

WASHINGTON STATE DEPARTMENT OF HEALTH

Environmental Justice Assessment Report

2024-2025
School Environmental
Health and Safety Rule
Review Project



Board of Health, June 2025

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Environmental Justice Report



Overview

An Environmental Justice Assessment (EJA) evaluates the environmental justice impacts of an agency's action. The template is designed to meet all of the requirements established under [Washington's Environmental Justice Law¹](#) (also known as the HEAL Act). While the HEAL Interagency Working Group developed the template, this document has been adapted by the Washington State Department of Health (Department) to meet agency needs for fulfilling the requirements of completing an assessment.

Table 1: Environmental Justice Assessment Overview

1. Primary agency responsible for this action	Washington State Department of Health in coordination with Washington State Board of Health
2. Primary agency staff contact(s)	River Lin: Washington State Department of Health Ash Noble: Washington State Board of Health
3. Secondary agency contact(s), if applicable	
4. Description of proposed significant agency action	This rulemaking is required by a budget proviso that was included in the Washington State 2024 supplemental operating budget , (Section 222, subsection 159, page 492). The new chapter (246-370 WAC) will establish updated, minimum statewide health and safety standards for schools and formalize school environmental health and safety inspection procedures.
5. Date environmental justice assessment was initiated	June 27, 2024
6. Date environmental justice assessment was completed	
7. Type of significant agency action (check one)	<input checked="" type="checkbox"/> The development and adoption of significant legislative rules as defined in RCW 34.05.328²
8. Link(s) to initial notification with Office of Financial Management and/or other postings, such as publicly available results, materials, or reports related to the assessment.	OFM Notification Department Notification Legislative Report with Financials 2024-2025 School Rule Review Project State Board of Health Website History of Primary and Secondary School Environmental Health Safety Rule Revision State Board of Health Website

Background Information:

Under current state law³, the State Board of Health (Board) has authority to develop public health rules to protect and improve the health of people in Washington state. Public health rules adopted by the Board are implemented by the Department of Health (Department) and local health jurisdictions (LHJs). The [Washington State 2024 supplemental operating budget⁴](#), Section 222, subsection 159, page 492 (2024 proviso) requires the Board to

¹ Washington's Environmental Justice Law (HEAL Act) <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.02&full=true>

² RCW 34.05.328

<https://app.leg.wa.gov/RCW/default.aspx?cite=34.05.328#:~:text=PDF%20RCW%2034.05.328%20Significant%20legislative%20rules%2C%20other%20selected,objectives%20of%20the%20statute%20that%20the%20rule%20implements%3B>

³ <https://app.leg.wa.gov/RCW/default.aspx?cite=43.20.050&pdf=true> (Accessed 4/30/2025)

⁴ <https://fiscal.wa.gov/statebudgets/2024proposals/Documents/co/5950-S.SL.pdf> (Accessed 4/30/2025)

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review and update the current K-12 school environmental health and safety rules. The 2024 proviso also requires that the Department, in collaboration with the Board, conduct an EJA for any proposed rules.

[Chapter 246-366](#) of the Washington Administrative Code (WAC)⁵ currently addresses school environmental health and safety requirements. This WAC is now over 50 years old. In 2004, the Board initiated rulemaking to update the school environmental health and safety standards. This rule update took five years to complete, and the Board adopted [chapter 246-366A WAC](#)⁶ in 2009. However, the 2009–2011 Washington state operating budget included a proviso prohibiting the Board and the Department from implementing any new or amended rules for primary or secondary school facilities unless the Legislature formally funded the rule implementations. The prohibition has been continued in each operating budget since 2010.

In July 2024, the Board, at the direction of the Legislature, started to review the current rules and convened a technical advisory committee (TAC) comprised of large and small public schools, private schools, charter schools, teacher unions, Washington parent teacher association (PTA) members, Washington Office of Superintendent of Public Instruction (OSPI), and Local Health Officials (LHOs) that are governed by LHJs. The committee focused on the scope of the proposed rulemaking to set minimum environmental health and safety standards for K-12 grade students. Environmental health and safety include topics such as slip and fall protection, water quality, food safety, chemical exposure, sanitary needs, and air quality. Topics do not include safety aspects like fire drills, active shooter drills, lock down procedures, or vaccine requirements. Additionally, the proposed rule is not applicable to worker environmental health and safety conditions protected under Title 296 WAC or to the following educational spaces:

- Any facility or part of a facility that is licensed by the Department of Children, Youth, and Families (DCYF) under Title 110 WAC;
- Private residences used for home-based instruction as defined by RCW 28A.225.010(4);
- 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;
- Private facilities where tutoring is the primary purpose;
- Public or private postsecondary education facilities providing instruction to students enrolled in secondary school; or
- State-Tribal education compact schools established under chapter 28A.715 RCW.

Current rules and state laws regulate certain school environmental conditions in depth. The proposed rule will reference and not duplicate the following requirements:

- Chapter 246-215 WAC regarding facility and equipment sanitation, food preparation, food storage, and food temperature control;
- 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;
- Chapters 246-260 and 246-262 WAC, as applicable, regarding water recreation facilities or aquatic venues;
- WAC 51-54A-0915 regarding the installation and maintenance of carbon monoxide detection and alarms in mechanical rooms and occupied zones; and
- 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.

The proposed rule also requires school facilities to:

⁵ <https://app.leg.wa.gov/wac/default.aspx?cite=246-366&full=true&pdf=true> (Accessed 4/30/2025)

⁶ <https://app.leg.wa.gov/wac/default.aspx?cite=246-366A&full=true&pdf=true> (Accessed 4/30/2025)

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- 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 chapters 246-272A or 246-272B WAC; and
- Provide drinking water from public water supplies regulated under chapters 246-290 or 246-291 WAC.

Historically, regulating school environmental health and safety is a cooperative task performed by the Board, the Department, OSPI, and LHOs. The Board reviews and updates the current regulations. LHOs work with schools to implement the requirements of the rule. The Department and OSPI work together to provide education, training, best practice guidance documents, and templates for LHOs and schools to use. Prior to 2023, the Department had one full-time employee to provide education and training. In 2023, the team grew to three full-time employees and will soon be at full capacity of four full-time employees and a section manager to provide additional support.

Washington's 35 LHJs differ widely in school rule implementation and support. About 12 LHJs run full inspection programs, 14 offer limited programs or are looking to starting a program, and nine have no formal school inspection program. Some LHJs charge schools fees for inspection programs and others use Foundational Public Health Services (FPHS) funding to support programs and limit or reduce costs for schools. This means schools in neighboring counties can receive very different levels of service and cost burdens.

Funding for schools has been historically problematic. The state's prototypical funding model pays schools based on student headcount, not building size, condition, or operating costs. When student enrollment drops, budgets shrink while day-to-day and long-term maintenance require the same or an increased investment to maintain aging buildings and systems. Public school districts rely on state and local levies and property taxes to bridge the gap between state and local funding. This reliance leads to inequities in district funding and building maintenance. Districts with a more financially stable and higher tax base may pass measures more easily than those with a more limited tax base.

Unlike public schools, private institutions and charter schools cannot levy local taxes. While charter schools do get the same per-student state allocations as public schools, most need to supplement with small grants or higher interest loans. Private schools do not get the per-student state allocations, so they rely primarily on enrollment-driven revenue through tuition, endowments, and donations. These revenue streams are sensitive to enrollment fluctuations and must be balanced against the economic realities of the communities they serve. As a result, private schools often lack the flexibility to raise tuition quickly or substantially enough to offset the costs associated with new government facility mandates.

The TAC took these factors into consideration and proposed [chapter 246-370 WAC](#)⁷ as a new chapter of draft rules. The proposed school rule encourages partnerships over penalties. The proposed rule sets clear roles for schools, LHOs, and the Department encouraging cooperative support among these entities to address school needs. The Board also proposed repealing chapters 246-366 and 246-366A WAC, if the legislature allows the Board to proceed with the adoption of chapter 246-370 WAC.

The proposed rulemaking will directly affect nearly 1.1 million K-12 students served by 2,783 public, private, and charter schools in Washington state. Staff, teachers, visitors, and young children in programs that are licensed by DCYF, but located on a K-12 facility, may indirectly benefit from amendments made to the school environmental health and safety rules.

The draft rule proposes the following changes:

- Updated and new definitions
- Citations to other regulations that schools must currently follow outside of current school environmental health and safety rules

⁷ <https://sboh.wa.gov/sites/default/files/2025-04/Draft%20Language%20chapter%20246-370%20WAC.pdf>

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- Improved specificity for pre-construction site assessments, construction plan reviews, and routine school inspections
- Updated language for clarity for showers, restrooms, injury prevention, temperature, variances, severability, and appeals
- Added new sections for ventilation, indoor air quality, imminent health hazards, playgrounds, and specialized rooms

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Section 1: Analyze Environmental Benefits and Harms

1. Describe likely environmental benefits⁸ for overburdened communities, vulnerable populations (OCVPs), and Tribes associated with this action.

There are likely environmental benefits for OCVPs, and Tribes associated with this action in schools throughout the state. The proposed rule emphasizes the increased importance of partnerships between LHOs, school officials, and Department staff to increase health and safety knowledge throughout schools and LHJs. The proposed requirements for environmental health and safety will provide the strongest impacts for schools in OCVPs and Tribal areas as these are more likely located in areas with stressors like higher air pollution, limited health care facilities, or higher heat indexes.

Students in Washington state must attend school 180 days a year from kindergarten through grade 12 or 11.21% of their lives over 13 years. That is approximately 13,320 hours when a single student is exposed to a school facility environment. The proposed rule includes new and updated language to establish minimum health and safety standards for those students who will attend school in K-12 school facilities. The proposed rule focuses on the health and safety of students in K-12 public, private, and charter schools.

The proposed rule may result in the following environmental benefits:

Water Quality: Proposed chapter 246-370-050 WAC

Many organic and inorganic contaminants may affect school drinking water supplies. As mentioned above, the regulations that address these contaminants are in other state laws (RCWs) and rules (WACs) and are outside the scope of this rulemaking. However, schools are still required to comply with them.

The proposed rule does contain additional measures to safeguard school drinking water. For example, the proposed rule includes a requirement to install backflow prevention devices on hose bibs, sinks, and supply nozzles used to connect hoses or tubing to faucets. Janitorial rooms, groundskeeping areas, and specialized rooms for activities like a chemistry lab, art studio, or auto mechanics commonly include these types of sinks. These sinks have the potential to come in contact with cleaning agents or other chemicals that can contaminate drinking water if a backflow occurs. The devices would prevent any liquid from back syphoning into the potable water line during a low-pressure event protecting drinking water supply within the school facility and any potable water lines connected to the school.

Built Environments: Proposed chapters 246-370-050 and 246-370-060 WAC

The built environment of a school refers to (among many other things) the construction and maintenance of school buildings and facilities. When districts construct and maintain school buildings properly, they should provide a beneficial environmental effect on the students attending the school. A few sections of the proposed rule require built environmental standards that improve environmental benefits for all students.

For example, during the public listening sessions and public comment period, Board staff heard that some students may only have access to a shower at school. The state building code currently does not require a shower in an educational space, so some schools may not offer showering facilities. Because of these concerns, proposed rule language in chapter 246-370-060 WAC requires that when a school is newly

⁸ **Environmental benefits** mean activities that: (a) Prevent or reduce existing environmental harms or associated risks that contribute significantly to cumulative environmental health impacts; (b) Prevent or mitigate impacts to overburdened communities or vulnerable populations from, or support community response to, the impacts of environmental harm; or (c) meet a community need formally identified to a covered agency by an overburdened community or vulnerable population that is consistent with the intent of chapter 70A.02 RCW.

constructed or makes major alterations to the school facility, plans should include at least one shower accessible to any student during school hours and scheduled school events. Further, guidance from the Department will recommend the number of total showers a school might consider installing based on school enrollment.

Interested parties and TAC members commented on student bathrooms being locked during school hours and unsafe drinking fountains in classrooms. When children are unable to use restroom facilities during school hours, they can become uncomfortable in class and lose focus on educational instruction. Further, when children are forced to hold their bladders, it can cause bladder stretching, abnormal forced bladder straining, and even more frequent urinary tract infections.⁹

The building code requires a certain number of toilets, handwashing sinks, and drinking water fountains in educational spaces, and proposed chapter 246-370-050 WAC adds new requirements in the interest of student health and safety. The proposed rule requires that bathroom facilities are accessible during school hours and during school events. The bathroom must provide toilets, handwashing sinks, toilet paper, soap, and hand-drying capabilities. The proposed rule also requires that a handwashing sink is available in areas where exposure to microbial activity or chemicals might occur, for example, classrooms for art, biology, or chemistry. Where a specialized classroom includes a drinking fountain attached to a handwashing sink, the proposed rule requires disabling the drinking fountain to avoid contamination from the sink.

Safe Chemical and Cleaning Supplies: Proposed chapter 246-370-110 WAC

Findings from recent Washington state school inspections showed that some schools have outdated chemical supplies and hazardous chemicals (e.g. mercury) stored on school grounds. The proposed rule establishes minimum requirements to safely use and store chemicals. Part of the use and storage of chemicals includes removing and eliminating unsafe and expired chemicals from school grounds to mitigate the potential health and safety risks to staff and students. Safe removal and disposal of chemicals ensures that the chemical removal does not cause environmental contamination and pollution.

2. Describe likely environmental harms¹⁰ for OCPVs, and Tribes associated with this action.

We anticipate that there will be no environmental harm associated with this action. By establishing consistent baseline requirements for all schools, environmental health conditions should generally improve as the proposed rule will likely reduce known environmental harms.

3. Describe likely associated positive health impacts for OCPVs and Tribes associated with this action.

Air Quality: Proposed chapter 246-370-070 WAC

According to the Environmental Protection Agency (EPA), indoor air pollution is among the top five environmental risks to public health. Common school allergens include dust mites, pests, and molds contributing to the increased risks of asthma and other respiratory illnesses.¹¹ Additionally, the EPA

⁹ <https://childrens.uvahealth.com/services/pediatric-urology/dysfunctional-elimination-syndrome> (Last accessed 5/12/2025)

¹⁰ **Environmental harm** means the individual or cumulative environmental health impacts and risks to communities caused by historic, current, or projected: (a) Exposure to pollution, conventional or toxic pollutants, environmental hazards, or other contamination in the air, water, and land; (b) Adverse environmental effects, including exposure to contamination, hazardous substances, or pollution that increase the risk of adverse environmental health outcomes or create vulnerabilities to the impacts of climate change; (c) Loss or impairment of ecosystem functions or traditional food resources or loss of access to gather cultural resources or harvest traditional foods; or (d) Health and economic impacts from climate change.

¹¹ https://www.epa.gov/iaq-schools/reference-guide-indoor-air-quality-schools#IAQRG_Section1 (Last accessed 11/2024)

recognizes that asthma-related illness is the leading cause of school absenteeism nationwide. In Washington state, the School Nurse Corps of Washington shared that an estimated 54,000 students a year self-report as having asthma with the use of a prescribed inhaler. On average that is approximately 5% of the student population.

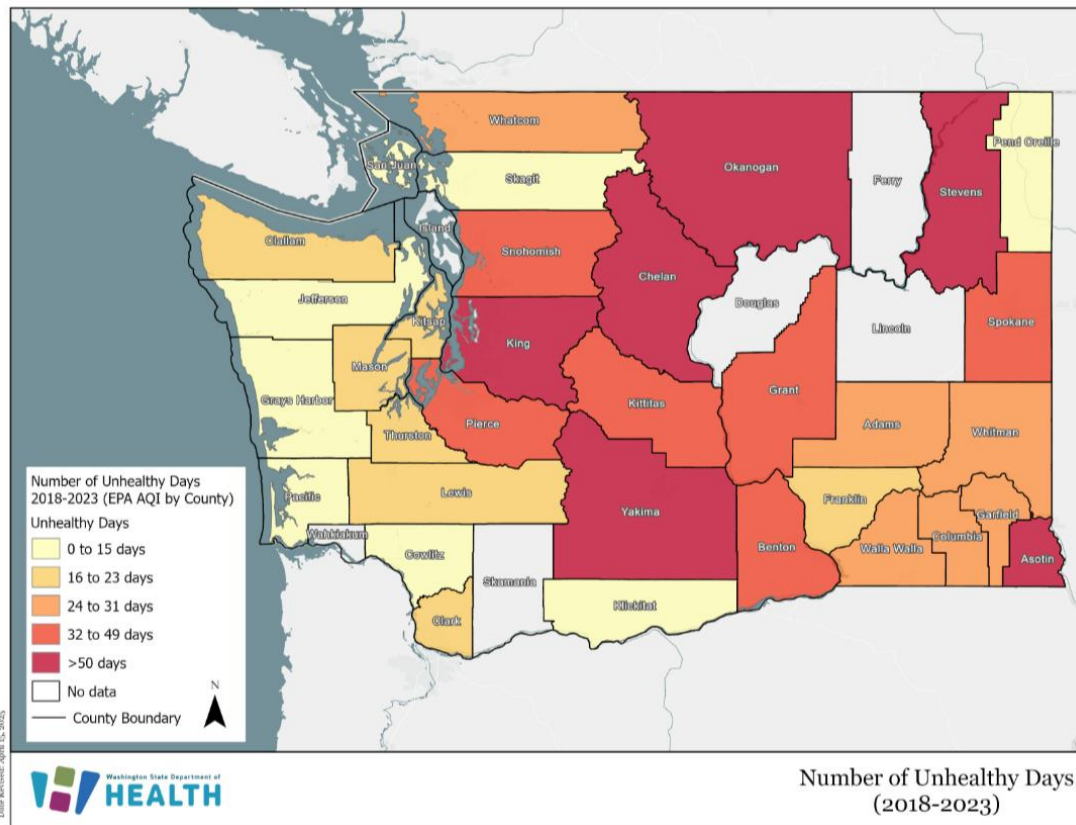
Chapter 246-370-070 WAC Indoor Air Quality and Ventilation is a new section of rule drafted to include specific requirements to improve and maintain indoor air quality. Indoor air quality standards help to control airborne pollutants like dust, chemicals, or cleaning agents and airborne communicable diseases like COVID, the flu, or Respiratory Syncytial Virus (RSV). Additionally, quality indoor air standards can help introduce and distribute adequate outdoor airflow. This chapter also includes a requirement for schools to create a plan that ensures health and safety for periods of increased health risk or poor outdoor air quality (See Map 1 below). In communities identified as overburdened and likely to be highly impacted by air pollution, we anticipate positive health effects for children due to the Indoor Air Quality and Ventilation section of the proposed rule. If the community air quality baseline is affecting children, the improved air quality inside the schools may have positive health impacts. Studies have shown that improvements in indoor air quality decreased absenteeism, increased student performance, increased overall student performance speed, and achieved higher overall test scores.^{12 13 14}

¹² Hines, E.W. (1996). *Building condition and student achievement and behavior*. Blacksburg, VA: Unpublished doctoral dissertation, Virginia Polytechnic Institute and State University

¹³ Douglas, J.W.B. and J.M. Ross. (1965). *The effects of absence on primary school performance*. The British Journal of Educational Psychology 35:28-40

¹⁴ Myhrvold, A.N., E. Olsen, and O. Lauridsen. (1996). *Indoor environment in schools — Pupils health and performance in regard to CO2 concentrations*. *Proceedings, Indoor Air '96: The 7th International Conference on Indoor Air Quality and Climate*. Nagoya, Japan.4:369-371

Map 1. Number of Unhealthy Air Days (2018-2023)



Map 1 displays 2018-2023 EPA Unhealthy Air Days.¹⁵ For each county, Department staff took the sum of all days in 2018-2023 that ranked as “Unhealthy for Sensitive Groups” (AQI value 101 through 150), “Unhealthy” (AQI value 151 through 200), “Very Unhealthy” (AQI value 201 through 300) and “Hazardous” (AQI value 301 – 500) and used that sum to project the number of unhealthy air days for that county. EPA recommends that active children and adults and people with asthma should reduce time outside and limit time outdoors performing heavy exertion when AQI values reach 101 or above.¹⁶

Radon: Proposed chapter 246-370-070

According to the EPA, “a nationwide survey of radon levels in schools estimates that nearly one in five has at least one schoolroom with a short-term radon level above 4 pCi/L, the level at which EPA recommends that schools take action to reduce radon. EPA estimates that more than 70,000 schoolrooms in use today have high short-term radon levels. The EPA ranks indoor radon among the most serious environmental health problems facing us today. After smoking, it is the second leading cause of lung cancer in the United States causing an estimated 21,000 lung cancer deaths a year”.¹⁷ Radon is an odorless, colorless, and tasteless gas that can get trapped inside of buildings and homes. There are no short-term health effects from radon exposure, so if a person is exposed to radon they would likely not experience symptoms of lung cancer until

¹⁵ https://aqs.epa.gov/aqswb/airdata/download_files.html (Accessed December 2024)

¹⁶ <https://www.epa.gov/ozone-pollution-and-your-patients-health/patient-exposure-and-air-quality-index> (Last accessed May 2025)

¹⁷ <https://www.epa.gov/radon/radon-schools> (Last accessed May 2025)

five to 25 years after exposure.¹⁸ Since there are no immediate human health reactions to radon exposure in schools, onsite testing is imperative to help school officials mitigate exposure in the school environment

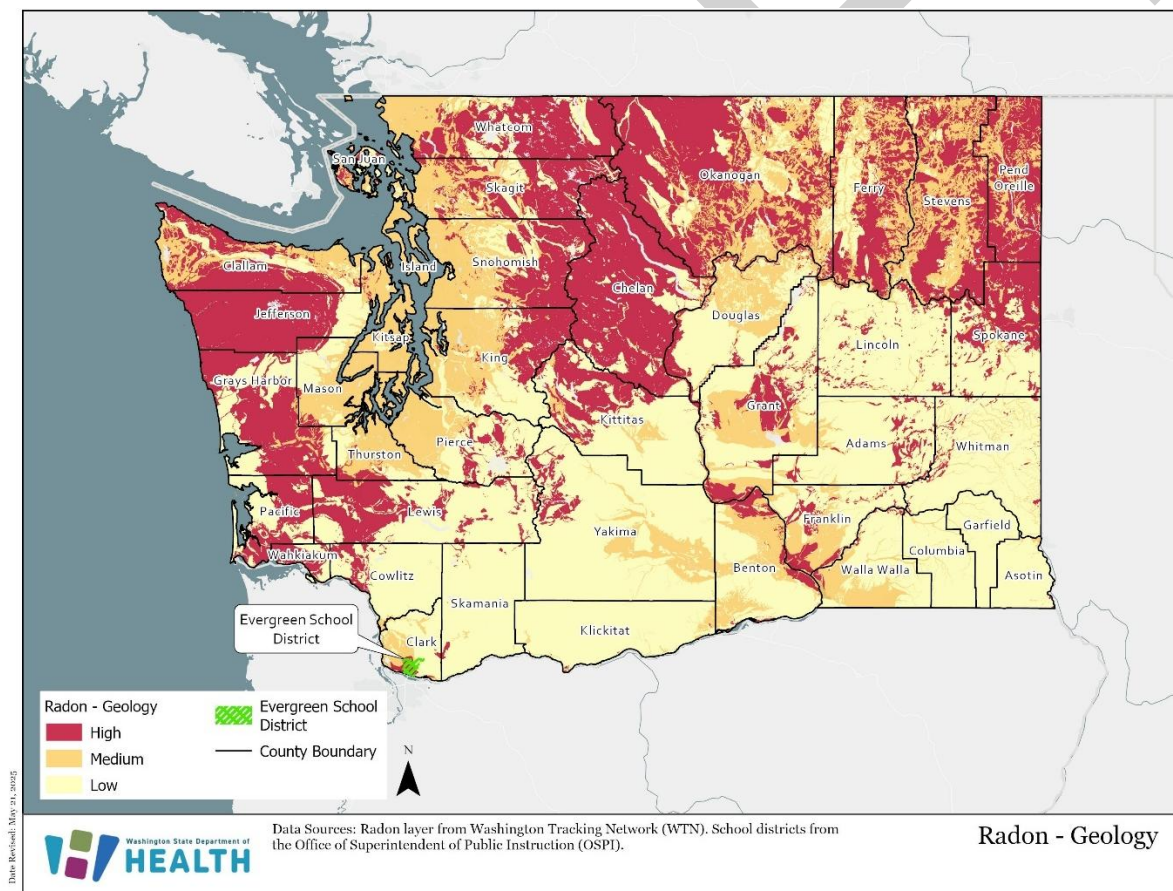
The Washington Tracking Network (WTN) created the following map (Map 2) using testing data supplied by laboratories from October 31, 1989, of the most recent year for available data. The map shows the potential to be exposed to radon based on surface geological characteristics.¹⁹

The map ranges from:

- High: Geology contains uranium or has rock types known to contain uranium.
- Medium (variable): Geology may have uranium-containing rock deposited from glacial or other events.
- Low: Geology or soil type unlikely to contain uranium.

(Map Caveat: In Washington state, rocks or soil that contain uranium and its product, radon gas, can be anywhere in the state. We classified various risk areas but there is no area with no risk at all.)

Map 2. Radon Geology



¹⁸ <https://www.epa.gov/radon/what-are-health-effects-exposure-radon> (Last accessed May 2025)

¹⁹ <https://doh.wa.gov/data-and-statistical-reports/washington-tracking-network-wtn/radon> (Last accessed May 2025)

In the proposed rule, schools are required to test for radon every five years in regularly occupied areas of the school at or below ground level. This will allow schools to identify rooms in the school where radon gas is being emitted at significant levels to cause human harm. Schools would further be able to set in motion mitigation efforts to limit exposure to the occupants of the school facility.

Evergreen Public Schools in Vancouver, Washington, provided an example of radon testing in an overburdened school district. They have preemptively been conducting radon testing across their schools since the 2016 – 2017 school year. The school district has performed testing in 100% of their school buildings to date. There were incidents where testing results indicated high levels (above 4 pCi/L) of radon in classrooms. Evergreen has executed mitigation techniques in all classrooms with high levels of radon to ensure the health and safety of their students. All of Evergreen's radon testing is available online at: <https://sites.google.com/evergreenps.org/radon-testing/home>.

The proposed rule will increase testing for radon throughout the state, including schools in OCVP areas. Testing for radon will have positive health impacts on OCVPs by allowing schools to mitigate radon exposure in classrooms.

Temperature: Proposed chapter 246-370-080

According to the EPA, "children are extra sensitive to high temperatures. Their bodies' natural defenses and abilities to regulate heat are still developing, so the consequences of extreme heat can occur quickly, last longer and be more severe."²⁰ Studies have also shown that children who experience thermal discomfort are more likely to have lower test scores and less class participation.²¹

The proposed rule includes requirements for school officials to create a plan to ensure that students are not routinely exposed to temperatures below 65 degrees or above 79 degrees Fahrenheit in classroom settings. The requirement for a plan was designed so that each school can tailor a plan to fit their school needs. The proposed rule encourages school officials to collaborate with their local health officer to design the appropriate plan that best suits each school's unique infrastructure.

Injury Prevention: Proposed chapter 246-370-110

Cleaning products and maintenance activities in schools are known to be significant sources of exposure to chemical contaminants.²² Children also may be exposed to a variety of other hazardous chemicals in these environments, such as glues, paints, and other art supplies; mercury from older thermometers; a range of chemicals in chemistry labs; lead acid in batteries and other automotive and trade shop supplies; formaldehyde in pressed wood furniture, flooring, carpets, curtains, and cleaning products; volatile organic compounds in paints, aerosol sprays and fresheners, cleaning supplies, and building materials and furnishings.²²

The proposed rule requires that schools use proper storage methods for chemical and cleaning supplies. Further, the proposed rule requires that schools use fragrance-free and low-hazard supplies when available or ensure that cleaning happens at a time that would limit exposure if safer cleaning products are not an option.

²⁰ <https://www.epa.gov/schools/environmental-health-threats-found-schools#Extreme%20Heat> (Last accessed May 2025)

²¹ <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0136165> (Last accessed May 2025)

²² <https://www.epa.gov/system/files/documents/2022-04/supplementary-topics-schools-and-child-care.pdf> (Last Accessed May 2025)

Playground Safety: Proposed chapter 246-370-130

According to Children's Safety network "over 200,000 playground-related injuries are treated in an emergency department each year" nationwide.²³ Most commonly, falls and equipment related accidents make up over 65% of all those injuries.

During TAC meetings, members discussed playground incidents that they have witnessed in their local schools. Common playground issues include falls, body entrapment in playground equipment, playground surface deficiencies, broken or hazardous equipment, and surfaces containing hazardous chemicals.

The proposed rule requires schools to install and maintain playground equipment consistent with both the *ASTM F 1487-21: Standard Consumer Safety Performance Specification for Playground Equipment for Public Use* and the *Consumer Product Safety Commission Handbook for Public Playground Safety, 2010*. Both publications are the latest publications for playground safety in the United States. Additionally, the proposed rule prohibits the use of chromated copper arsenate (CCA) or creosote to treat materials used in construction or installation of playground equipment, landscape structures, or other structures on which students may play. CCA was prohibited for use by the EPA in 2003 because of the high concentrations of arsenic.

Specialized Rooms: Proposed chapter 246-370-140

Specialized rooms (which include career and technical education rooms) located in a school facility are classrooms that have nontraditional equipment and chemicals used in classrooms such as auto shop, chemistry, or art. These spaces have the potential for heat and cold temperature exposure, chemical exposure, biological exposure, gas and particulate exposure, and increased bodily injury.

Specialized rooms for advanced technical and professional training are especially important for schools in OCPV and Tribal areas, providing a pathway to higher-paying jobs or continuing education. Students can obtain skills to help them explore career options while still attending school. Pasco School District offers specialty automotive classes where high school students may qualify for employment opportunities and internships with local businesses.

The proposed rule includes a new section of requirements dedicated to health and safety standards for these specialized rooms. The proposed rule includes requirements for proper emergency response equipment like showers and eye wash stations, prohibiting dangerous compound storage, supplying adequate personal protective gear, activity specific ventilation, emergency gas and electricity shut off valves, and specific health room requirements. These health and safety precautions ensure that students can continue to safely use these rooms to develop valuable hands-on skills.

4. Describe likely associated negative health impacts for OCPVs, and Tribes associated with this action.

We anticipate that there will be no negative health impacts for overburdened communities, vulnerable populations, and Tribes associated with this action. Negative health impacts for these communities could occur if these rules were not implemented.

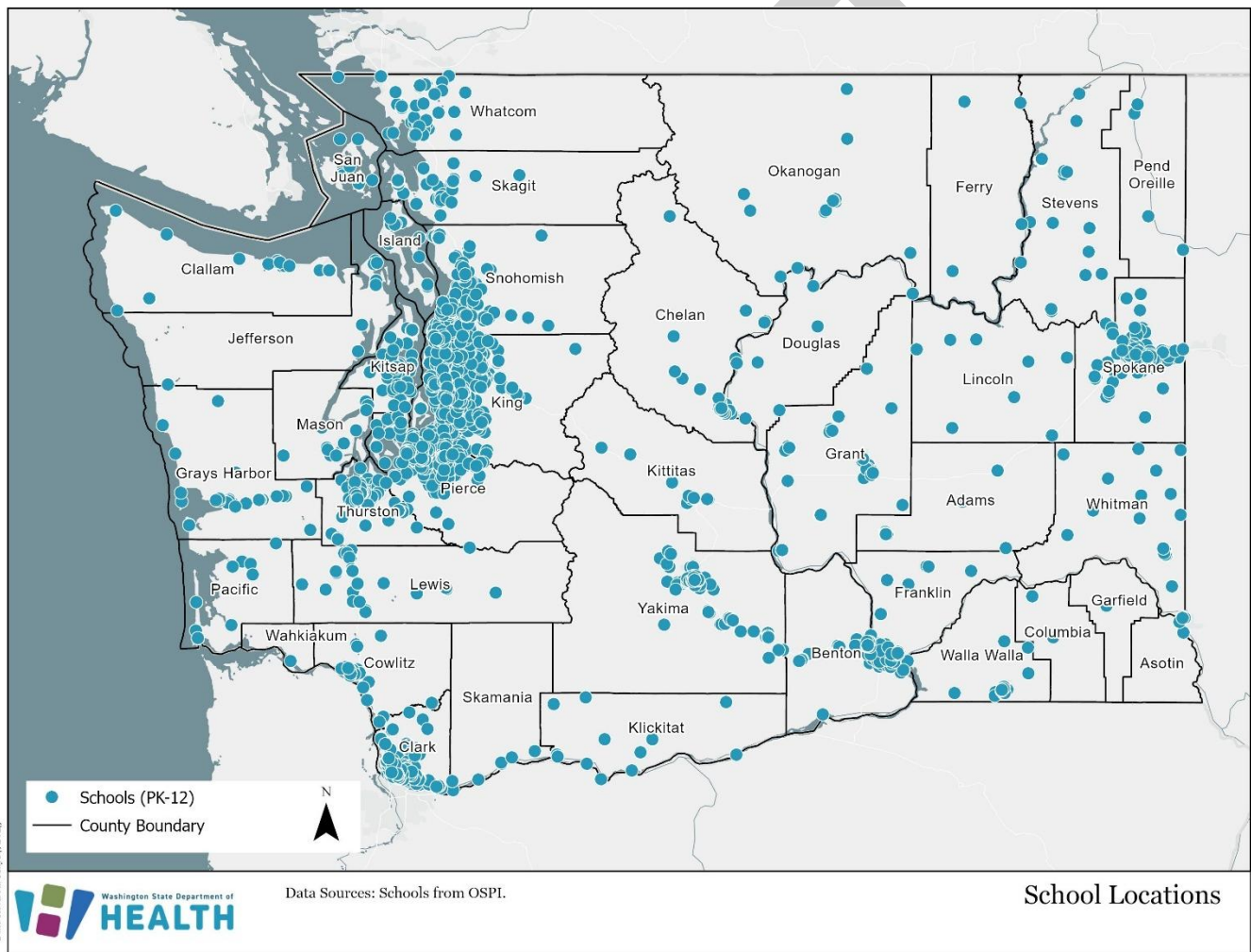
²³ https://www.childrenssafetynetwork.org/infographics/playground-related-injuries-treated-emergency-department?utm_source=chatgpt.com (Last accessed May 2025)

Section 2: Identify Overburdened Communities and Vulnerable Populations

1. Identify the geographic areas where there may be environmental and health impacts as a result of the agency action.

As shown on Map 3 below, schools affected by this proposed rulemaking are located statewide. The highest concentration of school locations extends from just south of Olympia, Washington, up the Interstate-5 corridor through northwestern Washington and centered around Spokane in eastern Washington.

Map 3. School Locations



2. Describe overburdened communities²⁴ and vulnerable populations²⁵(OCVP) identified within the geographic area(s) where there may be environmental and health impacts as a result of the agency action.

Board and Department staff downloaded mapping data from the Office of Financial Management's (OFM) Overburdened Communities (OBC) Mapping Tool²⁶ to identify geographic areas considered as "overburdened communities." The mapping tool identifies these overburdened communities as census tracts ranked 9 or 10 on the Environmental Health Disparities map areas characterized as "disadvantaged" on the federal Climate and Economic Justice Screening Tool, and census tracts that are fully or partially on "Indian Country" as defined in 18 U.S.C. Sec. 1151.²⁷ Using data about public schools from OSPI's Information and Condition of Schools (ICOS) database Department staff identified the schools that were located within a geographic area identified as overburdened on OFM's OBC mapping tool.

In Table 2 below, Board staff used data from OSPI's Report Card Database²⁸ to display detailed public-school data within each county.

- **County:** The individual counties in Washington
- **Number of students:** The number of students reported as enrolled in schools per county
- **Number of Students Identified as OCVP per county:** the number of students enrolled in a school that is in a community identified as an overburdened or vulnerable population. Board and Department staff assumed that if a school falls in an OBC per OFM's mapping tool, the school population is 100% OBCVP
- **% Students Identified as OCVP per county:** The percentage of OCVP students as compared to the total student population enrolled in a county If a school location falls within the boundaries of the defined OCVP boundaries the schools enrolled population are counted as OVCP.
- **Demographics:** The number of individual self-reported race categories that were collected when students enrolled in school
- **Unhoused:** The number of self-identified students that do not have reliable shelter
- **Low-Income** (Free/Reduced / Lunch): the number of students that qualify for free or reduced lunches based on household income.
- **Section 504:** The number of students that qualify for [section 504 disability assistance](#)²⁹
- **Students with Disabilities:** The number of students that self-identity as having a disability

²⁴ **Overburdened community** means a geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but is not limited to, highly impacted communities as defined in RCW 19.405.020.

²⁵ **Vulnerable populations** means population groups that are more likely to be at higher risk for poor health outcomes in response to environmental harms, due to: (i) Adverse socioeconomic factors, such as unemployment, high housing and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that negatively affect health outcomes and increase vulnerability to the effects of environmental harms; and (ii) sensitivity factors, such as low birth weight and higher rates of hospitalization.

Vulnerable populations includes, but is not limited to: (i) Racial or ethnic minorities; (ii) Low-income populations; (iii) Populations disproportionately impacted by environmental harms; and (iv) Populations of workers experiencing environmental harms.

²⁶ https://geo.wa.gov/datasets/e0074300efda47efa6b01e6236bcfe48_0/explore?location=47.044319%2C-120.897341%2C7.00 (Accessed 5/13/2025)

²⁷ <https://fortress.wa.gov/doh/wtnibl/WTNIBL/> (Accessed 5/13/2025)

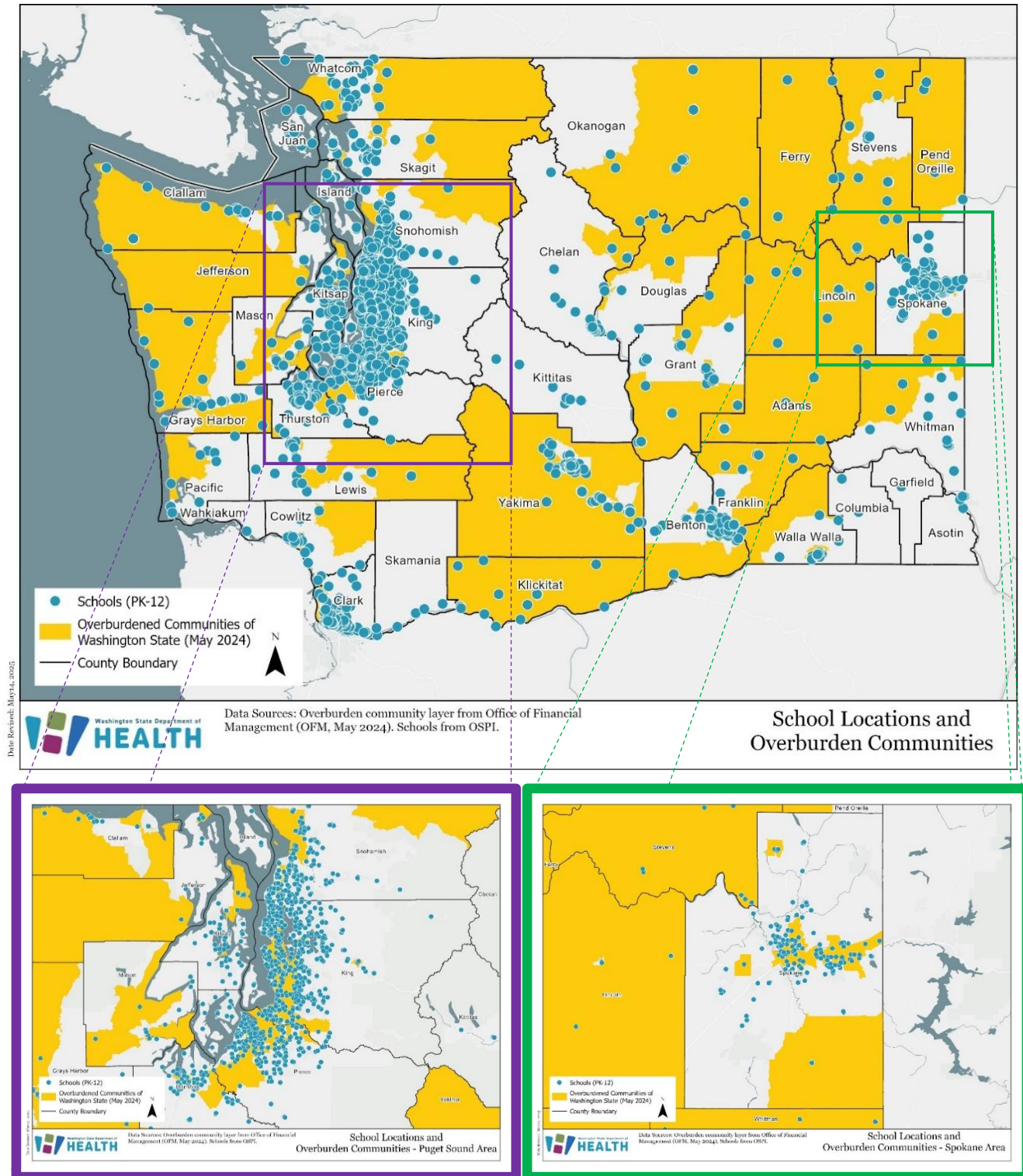
²⁸ <https://reportcard.ospi.k12.wa.us/> (Last Accessed May 2025)

²⁹ <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/504-resource-guide-201612.pdf> (Last Accessed May 2025)

- **English Language Learner:** The number of students that self-identify as learning the English language
- **Local Health Jurisdiction Inspection Program:** This identifies if the county health district has an active school environment health and safety program
- **Table 2 Data Summary**
 - Over 1.1 million students are enrolled in public schools.
 - 32% of students are enrolled in public schools in communities that are identified as OCPV.
 - 3.26% of enrolled public-school students self-reported as being unhoused.
 - 47.41% of enrolled public-school students qualify for free or reduced lunch.
 - 4.85% of enrolled public-school students qualify for 504 disability benefits.
 - 15.37% of enrolled public-school students self-reported as disabled.
 - 14.74% of enrolled public-school students self-reported that English was not their first language.
 - 53.85% of LHJs currently don't have an established school environmental health and safety program.

Environmental Justice Report

Map 4. School Locations and OCPV



Environmental Justice Report



Table 2: Overburdened Communities and Vulnerable Populations by County: Data excerpt from OSPI Report Card Data Base 2024-2025 School Year

County	Number of Students	Number of Students Identified as OCVP	% Students Identified as OCVP	American Indian/Alaskan Native	Asian	Black/African American	Hispanic/Latino	Native Hawaiian/Other Pacific Islander	Two or More Races	White	Unhoused	Low-Income (Free/Reduced Lunch)	Section 504	Students with Disabilities	English Language Learners	Local Health Jurisdiction Inspection Program
Adams	5,391	5,078	94	5	17	13	4,446	1	42	867	57	4,235	180	634	2,107	No
Asotin	3,157	1,432	45	41	25	37	336	12	208	2,498	70	1,652	156	627	32	In Process
Benton	38,646	16,253	42	98	892	588	14,407	105	1,891	20,664	702	18,875	2,011	5,170	5,727	Yes
Chelan	12,733	3,734	29	64	105	71	6,488	16	326	5,663	706	7,733	637	1,823	2,890	In Process
Clallam	10,989	8,475	77	620	171	267	1,894	52	1,182	6,802	332	5,969	564	2,045	514	Inquired
Clark	75,474	12,778	17	307	3,408	1,960	16,298	1,756	6,653	45,092	2,500	31,116	3,596	11,959	10,343	Yes
Columbia	1,159	0	0	16	42	93	230	32	42	704	37	264	23	198	67	No
Cowlitz	17,387	4,924	28	187	228	120	3,368	255	1,075	12,153	791	10,065	769	3,203	1,207	No
Douglas	7,288	3,263	45	21	54	33	4,197	5	108	2,870	322	4,598	331	1,013	1,766	In Process
Ferry	1,071	484	45	169	14	6	79	3	95	705	22	577	6	177	-	Yes
Franklin	21,526	9,696	45	46	273	153	15,883	59	484	4,628	226	14,748	506	3,090	7,636	Yes
Garfield	343	0	0	0	1	0	39	0	2	300	-	156	-	52	3	No
Grant	21,390	15,142	71	313	136	161	13,584	18	559	6,595	771	14,721	739	3,238	5,896	In Process
Grays Harbor	10,795	5,384	50	531	114	111	2,842	30	864	6,295	518	7,076	469	1,978	1,014	Inquired
Island	8,009	1,533	19	43	371	272	1,497	69	944	4,808	491	3,295	462	1,664	333	Yes
Jefferson	2,684	936	35	60	45	19	280	16	207	2,050	30	1,336	125	403	64	No
King	289,124	86,406	30	1,508	65,290	26,074	58,155	4,657	29,421	103,965	8,772	104,476	16,231	39,415	54,339	In Process
Kitsap	34,529	3,375	10	446	1,356	848	6,103	495	4,740	20,499	747	14,099	2,263	5,731	1,865	Yes
Kittitas	5,454	0	0	29	73	34	1,096	9	244	3,964	73	2,581	208	826	395	Yes
Klickitat	4,970	2,879	58	149	92	111	1,062	28	340	3,188	69	2,109	247	822	330	Inquired
Lewis	12,782	3,402	27	95	95	153	2,946	29	685	8,777	280	7,411	366	2,072	902	Inquired
Lincoln	2,261	1,521	67	91	10	12	154	6	96	1,892	17	1,120	61	346	7	Yes
Mason	9,212	3,101	34	234	72	81	3,031	34	765	4,995	743	5,547	527	1,534	1,718	No
Okanogan	11,092	9,995	90	690	303	416	3,376	95	877	5,315	266	7,912	148	1,700	1,136	No
Pacific	3,398	682	20	48	70	95	838	10	182	2,155	358	2,001	109	566	247	Yes
Pend Oreille	1,850	1,498	81	65	7	2	167	3	125	1,473	155	1,182	62	318	-	Yes
Pierce	138,714	44,624	32	1,439	8,431	11,282	30,992	5,051	19,962	61,555	5,042	67,430	6,028	20,844	14,224	Yes
San Juan	1,715	0	0	9	19	10	364	1	115	1,197	22	587	49	319	145	Inquired
Skagit	18,555	2,916	16	326	289	175	7,122	72	896	9,668	556	10,402	937	3,264	3,460	In Process
Skamania	981	0	0	7	5	8	126	3	58	771	35	517	49	149	18	No
Snohomish	111,123	17,653	16	1,090	13,049	5,872	25,090	1,161	9,306	55,537	3,471	47,716	5,878	17,973	17,438	Yes
Spokane	79,089	31,747	40	846	1,569	2,115	8,329	1,610	7,280	57,339	2,927	40,725	3,318	13,699	5,138	Yes
Stevens	6,674	5,578	84	415	128	112	689	18	497	4,815	171	3,841	270	736	149	Yes
Thurston	42,969	3,344	8	511	2,303	1,475	8,820	784	5,342	23,713	1,511	18,587	2,359	7,735	2,322	Yes
Wahkiakum	405	0	0	1	4	1	50	0	31	318	33	229	9	69	14	Yes
Walla Walla	8,614	1,812	21	26	92	89	3,758	19	274	4,353	221	5,276	391	1,427	1,370	Yes
Whatcom	27,923	5,666	20	975	1,227	349	6,402	89	2,044	16,837	969	12,323	1,920	4,754	3,068	Yes
Whitman	4,674	549	12	47	202	97	563	13	283	3,469	57	1,848	226	746	171	In Process
Yakima	52,449	36,614	70	1,645	345	314	38,234	27	989	10,890	2,027	40,336	1,435	7,800	15,050	Inquired
Grand Total	1,106,599	352,474	32%	13,213	100,927	53,629	293,335	16,643	99,234	529,379	36,097	524,671	53,665	170,119	163,105	N/A

Section 3: Tribal Engagement and Consultation

1. Summarize Tribal engagements and invitations for Tribal consultation to date.

The Board engaged with Tribes on several occasions. There were two listening sessions, two Dear Tribal Leader Letters, tabling at Tribal community events, and one-on-one conversations with Tribal members. Steven Kutz, a State Board of Health Member representing a federally recognized Tribe in Washington, provided feedback during and outside of board meetings.

The Board's staff and Tribal Liaison provided information about the development and engagement of proposed school environmental health and safety rules with department's Tribal engagement staff, the Governor's Office of Indian Affairs, and Tribal events when engaged in conversation about the board's work.

- On July 11, 2024, Board staff sent a Dear Tribal Leader Letter to the Federally Recognized Tribes of Washington state to provide notice of the upcoming rulemaking and inform Tribal Leaders that a listening session would be held on July 22, 2024.
- On July 22, 2024, Board staff hosted a listening session.
- In July 2024, Board staff provided information at the American Indian Health Commission's Tribal Opioid Conference and shared printed materials about the rule revision project.
- In August 2024, Board staff provided information and spoke at the Office of Native Education's State Tribal Education Compact Schools (STEC) Convening and shared printed materials about the rule revision project and about opportunities to engage with the rulemaking.
- In January 2025, Board staff sent an email to Washington State Native American Education Advisory Committee (WSNAEAC) leadership offering to share information at a WSNAEAC meeting and shared the opportunity to provide written comment.
- On March 3, 2025, Board staff sent a second Dear Tribal Leader Letter to the Federally Recognized Tribes of Washington state to provide notice of the upcoming rulemaking and inform Tribal Leaders that a listening session would be held on April 7, 2025.
- Board staff contacted the federally recognized Tribes of Washington state, Tribal community health organizations and STEC schools to invite them to the April 7, 2025, listening session.
- At the April 7 listening session, four attendees joined, each representing different Tribes and Tribal organizations.

For the full list of outreach to Tribal contacts, see Appendix 1.

For more details of the April 7, 2025, Tribal listening session, see Appendix 2.

2. Describe likely impacts to Tribal rights and resources associated with this action.

At this time, the Board has not addressed standards around Native American Boarding Schools in Washington state, but it is important to highlight the impacts to indigenous peoples. Native American Boarding Schools were created³⁰ as the government's attempt to remove children from their families and erase Native language, culture, and beliefs. Many Native people in Washington state have been directly impacted or are

³⁰ <https://www.sos.wa.gov/archives/explore-our-collection/national-history-day-topic-guide/native-american-boarding-schools> (Last Assessed May 2025)

close to someone who was directly impacted by boarding schools. The historical context of boarding schools emphasizes the need for comprehensive health and safety rules in school settings. The Attorney General's Office ³¹ identified 17 Indian boarding schools in Washington state that participated in forced assimilation. This highlights the state government's role in perpetuating harm against Native students, families, and culture. To ensure the Board is not continuing harm, it will continue to collaborate with and learn from Tribes and Tribal organizations.

During Tribal listening sessions and other Tribal engagements, Board staff affirmed that STEC Schools are exempt from this rule. Board staff also received feedback highlighting concerns over the definition of fragrance (WAC 246-370-070); the specific example used was related to the cultural practice of smudging, which involves the burning of sage. This concern will be addressed in updated Department guidance and best practices. The language pertaining to fragrances is not meant to inhibit Tribal cultural or spiritual practices.

3. Summarize how information received from Tribes and Tribal organizations informed decision-making about this action.

Board staff received questions about the applicability of the proposed rule on school facilities operated by public school districts on land recently purchased by a Tribe. Schools operated by Tribes on reservation land are exempt from these standards, but schools operated by non-Tribal entities on Tribal land, such as a public school district, are required to meet the standards of the rule. Members of Tribal public health agencies shared about resources they use for their school health and safety, such as the Bureau of Indian Education. Agency staff are committed to continuing to connect with the Bureau of Indian Education and the OSPI's Office of Native Education.

A Tribal member asked if fragrances, such as those that result from the cultural practice of smudging, apply to this rule. Staff indicated that the language is not intended to prohibit cultural practices. Additionally, staff shared that they would provide clarification in Department guidance and best practices. Board staff chose not to provide a list of exemptions in the rule, as it could limit other cultural practices through omission. Using the guidance to address cultural practices allows for greater inclusion and flexibility.

Board staff incorporated specific comments from Tribes and Tribal organizations into the rule, such as the clear exemption for STEC schools. Additional comments will be used to inform Department guidance and best practices, which will also utilize information received from Tribes and Tribal organizations. This will allow for additional conversations to take place between agencies, Tribes and Tribal organizations.

4. Describe any plans for ongoing and/or future Tribal consultation after the publication of the EJ Assessment.

Board staff will continue to connect with staff at the Bureau of Indian Education and coordinate with the OSPI's Office of Native Education. The Board will need to continue to collaborate and ensure that Tribal perspective is considered, both during and after development. Staff will continue to keep Tribes informed of any changes, regardless of direct impact, and provide formal consultation if requested. This is also stated under RCW 43.376.020. Board staff will be available for future comments and questions regarding the proposed rule.

³¹ <https://www.sos.wa.gov/archives/explore-our-collection/national-history-day-topic-guide/native-american-boarding-schools> (Last Accessed May 2025)

Section 4: Community Engagement Summary

1. **Summarize engagement with people from overburdened communities and vulnerable populations to date.**

Listening Sessions

Across Washington state, many school communities—such as Yakima, Pasco, Auburn, and Vancouver—are overburdened, with significant proportions of students from low-income, minority, English learner, and special education populations. For example, in districts like Union Gap and Pasco, over 70% of students are economically disadvantaged, and Latino students make up the majority, with high rates of English language learners. Similarly, districts such as Evergreen and Auburn report that over half of their students are from minority backgrounds and qualify for free or reduced-price lunch. These communities face compounded challenges including poor indoor air and water quality, extreme temperatures, asthma triggers, outdated infrastructure, and limited access to environmental health information. Disparities in resources, teacher diversity, and building safety place undue burdens on these populations, making them particularly vulnerable to environmental health risks and less equipped to adapt to new health and safety regulations without targeted support and investment.

The Board held multiple listening sessions across the state for community members, families, teachers, and school staff to share comments and concerns regarding environmental health and safety in schools. Six in-person sessions were held from October 2024 through February 2025 in Yakima, Lacey, Spokane, Vancouver, Pasco, and Auburn. Map 5 shows the overlay of our public meetings and listening sessions with overburdened communities. There were three virtual listening sessions held for a statewide audience in January and February 2025. 53 individuals attended a total of six in-person listening sessions, plus state and local public health officials.

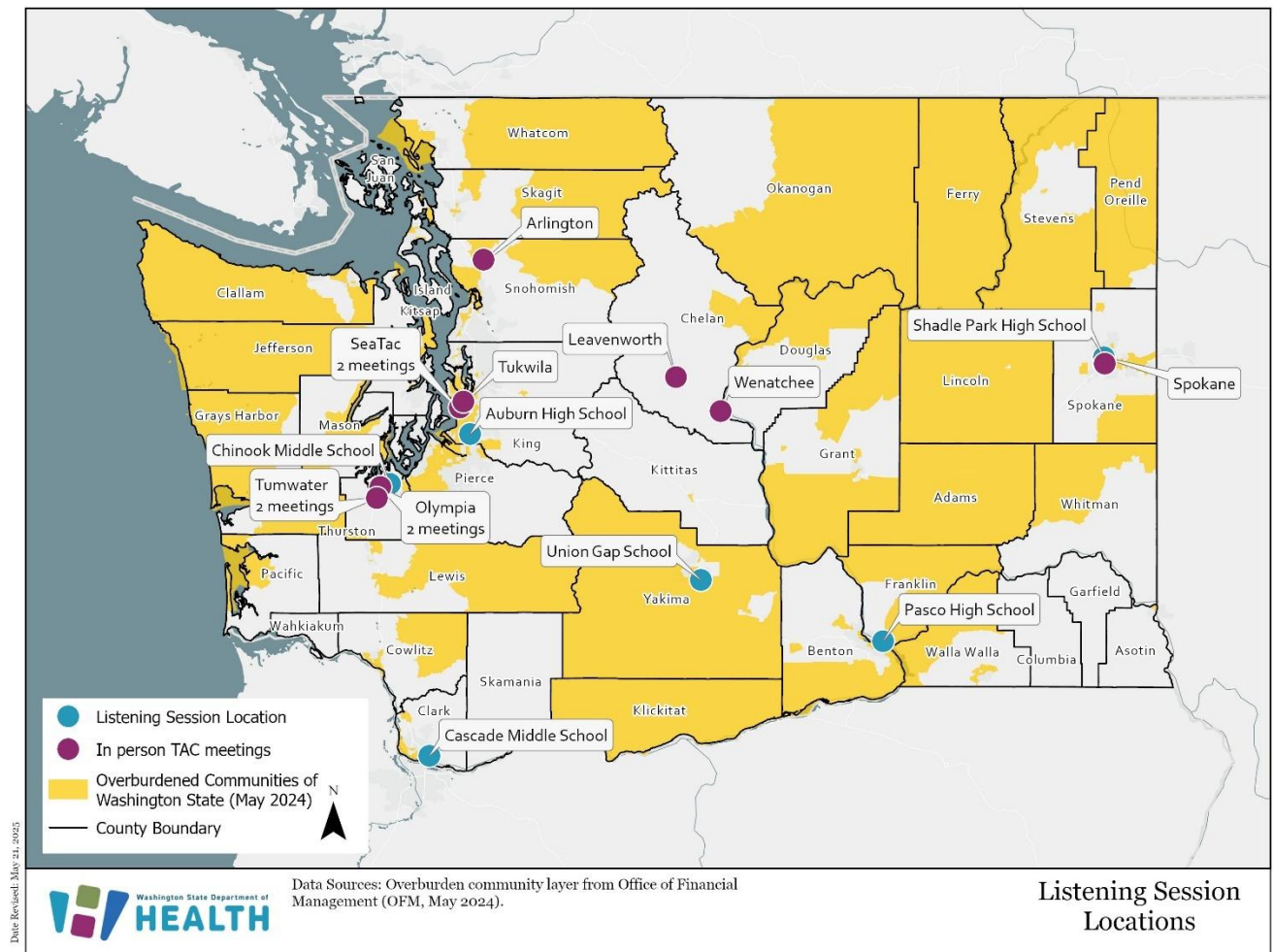
To engage with community at each in-person session, the Board contacted the Educational Service District and school districts associated with the location. The Board also contacted community-based organizations, Parent Teacher Student Associations (PTSA's), and organizations serving local BIPOC, disability, and LGBTQ communities. The Board provided flyers in English and Spanish, with Russian translation added for Vancouver, Pasco, and Auburn. Each session had Spanish and ASL interpretation services available, with Russian added for Vancouver, Pasco, and Auburn.

Additionally, the Board hosted three virtual listening sessions on Zoom in January and February 2025. Agency staff shared changes in regulations for feedback from community members, families, teachers, and school staff. 171 individuals participated in three virtual listening sessions, including state and local public health officials.

Information about the three virtual listening sessions was included in January newsletters published by the Department's HEAL Implementation team for more than 2,000 subscribers. For the two February 24, 2025, virtual listening sessions, the Board contacted all Educational Service Districts, all major school districts, statewide community-based organizations, PTSA's, and statewide organizations serving BIPOC, disability, and LGBTQ communities. The Board provided flyers in English, Spanish, and Russian. Each session had Spanish and ASL interpretation services available.

For full demographic information for each of the regions in which listening sessions were held, please see Appendix 2.

Map 5. Listening Sessions and Overburdened Communities



Written Comments

Agency staff received 79 unique comments throughout the informal comment period held from December 2024 through February 2025. We provided an extended period to allow for as many people to review and comment on the proposed rule. We also sent out multiple GovDelivery notices and met with different organizations to inform interested parties about the comment period.

Technical Advisory Committee

The proposed rule language was developed in collaboration with a TAC, whose composition was primarily dictated by the 2024 proviso. The TAC included members from OSPI, the Department, small and large school districts, the Washington associations of school administrators, school directors, maintenance and operations administrators, school business officials, and representatives from PTSA and other community-based organizations. The TAC met 17 times between August 2024 until May 2025.

Follow-up Communication

An email summary of the outcomes of the rule revision project was sent to all previous non-Tribal community contacts. This follow-up email invited community contacts to stay connected to the progress of this work and informed them of next steps. Next steps include adoption and funding of rules by the Washington state legislature, which could include informal or formal comment periods. In addition, the Department will publish

the final Environmental Justice Assessment in the HEAL Newsletter, which had 2,666 subscribers at the time of this publication.

2. Summarize information received from people from overburdened communities and vulnerable populations.

Board staff did not request any personally identifying or demographic information from participants to ensure that individuals felt comfortable sharing their experiences and concerns. Participants raised the following concerns through written comments, in-person listening sessions, and virtual listening sessions: Air quality (vaping, fragrances, wildfire smoke, filtration and how to measure air quality); illness in schools, especially for immunocompromised children; cost of implementation; general wildfire issues; extreme temperatures; playground materials; presence of outdoor green space; safe drinking water; mold; pest management; chemical safety; bathroom maintenance; noise control; reporting requirements for inspections; all gender restrooms and showers; and lactation rooms. For detailed concerns from each individual listening session, please refer to Appendix 2.

3. Summarize how information received from people from overburdened communities and vulnerable populations informed decision-making about this action.

Agency staff compiled themes and suggestions from written comments and listening sessions and presented them to the TAC. When considering whether to incorporate community input, the TAC considered the scope of the rule revision, the variety of school facilities, the variety of funding available to update schools, and how the rule language would impact OCVPs.

The scope of the rule revision is to establish the minimum environmental health and safety standards in schools. Many suggestions from community members wanted to incorporate best practices into rule language; however, best practices will be compiled and published in Department guidance, not in the rule language. The intent of this rule is to establish minimum standards and best practices frequently change, so incorporating them into guidance allows easy updating to align with emerging science. Suggestions for best practices will be considered as Department develops guidance for implementation and were typically excluded from the proposed rule language. One example of this is the indoor air quality section of the rule (WAC 246-370-070). Agency staff received several comments requesting that stringent indoor air quality rules be established according to emerging science around infectious disease prevention and control. This type of comment would be characterized as the best practice to be incorporated into guidance and not the rule language.

The TAC also considered the wide variety of facilities and funding available to update facilities to meet new standards. Schools can serve anywhere from fewer than 10 students to more than 2,000 and have a similarly wide range of available funding. Therefore, the TAC considered draft rules that establish minimum health and safety standards to limit the burden to schools without ready access to funding. Many community members were concerned that their schools would be penalized for not having the funding to make updates required by the rules. One example of this is the indoor air quality section of the rule (WAC 246-370-070). Because many schools cannot afford HVAC updates, the TAC incorporated flexibility into the rule language to avoid burdening or penalizing these schools, such as multiple pathways to meet the proposed standard.

Potential impacts to overburdened communities and vulnerable populations were also considered in the development of the rule language. Agency staff and the TAC considered who has historically borne disproportionate burdens of environmental harms, and who would likely be most impacted by the rules, if implemented. One example of this is the section of the rule on access to showers (WAC 246-370-060). Agency staff were told that many students can only access showers in school facilities. To support student access to this benefit of their built environment, agency staff and the TAC established a minimum number of showers based on the student population of a school.

4. Describe plans for ongoing engagement with people from overburdened communities and vulnerable populations.

The Board is committed to keeping overburdened communities and vulnerable populations informed about this work. The Board has developed communication plans and different educational documents to provide insights and updates regarding this proposed rule. Further steps pertaining to next steps are dependent on decisions made by the legislature.

DRAFT

Section 5: Strategies to Address Environmental Harms and Equitably Distribute Environmental Benefits

1. Which of the following strategies will the agency pursue to eliminate, reduce, or mitigate environmental harms and equitably distribute environmental benefits (check all that apply):

- ☐ Eliminating the disparate impact of environmental harms on overburdened communities and vulnerable populations;
- ☐ Reducing cumulative environmental health impacts on overburdened communities or vulnerable populations;
- ☐ Preventing the action from adding to the cumulative environmental health impacts on overburdened communities or vulnerable populations;
- ☒ Providing equitable participation and meaningful engagement of vulnerable populations and overburdened communities in the development of the significant agency action;
- ☒ Prioritizing equitable distribution of resources and benefits to overburdened communities;
- ☐ Promoting positive workforce and job outcomes for overburdened communities;
- ☐ Meeting community needs identified by the affected overburdened community;
- ☒ Modifying substantive regulatory or policy requirements; and
- ☐ Any other mitigation techniques, including those suggested by the Environmental Justice Council, the Office of Equity, or representatives of overburdened communities and vulnerable populations.

2. Briefly describe the proposed method/approach for each strategy selected in Section 5, Question 1.

Map 5 illustrates where listening sessions and in-person public TAC meetings were held in relation to the identified OCVPs. These public session locations align closely with the identified OCVPs in Section 2. While agency staff did not ask for any identifying or demographic information from participants, staff prioritized engagement in geographies that aligned with OCVP analysis. In addition, the Board held several virtual meetings in the evenings to allow greater participation opportunities.

The recommended phased implementation of the proposed rule (chapter 246-370 WAC) from the existing rule (chapter 246-366 WAC) sets new minimum health and safety standards for schools. Through the guidance of the TAC and the Board, all aspects of the proposed rule were considered through an equity lens. How to best benefit the students, what was fiscally possible, and how to implement critical safety measures as quickly as possible were just some of the aspects that were considered when introducing the proposed language. The voices of Tribal governments, community members, school administrators and staff for large and small schools, as well as parent groups and local health jurisdictions, were considered in setting the proposed standards. These diverse perspectives provide the best opportunities for environmental justice and safety for all students and in OCVP and Tribal schools and districts.

3. Describe additional strategies the program has identified to eliminate, reduce, and/or mitigate harms and equitably distribute benefits.

There are no identified harms to mitigate with this proposed rulemaking.

By proving consistent baseline requirements for all schools, the Board and Department anticipate that equitable distribution of benefits should occur.

4. If the agency determines that it does not have the ability or authority to eliminate, reduce, or mitigate environmental harms caused by a significant agency action, or does not have the ability or authority to address the equitable distribution of environmental benefits, provide a clear explanation of why it has made that determination.

Does not apply.

5. Identify performance measures or indicators (recommended 3-5) that can be used to track the equitable distribution of environmental benefits and/or the elimination, reduction, or mitigation of environmental harms for OCVPs, or Tribes.

OSPI collects extensive amounts of data that is used for school and district accountability. They provide information to the Legislature and other stakeholders and write policies at the state, local, and federal levels. The ICOS is a web-based site and facilities inventory tracking system where information and building condition details about each school district are stored. ICOS meets the increasing demand for accurate school facility information and building condition data that supports statewide programs such as the School Construction Assistance Program (SCAP), District facility management, and school facility information requests or policy decisions. This information supports the performance-based Asset Preservation Program, which gauges how well the facilities, buildings, and sites are maintained.

Poverty is highlighted as a risk factor for adverse outcomes for the listed environmental health impacts. Free or Reduced-Price meal benefits (ICOS labels this as low-income) are often used as a proxy for measuring poverty at the individual school level. Examples of measures from ICOS that could be used to track equitable distribution of environmental benefits and/or the mitigation of environmental harms for OCVPs or Tribes could include measuring “low-income” student enrollment against:

- The schools that have voluntarily reported as completing a routine inspection as outlined in chapter 246-370-040 of the proposed rule with a three-year time period.
- The schools that have voluntarily reported that they have created an indoor air quality plan as outlined in chapter 246-370-070 of the proposed rule.
- The schools that have voluntarily reported that they have created an extreme temperature readiness plan as outlined in chapter 246-370-080 of the proposed rule.

Appendix A: Tribal Contacts

Federally Recognized Tribes of Washington state

- Confederated Tribes of the Chehalis Reservation
- Confederated Tribes of the Colville Reservation
- Cowlitz Indian Tribe
- Hoh Indian Tribe
- Jamestown S'Klallam Tribe
- Kalispel Tribe of Indians
- Lower Elwha Klallam Tribe
- Lummi Nation
- Makah Tribe
- Muckleshoot Indian Tribe
- Nisqually Indian Tribe
- Nooksack Indian Tribe
- Port Gamble S'Klallam Tribe
- Puyallup Tribe
- Quileute Tribe
- Quinault Indian Nation
- Samish Indian Nation
- Sauk-Suiattle Indian Tribe
- Shoalwater Bay Indian Tribe
- Skokomish Indian Tribe
- Snoqualmie Indian Tribe
- Spokane Tribe of Indians
- Squaxin Island Tribe
- Stillaguamish Tribe of Indians
- Suquamish Tribe
- Swinomish Indian Tribal Community
- Tulalip Tribes
- Upper Skagit Indian Tribe
- Confederated Tribes and Bands of the Yakama Nation

Outreach to 28 Tribal Health Departments, Washington state

Outreach to 24 Tribal Education Departments, Washington state

Contacted an additional 14 Native American organizations and 7 STEC/Tribal compact schools, Washington state

Appendix B: Listening Sessions

Yakima Listening Session, October 10, 2024

- The Yakima listening session was held at the Union Gap School and had five participants plus local and state public health officials.
- The Union Gap School District is comprised of 572 students, 83% Latino, 1% AIAN, .9% Black, 13% white. About 25% of the students are English language learners, 93% qualify as low-income students and 16% are classified as disabled.
- The Educational Service District (ESD) 105 in Central Washington serves 66,188 students; 54% Latino, 38% white, 3.8% AIAN, 22% English language learners, 70% low-income.
- The Mount Adams School District (on the Yakama Reservation), the Yakima School District, and the Union Gap School District shared the flyer and social media post reaching families of approximately 16,953 students.

Participants raised the following concerns:

- Kids vaping in bathrooms is #1 complaint to the LHJ
- Locked bathrooms (due to vaping) is #2 complaint to LHJ
- Costs of implementation
- Air Conditioning; smell of formaldehyde
- Plant trees
- Air quality, especially during wildfire season
- Effects of smoke on HVAC system and filters
- Children and staff with asthma being sent home during wildfires
- Playground materials for cushioning
- Use of incentives to use best energy standard practices

Thurston County Listening Session, November 12, 2024

The Thurston County session was held at Chinook Middle School in Lacey and had four participants and their children, plus local and state public health officials.

The North Thurston Public Schools District is comprised of 24 schools and 15,028 students, with minority enrollment about 50%; 28.6% of students are economically disadvantaged. The student population is 45.6% White, 5% Black, 7% Asian or Asian/Pacific Islander, 22% Hispanic/Latino, 1% AIAN, and 2.8% Native Hawaiian or other Pacific Islander, and 16% of students are of two or more races.

The Olympia, Tumwater and North Thurston School Districts shared the flyer, reaching families of approximately 36,328 students.

Participants raised the following concerns:

- Cleaning of practice mats; controlling for ringworm
- Drinking fountains (cleanliness)
- Clean water; reports of children needing to bring their own bottled water
- Testing of water
- Funding
- Availability of school nurses at all schools

Biggest goals for this project/committee

- Indoor air quality; extreme temperatures
- Regulations for chemicals
- Integrated pest management- require professional contractor?
- Children eating lunch in classrooms; food debris, pests more likely
- Schools required to start composting in 2026
- Complaints about noise in cafeterias; children prefer to eat in classroom
- Asthma; teachers bringing in scented soap or room scent
- Suggestion to have bonuses or incentives if schools follow best practices

Spokane Listening Session, November 19, 2024

- The Spokane listening session was held at Shadle Park High School and had eight participants and local and state public health officials.
- This school district has approximately 29,000 students in 57 schools. The student population is 66% white, 13% two or more races, 11.5% Latino, 3.6% Black/African American, 2.4% Asian, 2.4% Pacific Islander, 1.1% Native American. About 8.5% of students are English Language learners, and 62% are low-income.
- The ESD sent the event flyer to 57 schools, for the families of approximately 29,000 students.

Participants raised the following concerns:

- Vaping: discussed that there might be 20 girls in the bathroom, smoking
- Hard to access restroom due to vaping
- People eat in the bathroom
- Bathroom smells like sewage, often out of paper towels
- Non responsiveness to vape detectors going off
- Closed bathrooms during school hours and events
- Things floating in toilets; deliberate plugging of toilets
- Asks: no vaping, please flush, reinforce the phone ban, showers are not private. Water fountains are not clean, clean these better. Food is not fresh. Ventilation system is so loud. There was a stabbing in the bathroom.

Vancouver Listening Session, December 9, 2024

- The Vancouver listening session was held at Cascade Middle School and had seven participants plus local and state public health officials.
- The Evergreen School District is comprised of 39 schools and 22,113 students. The district's minority enrollment is 50%. About 54% of students are economically disadvantaged. The student population is 49% White, 3% Black, 6% Asian or Asian/Pacific Islander, 30% Hispanic/Latino, .4% American Indian or Alaska Native, and 3.4% Native Hawaiian or other Pacific Islander. In addition, 9.5% of students are of two or more races and 18% of students are English learners. An audit from 2020 indicated that 45% of students were BIPOC, while 90% of teachers and administrators were white.
- The Evergreen School District shared the flyer to the families of 22,000 students and also staff. The Vancouver School District shared the flyer to approximately 17,000 families of students, and the Battleground School District shared the flyer to their community page available to families of 12,654 students.

Participants raised the following concerns:

- Clorox wipes should not be used; their hazard list is not good
- How do we get cleaning agents out of the classroom?
- How do we protect kids on playgrounds when they have hard surfaces?
- We shared that the TAC has been discussing IAQ and ventilation
- No scented cleaners or air fresheners
- Exhausting air outside and not recirculating air
- Shared that Department has guidance on basic IAQ items
- Parents were concerned about children not having jackets during the colder months
- How can we ensure that wet floors get cleaned up (like right after recess)
- We asked if there were any issues with smoke or if the buildings were too cold or hot for their students. No one mentioned any.
- We asked if there was an issue with kids vaping in the schools
- Parents stated that the school shuts down the bathrooms to stop the vaping.
- Parents think that the playground could be safer by requiring more recess aids
- Tri-Cities listening session, January 13, 2024
- The Tri-Cities listening session was held on January 13, 2025, at the Pasco High School, Pasco, WA and had 26 participants plus local and state public health officials.
- The Pasco School District is comprised of 25 schools and 19,403 students. The district's minority enrollment is 79%. About 74% of students are economically disadvantaged. The student population is 22% White, 1% Black, 1.8% Asian or Asian/Pacific Islander, 73% Hispanic/Latino, .1% American Indian or Alaska Native, and .3% Native Hawaiian or other Pacific Islander. In addition, 2.4% of students are of two or more races, 36% of students are English learners and 15% are in special education. About 7.3% of students are migrants.
- The Pasco School District shared our flyer twice with the families of approximately 19,000 students

Participants raised the following concerns:

- Concerns about mold, and how to detect it
- Concerns about water quality, air quality, and how to learn about these (how to access the information)
- Are there contaminants in the water?
- They hear things (re water quality) and don't know where to find the information
- Information and rules are different for each school district
- Concerns re PFAs in Kennewick water
- Have a program to give an award for best information, or a contest for a picture
- Involve the students
- Concerns regarding safety on stairs (bullying on stairs)
- Minimum standards for snow days and air quality (outside air)
- Need a comprehensive table that shows where to find school information (re hazards)
- L&I rules protect adults who are working; we need to be more protective for vulnerable kids
- Private schools lack funding and may be renting their building; take that into account
- Cigarettes or vaping in bathrooms. Bathrooms are dirty, and groups may not allow others into restrooms
- Food is repetitive
- Older school, the heating unit had smoke and building evacuated.
- Gap in Medicaid if they maybe earn slightly too much; child's medical equipment needs not covered. Children need accessible medical care.
- Concerns re the three-year inspection schedule; what happens in the years without inspection?
- Suggestion to have a rating system for schools, similar to restaurants; like they got an A+ on inspection.

Auburn Listening Session, February 10, 2025

- The Auburn listening session was held on February 10, 2025, at Auburn High School, Auburn and had three participants plus local and state public health officials.
- The Auburn School District is comprised of 27 schools and 18,236 students. The district's minority enrollment is 3% Hispanic, 14% Asian, 9% Multi-racial, 8% Black/African American, 6% Native Hawaiian/Pacific Islander, 1% Native American, 29% White; approximately 25% of our students are English Learners, 12% receive special education support and 63% of students qualify for free or reduced lunch.
- The flyer was shared by ESD 121, the Auburn School District shared the flyer (on the day of the event), to the families of 18,236 students attending 27 school in the Auburn School District, and the Seattle School District shared to the families of 51,215 students attending 103 schools.

Participants raised the following concerns:

- Drinking water
- Food quality
- Water reported to taste weird
- Concerns about comment period ending
- Concern regarding this meeting having been rescheduled
- Playground safety
- Natural disasters and safety
- Temperature control
- How to find the results of school inspections
- Report of the band room, that is too hot
- Concerns re mouthpieces on water fountains; are they tested?
- Disposing of chemical waste from classrooms
- Is there collaboration in the school rule process?
- Gender affirming bathrooms
- RCWs for lactation rooms for staff and students

Online Listening Session, January 30, 2025

- The January 30, 2025, Online listening Session had an unusually high number of attendees, and through investigation, it was found that session had 850+ attendees, and likely a majority were bots, attracted by compensation. For that session, likely 50 or less were real attendees (not bots).
- Outreach for this session was done by the HEAL Team online newsletter, which reaches approximately 2,000 viewers.

Participants raised the following concerns:

- Air quality
- Air filtration
- Prolonged time spent indoors
- Stray dogs and cats on campus
- Increase or guarantee water quality testing
- Sanitization of mouth pieces on water fountains
- Comment not enough time to get word out. Need to reach more families. Ideas include:
 - Avoiding dinnertime
 - Avoid big blocks of text
 - Avoid technical language, break down into simple terms
 - Use large fonts, lots of visuals, color coding and high contrast background
 - Deliver from direct people, school counselors, local orgs

- Question re how environmental justice and focus groups are done
- Wildfire seasons, air quality, climate change, pandemics, EPA not regulating
- Indoor air quality. Mask mandates have gone away and has impacted immunocompromised folks.
- Prioritize protecting immunocompromised folks.
- Last time the rule was updated?
- Accountability to incorporate feedback from these community meetings into the rule
- Drinking water and concern for contaminants
- How to pin for Spanish interpreter for those that arrive late
- Framing impacted people as experts.
- Sharing information with family resource centers and places where there is already trust.
- Food waste in schools – how can it be reduced
- What is “informal comment”?
- Accountability- will comments be incorporated into rule?
- Student compensation

Online Listening Sessions (2), February 24, 2025

- We held two online sessions on February 24, 2025. The daytime session, 11:00 a.m. to 1:00 p.m., had 101 attendees plus Public Health staff. The nighttime session, 6:00 to 8:00 p.m. had 20 attendees plus Public Health staff.

Outreach for this session began February 10, 2025.

- GovDelivery sent by the Department on December 24, 2024, to 7,270 saved contacts, 93.9% delivery rate
- GovDelivery sent by the Board on December 24, 2024, to 260 subscribers, 97% delivery rate 152 unique openings
- Lori Kanen from TPCD sent a reminder to her 191 school contacts in her district of providing comments
- Contacts at Public Health, Seattle-King County were asked to share the event through their contact list.
- School Districts and ESDs contacted included all (9) Washington state ESD offices, Seattle Public Schools, Olympia School District, Auburn School District, Cascade School District, Tumwater School District, Yakima School District, Union Gap School District, Wapato School District, West Valley School District, White Swan School District, Puyallup School District, Federal Way Public Schools, Richland School District, Columbia School District, Kennewick School District, Pasco School District, Camas School District, Ridgefield School District, Battleground School District, Vancouver School District, Wenatchee School District, Arlington Public Schools, Mount Vernon School District, Evergreen Public Schools.
- Native American organizations contacted included the Bureau of Indian Education, Puyallup Tribal School, Muckleshoot Tribal School, Tribal-Compact Schools (Office of Native Education), Affiliated Tribes of Northwest Indians (ATNI), Salish School of Spokane, Northwest Native American Research Center for Health (NW NARCH), National Native American Boarding School Healing Coalition, United Indians of All Tribes, Nisqually Tribal Education office, Seattle Public Schools Native American Education
- Latino organizations the flyer was sent to included Washington MESA, MEChA YVCC, Centro Cultural Mexicano, El Centro De La Raza, Tri-Cities Latino Community Network (TCLCN), Cielo, La Casa Hogar, WA State Commission on Hispanic Affairs, Migrant Education Parent Advisory Council, OSPI, Latinx Advisory Committee, Casa Latina, Latino Community Fund
- Community-based and other organizations the flyer was sent to included Alliance for Education, Somali Health Board, Utopia WA, One America, Spokane NAACP Youth, NAACP Northwest, Seattle King County NAACP, NAACP Yakima County, Casa Latina, Latino Community Fund, Community Action of Skagit Valley, PFLAG- (LGBTQ+), Lambert House (LGBTQ youths, the Washington state LGBTQ Commission, the League of Women Voters of Washington, League of Women Voters of Benton and Franklin Counties, The Arc of King County, Arc of Tri Cities, Children's Council of Skagit County, WEA, WAMOA, Washington Stem, Whidbey Island Language, Art & STEM Center (WILASC), School Nurse Corps (OSPI), School Nurse Organization of Washington (SNOW), Washington Autism Alliance, Rainier

Beach Action Coalition, The Rural Alliance, WA State PTSA, Seattle PTSA, Bellevue PTSA, multiple school PTSA, Seattle Special Education PTSA, WA State Chapter- Sierra Club, JConnect Seattle, Alliance for Education, Washington State Charter Schools Association, Washington Association of School Business Officials, Washington Federation of Independent Schools, Association of Washington School Principals, Washington Association of School Administrators, Yakima Health District, Washington State School Directors' Association, Stilly Valley Health Connections, Envision Career Academy, Thurston County Chamber of Commerce, Mid-Columbia Libraries, WA Center for Deaf and Hard of Hearing Youth.

- The Auburn School District sent the flyer to families of approximately 17,000 students attending 26 schools in the district.

Participants raised the following concerns:

- Homeschooling due to indoor air quality at schools
- Illness in schools, especially for immunocompromised children
- Covid virus more stable when CO2 levels are high
- Need extreme temperature readiness plan for school districts.
- Cost of these rules and ranking process
- Should be minimum health and safety only. Reduce the number of toilets and showers to align with plumbing code.
- Portables should have air filters and handwashing stations.
- Improved IAQ caused improved test scores and less absenteeism.
- Need clear ventilation/air quality standards.
- Follow ASHRE 241 recommendations
- Two Air cleaners \$325 total
- [CR Boxes](#) that parents can help with; parents are not allowed to donate.
- Connecticut legislature granted 11.5M for CR Boxes for schools.
- Parents have asked to supply CO2 meters to classrooms and are being denied.
- For CO₂, define what is allowable and what is best practice; should be 800 ppm or less.
- Absences are increasing and affecting school funding.
- School example with significantly more illness with a decrease in ventilation but increase in filtration.
- What renovations would trigger LHJ involvement?
- Standards for showers? Least utilized by students.
- Mechanical ventilation and lack of in many schools
- Excessive heat will impact students' health, participation, and safety at school.
- Cost of the rule
- Define minimum standards and best practices.
- Risk assessment and risk ranking process
- Undue burden on private schools... new rules should only apply to public schools which receive taxpayer funding.
- Was there an increase in hospitalization or deaths of children (related to schools) that caused the rule review?
- Does this require a tax raise on state residents?
- Potential overstep of authority from the State, specifically private and homeschooling situations
- Inspection takes time away from students
- Advocating for improved/optimal HVAC systems
- Government oversight and overreach

Tribal Listening Session, April 7, 2025

- The Tribal listening session was held on April 7, 2025, by Zoom; 3:30 to 5 p.m. This session had four attendees plus Public Health officials.

Outreach for this session began March 4, 2025.

- Government to Government letter sent to all Tribal Chairs in Washington state “Invitation for Collaboration - Rulemaking Regarding School Environmental Health and Safety”.
- HEAL Tribal Engagement Coordinator, Department of Health HEAL team, contacted seven Tribal Organizations and seven STEC / BIE schools.
- An additional five Native American organizations were contacted.
- All 30 Federally Recognized Indian Tribes in Washington state; contacted with Tribal Leader letter, and then almost all Tribes contacted twice, contacted by phone and email to Health Director and Education Director.

Participants raised the following concerns:

- Attendees asked to have the presentation slides (now emailed)
- Encouraged staff to collaborate with BIE (Bureau of Indian Education). They do annual checks and are out of Albuquerque, NM. They test water, look at safety plans, for asbestos, etc. They would like reporting to align so there is no duplication.
- Encouraged staff to share information with listening session participants, OSPI, Office of Native Education and Amanda Bryant, BIE, Education
- Concern regarding regulations on room scent devices and fragrances. Impact on Native Americans traditional use of sage with fragrance-free proposed regulation.
- Need follow up to question about Tribe (Tulalip) purchasing land from Marysville SD and leasing it back to them. Would rules apply if the building/land is tribal owned but leased to a non-tribal SD?