

WAC 246-370 School Environmental Health and Safety Rule

Proposed Rule

WAC 246-370-001 Purpose

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 contaminant” means pollutants in the air that could, depending on dose and circumstances, cause adverse health impacts.
- (2) “Decibel (dB)” means a standard unit of measurement of sound pressure.
- (3) “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.
- (4) “Department” refers to the Washington State Department of Health.
- (5) “Emergency washing facilities” means equipment such as emergency showers, eyewashes, eye/face washes, hand-held drench hoses, or other similar units.
- (6) “Emissions” mean substances released into the air, including gases and particles, from various sources.
- (7) “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.
- (8) “Foot candle” means a unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot.
- (9) “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.
- (10) “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.
- (11) “Local board of health” means the county or district board of health as defined in RCW 70.05.010(3).
- (12) “Local health officer” means a legally qualified physician who has been appointed as the health officer for the county or district public health department as defined in RCW 70.05.010(2) or their authorized representative.
- (13) “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.
- (14) “Noise abatement” means measures taken to reduce unacceptable sounds or vibrations.
- (15) “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.
- (16) “Noise criterion 35 (NC35)” means the curve for specifying the maximum permissible sound pressure level for each frequency band.

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- (17) “OSPI” refers to the Washington Office of Superintendent of Public Instruction.
- (18) “Portable” means any school building with a prefabricated structure that can be transported and installed on-site to provide additional educational space.
- (19) “Preschool” means an educational establishment or learning space offering early childhood education to children not old enough to attend kindergarten.
- (20) “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.
- (21) “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.
- (22) “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.
- (23) “School official” means a member of the school 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.
- (24) “Site assessment” means an evaluation 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.
- (25) “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.
- (26) “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.
- (27) “Stationary machinery” means equipment that is designed to be installed in a fixed location and does not require intermittent movement to service different needs.
- (28) “Transition services” means a coordinated set of activities as defined in WAC 392-172A-01190.

WAC 246-370-010 Applicability

- (1) This chapter applies to all school facilities operated for the primary purpose of providing education, including those primary and secondary school facilities that offer preschool education or transition services. This chapter does not apply to:
 - (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;

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- (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) Chapter 246-215 WAC regarding facility and equipment sanitation, food preparation, food storage, and food temperature control;
 - (b) Chapter 246-217 WAC regarding 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) Chapters 246-260 and 246-262, as applicable, regarding water Recreation Facilities or aquatic venues;
 - (d) WAC 51-54A-0915 regarding the installation and maintenance of carbon monoxide detection and alarms in mechanical rooms and occupied zones; and
 - (e) RCW 43.70.830 through 43.70.845 regarding lead in drinking water if the facility was built or all plumbing was replaced before 2016.
- (3) Schools must use sewer and liquid waste disposal that is connected to a municipal sewage disposal system or an on-site sewage disposal system designed, constructed and maintained under chapter 246-272A or 246-272B.
- (4) Schools must provide drinking water from public water supplies regulated under WAC 246-290 or 246-291.
- (5) 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.
- (6) 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.
- (7) 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 Good Safety Practice and Guidance

- (1) Except where more specific requirements apply, school facilities must apply good safety practices to conditions which present a potential hazard to occupants of the school.
- (2) The department in cooperation with OSPI shall review potentially hazardous conditions in schools which are not aligned with good safety practice, especially in specialized rooms.
- (3) The department and OSPI shall jointly prepare a guide for use during routine school inspections to identify issues relating to good safety practices. The guide should include recommendations for safe facilities and safety practices.
- (4) The guide shall be reviewed and updated at least every five years.

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WAC 246-370-020 Site Assessment

- (1) A local health officer shall conduct or require that a site assessment be conducted 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 that a site assessment be conducted 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, WAC 173-303-110 ; 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 ensure:
 - (a) The local health officer receives notification 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) Consultation with the local health officer throughout the plan development phase regarding the scope of the site assessment when one is required and the timeline for completion of the site assessment;
 - (c) The submission of a written report to the local health officer for a required site assessment 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 under WAC 246-370-030;
 - (iv) Identified health and safety risks present at the site;

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- (v) A description of any mitigation proposed to address identified health and safety risks present at the site;
- (vi) Any site assessment-related information requested by the local health officer to complete the site assessment review and approval process; and
- (d) The acquisition of a site review and written site approval from the local health officer when required under subsection (1) or (2) of this section.
- (5) When notified by a school official of preliminary planning for school construction, the local health officer shall:
 - (a) Conduct an inspection of the proposed site;
 - (b) Determine whether a site assessment is required when notice is provided under subsection (4)(a)(ii) of this section and notify the school official of the determination;
 - (c) Review the inspection findings, written report provided under subsection (4)(c), and any other site assessment-related information for environmental health and safety risk;
 - (d) For site assessments conducted under subsection (1) of this section, provide written approval or describe site deficiencies needing mitigation to obtain approval or deny use of the proposed school facility site if mitigation is not possible within 60 days of receiving a complete request unless a school official and the local health officer agree to a different timeline; and
 - (e) For site assessments conducted under 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 ensure:
 - (a) Consultation with the local health officer takes place at the 50 percent design development stage of school construction project plans to determine if the project requires construction review;

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- (b) The provision of additional documents, beyond the construction project plans, if 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 this chapter;
 - (c) Consultation with the local health officer to determine whether additional construction project review is required to ensure that the project meets the requirements of this chapter;
 - (d) The submission of the design at the 100 percent development stage for the construction design plans.
 - (e) The acquisition of a 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;
 - (f) The submission of a request for a preoccupancy inspection to the local health officer to correct any imminent health hazards before allowing occupancy at the school facilities; and
 - (g) The local health officer receives notification 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 the necessary documentation for plan review and approval of the particular project;
 - (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 construction plan reviews between the 50 and 100 percent construction plan design development stages;
 - (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;
 - (g) Conduct an inspection:
 - (i) Before occupancy of a completed construction project and within five business days after receiving a request from a school official;
 - (ii) At any point during the construction period to verify compliance with the requirements of this chapter;
 - (iii) In a coordinated effort with the on-site project manager or other appropriate person identified by a school official; or
 - (iv) To confirm satisfactory correction of the items identified under (h) or (i) of this subsection;

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- (h) If an imminent health hazard is identified during an inspection, work with the school official and local building official to identify and agree upon a solution that the school officials will implement before occupation of the affected portion; and
- (i) If other conditions of noncompliance with this chapter are identified during an inspection, provide the school official with a written list of items and consultation in developing a correction schedule based on the level of risk to health and safety.

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 246-370-120;
 - (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; and
 - (e) Confirm, as needed, that corrections are made.
- (2) The local health officer may:
 - (a) Adjust the inspection interval of the schools within their jurisdiction by developing a written risk-based inspection schedule that is uniformly applied throughout the jurisdiction based on credible data or local risk factors. The time between routine inspections may not:
 - (i) Exceed five years; and
 - (ii) Be more frequent than one year; or
 - (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.

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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, or 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;
- (7) Contain toilet and handwashing facilities that are accessible for use during school hours and scheduled events;
- (8) Provide handwashing stations equipped with:
 - (a) Soap;
 - (b) Single-use towels, disposable towels, blower, or equivalent hand-drying device;
 - (c) Fixtures with water temperatures that do not exceed 120-degrees Fahrenheit; and
 - (d) Fixtures that deliver at least 10 seconds of running water if they are self-closing, metering faucets.
- (9) Provide toilet paper in restrooms;
- (10) Provide handwashing sinks that are accessible where activities present a potential risk of microbiological or chemical contamination of the hands in any student spaces, which may include, but are not limited to:
 - (1) Restrooms;
 - (2) Specialized rooms; or
 - (3) Health rooms; and
- (11) Provide accessible drinking fountains that are constructed with a nozzle that directs an arc of water to flow away from the nozzle and is located above water-impervious flooring. The drinking fountains must be deactivated when attached to a handwashing sink in a specialized room or located in a restroom.

WAC 246-370-060 Showers and Restrooms

- (1) For new construction or alterations of an existing shower facility for grades nine and above with classes in physical education or team sports, at least one shower must:
 - (i) Meet the Federal Americans with Disabilities Act (ADA);
 - (ii) Meet the requirements of the uniform plumbing code set forth in chapter 51-56 WAC;
 - (iii) Be accessible to any student for use during school hours and scheduled events; and
 - (iv) Contain floors that are slip resistant.

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- (2) For new construction or alterations of an existing shower facility for grades nine and above with classes in physical education or team sports, if a locker or dressing room is provided, it must have easy-to-clean walls and floor surfaces that are slip resistant.
- (3) For new construction or alterations of an existing restroom facility, restrooms must:
 - (a) Contain handwashing fixtures that do not have water temperatures that exceed 120 degrees Fahrenheit;
 - (b) Meet the requirements of the uniform plumbing code set forth in chapter 51-56 WAC;
 - (c) Contain floor surfaces impervious to water, slip-resistant, and sloped to floor drains;
 - (d) Contain walls, floors, and ceilings that are easy to clean; and
 - (e) Contain 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 ensure:

- (1) 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 development of 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 identified actions for ensuring health and safety for periods of increased health risk or poor outdoor air quality;
- (2) The control of air contaminant sources 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) The development and implementation of a plan to test for radon every five years in regularly occupied areas on or below ground level;
- (4) The prohibition of air fresheners, candles, or other products that contain fragrances;
- (5) The minimization of student exposure to construction activities that generate emissions by physically containing the activities or conducting activities when students are not present;
- (6) The prompt control of identified moisture sources and remediation of mold using measures to minimize occupant exposure to mold and chemicals used during the remediation process;

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- (7) Adequate ventilation by:
- (a) Ensuring direct mechanical exhaust for specialized rooms as set forth in WAC 246-370-140; and
 - (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;
 - (C) The type of ventilation system; and
 - (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) 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 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; and
- (9) For schools with mechanical heating, ventilation, or cooling systems, the performance of routine maintenance that includes:
- (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 by the local health officer.

WAC 246-370-080 Temperature

- (1) A school official shall ensure the development of an extreme temperature readiness plan and implement the plan when a school facility is occupied by students and either of the following conditions apply:
 - (a) Classroom temperatures are outside of the range of 65 degrees to 79 degrees Fahrenheit; or
 - (b) 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.

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WAC 246-370-090 Noise

A school official shall ensure:

- (1) 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 must 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, such as the condenser, heat pump, and other similar components are in operation; and
 - (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) Activities that expose students to sound levels equal to or greater than 115 dBA are prohibited; and

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- (5) Students are provided with 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 ensure that:

- (1) Light intensities that meet or exceed those specified in Table 2 are provided. 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

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- (2) Excessive brightness and glare in all instructional areas is controlled. Surface contrasts and direct or indirect glare must not cause excessive eye accommodation or eye strain problems;
- (3) 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 is provided. 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 of less than 60 percent;
- (4) Lighting in a manner that minimizes shadows and other lighting deficiencies on work and teaching surfaces is provided; and
 - (5) Windows in sufficient number, size, and location to enable students to see outside at least 50 percent of the school day are provided. Windows are optional in specialized rooms.

WAC 246-370-110 Injury Prevention

A school official shall ensure:

- (1) The mitigation of 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) The storage of chemicals and cleaning supplies 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) The use of 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) Documentation of a policy to mitigate injury and the spread of diseases if the school allows animals other than service animals in a school facility.

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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 ensure:
 - (a) The immediate mitigation of hazards and prevention of exposure if an imminent health hazard is confirmed;
 - (b) The immediate consultation with the local health officer to investigate the suspected hazard; and
 - (c) Consultation 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 ensure:
 - (a) Consultation with the local health officer regarding playground review and approval requirements takes place 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) The proper installation, maintenance, and operation of 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) The local health officer receives requested information including playground plans, equipment specifications, and any additional information; and
 - (d) Acquisition of a plan review and written approval from the local health officer before installing, adding, or modifying playground equipment or fall protection surfaces.

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- (2) The local health officer shall:
 - (a) Consult with a school official to determine necessary documentation for playground plan review and approval consistent with the scope of the particular 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

- (1) A school official shall ensure specialized rooms that are part of a school facility include, if applicable:
 - (a) Single-use soap and single-use towels at handwashing sinks;
 - (b) Emergency washing facilities that contain an emergency shower or emergency eyewash fountain or both:
 - (i) An emergency shower must:
 - (A) Be provided when there is potential for major portions of a person's body to contact corrosives, strong irritants, or toxic chemicals; and
 - (B) Deliver water that cascades over the user's entire body at a minimum rate of 20 gallons (75 liters) per minute for fifteen minutes or more;
 - (ii) An emergency eyewash fountain must:
 - (A) Be provided when there is potential for a person's eyes to be exposed to corrosives, strong irritants, or toxic chemicals;
 - (B) Irrigate and flush both eyes simultaneously while the user holds their eyes open;
 - (C) Contain an on-off valve that activates in one second or less and remains on without user assistance until intentionally turned off; and
 - (D) Deliver at least 0.4 gallons (1.5 liters) of water per minute for fifteen minutes or more;
 - (iii) Emergency washing facilities must:
 - (A) Be located so that it takes no more than 10 seconds to reach and the travel distance should be no more than 50 feet;
 - (B) Be kept free of obstacles blocking their use;
 - (C) Function correctly;
 - (D) Provide the quality and quantity of water that is satisfactory for emergency washing purposes; and

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- (E) Be designed, installed, and maintained in accordance with the American National Standards Institute (ANSI) publication Z358.1 - 2014, American National Standard for *Emergency Eyewash and Shower Equipment*;
- (c) A prohibition of use and storage of compounds that are:
 - (i) Considered shock-sensitive explosives, for example, picric acid, dinitro-organics, isopropyl ether, ethyl ether, tetrahydrofuran, dioxane; or
 - (ii) 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;
- (d) Safety procedures and processes for instructing students regarding the proper use of hazardous materials or equipment;
- (e) Appropriate personal protective equipment when exposure to potential hazards might occur;
- (f) Appropriate situation-specific emergency equipment is available when exposure to potential hazards might occur;
- (g) 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 contaminants from entering the students breathing zone; and
- (h) Emergency shut-off valves or switches for gas and electricity connected to stationary machinery are installed during new construction. Valves or switches must:
 - (i) Be located close to the exit door;
 - (ii) Have unobstructed access; and
 - (iii) 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.
- (2) If a school facility has a designated health room, a school official shall ensure that it 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 prevents air from flowing from the health room to other parts of the school facility.

WAC 246-370-150 Variances and Emergency Waivers

- (1) A school official may:
 - (a) Submit a written variance request to the local health officer if there is an alternative that meets the intent of this chapter. The variance request must include:
 - (i) The specific rule section or sections that the variance would replace;
 - (ii) The alternative proposed to replace the rule section or sections;
 - (iii) A description of how the variance will provide a comparable level of protection as the rule section or sections that it will replace; and

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- (iv) Any clarifying documentation needed to support the request, including but not limited to, engineering reports, scientific data, or photos; and
- (b) Implement a variance only after obtaining approval from the local health officer.
- (2) The local health officer shall 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 this chapter for the use of a temporary facility, if the facility normally used by the school is not safe to be occupied.

WAC 246-370-160 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.

WAC 246-370-170 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.