ADA);
      ii. Meets the requirements of the uniform plumbing code set forth in chapter 51-56 WAC;
      iii. Is accessible for use during school hours and scheduled events;

General Building Requirements

Drinking Fountains

1) Provide drinking fountains that are:
   a) Not attached to handwashing sinks;
   b) Not located in bathrooms;
   c) Constructed with a nozzle that directs an arch of water to flow away from the nozzle;
   d) Cleaned and sanitized daily, or more often as needed; and
   e) Located above water impervious flooring.

General Building Requirements

Sinks

A school official will ensure that handwashing sinks accessible in any student spaces where activities present a potential risk of microbiological or chemical contamination of the hands including, but not limited to:

a) Restrooms

b) Specialized rooms

c) Heath room

d) Food service

e) All elementary classrooms

f) In spaces where the plumbing is available

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Fiscal Analysis

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Morning Break
Return at 10:40 a.m.

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Fiscal Analysis

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Lunch Break
Return at 12:45 p.m.

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Implementation

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Implementation

Priority Rank	Low Cost/ Easy Implementation	Top Priorities	Everything Else
1. Injury Prevention ★			
2. Routine Inspection ★			
3. Imminent Health Hazard ★			
4. Indoor Air Quality/Ventilation ★			
5. Playgrounds ★			
6. Specialized Rooms ★			
7. Construction Plan Review ★			
8. Temperature ★			
9. General Building Requirements ★			
10. Site Assessment ★			
11. Showers and Restrooms ★			

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Afternoon Break
Return at 2:25 p.m.

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Board Meeting Prep

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Recap

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Next Steps

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THANK YOU

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