

# WASHINGTON STATE BOARD OF HEALTH

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

May 15, 2025

Hybrid Meeting

ASL (or CART)

Interurban Hotel

223 Andover Park E

Tukwila, WA 98188

Meeting Room: Mount Si II

Virtual meeting: ZOOM Webinar

### Technical Advisory Committee Members:

Patty Hayes, RN, MSN, Chair  
Brian Freeman, Inchelum School District  
David Hammond, Washington Association of  
School Administrators (WASA)  
Devon Kellogg, Washington State PTA  
(reside in Lake Washington SD)  
Erin Hockaday, Benton Franklin Health  
District  
Jeff Rogers, WAMOA and Auburn School  
District  
Lauren Jenks, Washington State Department  
of Health

Laurette Rasmussen, Whatcom County  
Health & Community Services  
Nicole Daltoso, Evergreen Public Schools  
(Clark County)  
Pam Schwartz, Washington State Catholic  
Conference/Catholic Schools  
Suzie Hanson, Washington Federation of  
Independent Schools  
Tammy Allison, Washington Association of  
School Business Officials

### Online Participants

Brian Buck, Lake Washington School District  
Brook Wilkerson, School OPS  
Gina Yonts, Association of Washington  
School Principals  
Jared Mason-Gere, Washington Education  
Association  
Laura Peterson, Washington State PTA

Morgan Powell, Office of Superintendent of  
Public Instruction (OSPI)  
Samantha Fogg, Washington State PTA  
(Seattle Public Schools)  
Sandy Phillips, Spokane Regional Health  
District

### Technical Advisory Committee members absent:

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

Kate Espy, South Kitsap School District  
Kellie Lacey, Richland School District  
Kelly Cooper, Washington State Department  
of Health  
Kelsey Greenough, Richland School District  
Kenney Johnson, Lake Washington School  
District  
Kevin Jacka, The Rural Alliance  
Nicole Roel, Washington Association of  
School Business Officials  
Randy Newman, OSPI  
Richard Conley, The Rural Alliance

Roz Thompson, Association of Washington School Principals  
Sandra Jarrard, Spokane Public Schools  
Sharon Ricci, Washington Federation of Independent Schools  
Steve Main, Spokane Regional Health District

Susan Baird-Joshi, Washington State PTA (reside in Lake Washington SD)  
Ted Dehnke, Evergreen Public Schools (Clark County)  
Tyler Muench, OSPI

**Technical Advisory Committee staff present:**

Andrew Kamali, Project Manager  
Nina Helping, Policy Advisor  
Marcus DeHart, Communications  
Michelle Larson, Communications

Anna Burns, Communications  
Mary Baechler, Community Outreach Coordinator  
Crystal Ogle, Administrative Assistant

**Guests and other participants:**

Juan Gamez, Department of Health Section Manager at Environmental Health  
Ali Boris, Indoor Air Quality Specialist, Health Safety Program  
Kara Ziegler, Program Specialist, Health Safety Program

Scott Reynolds, Program Specialist, Health Safety Program  
Michelle Davis, Executive Director Board of Health

**1. Introduction/Minutes Review**

Patty Hayes, Committee Chair, welcomed committee members and convened the School Rule Technical Advisory Committee meeting at 11:01 a.m.

Chair Hayes asked if there were any comments of corrections to the meeting minutes. There were none.

**2. Reminders**

Chair Hayes reminded members to speak slowly for interpreters and that they will talk about next steps and how to stay in touch at the end of the meeting.

**3. Objectives and Meeting Agreement**

Chair Hayes said that the committee will go through the entire draft report and comment on the sections. The full legislative report will go to the Board for approval at the June 4, 2025, Board meeting.

Chair Hayes said that the committee will talk about the development of a frequently asked questions (FAQ) document and review the Department of Health's (Department) playground quick reference cards

Chair Hayes acknowledged that our usual facilitator was not present so Chair Hayes and Andrew Kamali, Project Manager, will facilitate the meeting.

Chair Hayes reviewed the standard meeting agreement and the timeline to date.

## 4. Review Report Draft

### Cover Memo

PM Kamali said that there are sections of the report that the committee has looked at and some new sections for the committee to review.

PM Kamali introduced the Cover Memo from Chair Hayes. This is an overview of the work that we did and a summary of future expectations to frame up the entire report.

Chair Hayes asked for comments or questions on the cover memo.

Lauren Jenks, Committee Member, suggested that we should mention how we identified communities that were overburdened.

Chair Hayes directed staff to add a quick explanation for the identification of overburdened communities.

Susie Hanson, Committee Member, appreciated the use of the word “candidly.”

### Executive Summary

PM Kamali introduced the executive summary as a one-page overview of the 179-page document.

Chair Hayes asked the committee to think about who will read this report. Some will read the entire report; others will read the summary and skim the rest. This one page might be what you use to hand out to organizations that you present this work to. It is important that the summary reflects the committee’s voice and efforts that the committee put forth to complete this review.

Member Jenks recommended rephrasing the statement to read “minimum environmental health and safety standards.”

PM Kamali agreed.

Erin Hockaday, Committee Member, asked if the 1.1 M students is statewide or just in the overburdened population.

PM Kamali said it’s statewide.

Member Hockaday asked to make that clear and appreciated talking about environmental triggers, but we also need to add physical safety hazards.

Laurette Rasmussen, Committee Member, suggested calling it injury prevention.

Member Jenks suggested that there is too much background in the first two paragraphs and that information would be better represented as bullet points.

Sandy Philips, Committee Member, asked if the second paragraph that states “water safety” was to refer to water recreation safety or drinking water safety. We should clarify that. Also, the last paragraph references the priority rating. They suggested including playground safety since playground injury is the highest injury risk in elementary schools but wasn’t sure if that equates to how we prioritized the topics.

Tammi Allison, Committee Member, asked if this is based on the ranking that we did. They thought that playground was a lower priority.

PM Kamali thought that was correct.

Member Hanson said that they liked the background in the first paragraph because it shows that we chose the right people to be at the table with diverse experiences. The Legislature will want to know that we chose the people that they wanted to represent the committee, so that background should stay the way that it is.

Chair Hayes thanked Member Hanson and supported the idea of including more bullets for quick reference but would like to keep a level of background to remind the Legislature that they chose the right people to represent the committee. Ultimately, this should be one page.

Michelle Davis, State Board of Health Executive Director, said that the executive summary is a good way to convey what we did, however we would like to create a one-page fact sheet that anyone could use to quickly convey the project objectives.

Chair Hayes said that the committee would have a one-pager available to them before the conclusion of the project.

Brian Freeman, Committee Member, said that in the first paragraph it says “multi-disciplinary” and recommended adding “multi-stakeholder.”

Gina Yonts, Committee Member, asked for a table that marks out the phased approach so that people can quickly see the implementation and funding of each part, the rationale behind the different phases, and the prioritization.

Laura Peterson, Committee Member, asked to repeat Executive Director Davis’ statement.

Chair Hayes summarized that during the final month, we will send an additional visual educational resource for committee members to use. The phased approach is not common, so we will ensure clear documentation on how that will work.

Devin Kellogg, Committee Member, suggested adding “injury prevention” in the sentence that says “priorities on chemical safety and indoor air quality.”

Samantha Fogg, Committee Member, said that the last line referenced the health of students, but we should also talk about healthy communities. Students are not in the schools 24/7; they move into the community after school time is over.

PM Kamali agreed that schools and student health go beyond just a singular student.

## **Background**

PM Kamali compared the background with the executive summary contains an overview and the background is more extensive.

Member Freeman suggested that on page two, the bullet point that starts with “Convene” should include local health jurisdictions.

Chair Hayes said that the proviso asked us to include certain groups in our committee, but the Board included more people than just what the proviso required. We need to be clear and state what the proviso asked the Board to do versus what the Board did.

Member Hanson said that there is a part of the background that says that the Legislature should fully fund the implementation of the rule. Fully funded is limited and does not include private schools, so the rule will never technically be fully funded.

Chair Hayes directed the Board staff to look at the bottom of that page where there are disparities in funding and fees. Could staff revise the intent of the funding to public schools?

Member Rasmussen suggested including how local health jurisdictions are funded. Some charge fees while others do not. Some jurisdictions don't even have a program. We should note that in the disparities section of the funding part.

Member Hanson said that all schools get food inspections, safety inspections, and responses to complaints. There is some uniformity across the state.

Member Hockaday highlighted that the lack of funding to jurisdictions could force them to charge fees, which could further burden schools disproportionately.

PM Kamali wanted to remind members that this is just the background and detailed findings are written in depth later in the plan.

Chair Hayes said that we could flesh this section out with a bit more depth.

Member Allison asked if we included the different types of schools this rule pertains to in the definition of "school."

PM Kamali said yes.

### **Environmental Justice Assessment Summary**

PM Kamali introduced the Environmental Justice Assessment Summary. This is a new section. This is five pages, but the full assessment is about 30 pages. The full assessment is still under review and being updated. Legislators are likely to review this summary. This is all work that Board staff did outside of committee meetings to reach out to the community and bring the community voice back to the table to the committee members.

Chair Hayes said that this section is a bit confusing. We should state what each section is supposed to do and what we found. The tense of the wording is not consistent throughout this section. For example, "identifies" and "identified" are both used regarding overburdened populations.

Member Hanson said that in the Tribal section, first paragraph, we use the word "equitable" and cautions using that word as it has become dated. They suggested removing that word.

Member Hockaday agreed with Chair Hayes and said that the summary was confusing, and they would like to see some data to back up why sections one and two are important.

PM Kamali asked if that data would be better visual or written.

Member Hockaday said that a visual is preferable.

Member Rasmussen reiterated that in section one, we should highlight injury prevention and change water safety to water quality.

Member Kellogg asked what kinds of maps were done in the assessment. For instance, did it include radon maps or water quality? Did we speak about future climate impacts like fires, flooding, or earthquakes?

PM Kamali said that the committee will get a copy of the final assessment to review and see all the maps and data that the Board and Department included.

Member Hockaday asked if the student count was 1.1 million or 1.2 million. That is not consistent throughout the report.

PM Kamali said that we will change that.

Member Hockaday recommends highlighting how many hours a student will be in school from kindergarten through 12<sup>th</sup> grade, so that the audience understands the impact of environmental health and safety regulations on the overall health of the students.

Member Rasmussen reminded the committee that the state requires that children go to school. The schools must have a safe and healthy environment.

Member Kellogg was confused by the first two bullets of Section (5). How do we track the equitable distribution of benefits during the implementation of this rule?

PM Kamali acknowledged the importance of adequately measuring the equitable distribution of benefits and asked if committee members had any suggestions for measuring the distribution of benefits to schools.

Member Hockaday said the word “distribution” is challenging in this section. Is there a better word choice?

PM Kamali said that we will explore better wording.

Jeff Rogers, Committee Member, asked if schools or jurisdictions can report concerns and corrective actions.

Chair Hayes said that we chose not to do that in the rule so that the schools could work with the local health officers to fix issues. The physical environments are so different that we purposely left implementation requirements flexible. We do not have the authority to mandate that a school or jurisdiction report back to the Board.

Member Freeman said that in the second paragraph, we should take out “transition to kindergarten” since that is the Department of Children, Youth, and Families jurisdiction.

PM Kamali said that under the first bullet in section five, we need to ensure it states providing reports or data is “voluntarily” because the Board cannot require it.

## **Phased Language**

PM Kamali introduced the phased language section of the rule. There are numbers next to the sections of the rule that correspond to the phase of implementation in which the language will be included.

Member Freeman suggested that all definitions should go out in phase one.

PM Kamali said that we can do that if the committee agrees.

Member Allison asked if this is how phased rulemaking should look.

Executive Director Davis said that the Board has never taken a phased approach with rulemaking before.

Member Hockaday agreed with Member Freeman that all the definitions should go out at the same time in phase one.

Chair Hayes said that we will add them all to phase one.

Member Allison asked if there are any specific sections in the language that have been revised recently.

PM Kamali said no, aside from some grammatical changes.

Member Kellogg said that air quality in section eight has a dangling “and.” Some parts of 070 are in phase one and some are in phase three. Why is that? Shouldn’t subsections (3) and (4) be in phase one?

PM Kamali said that subsections (3) and (4) of 070 should be in phase one.

Member Kellogg asked why subsections (5) and (6) of 070 are not in phase one.

Chair Hayes said that the committee had made these recommendations previously but would like the committee to discuss it now.

PM Kamali asked if sections 070 subsections (5) and (6) should move to phase one or two.

Member Allison wanted to clarify that subsection (4) of 070 will be in phase one, and now we are asking if subsections (5) and (6) of 070 should also be in phase one?

Nicole Daltoso, Committee Member, agreed that we should move subsections (4) through (6) of section 070 to phase one.

Member Freeman agreed.

Chair Hayes asked for a vote to move section 070 subsections (4) through (6) to phase one.

Consensus was met to move those to phase one.

Member Kellogg asked if we can move section 070 subsections (9) (c) and (d) to phase one.

PM Kamali said that when we discussed this before. This part of the section might only be changing filters and doing common maintenance. There could be an additional cost component to doing this maintenance, so we chose to keep that entire subsection in phase three.

Member Daltoso agreed with PM Kamali.

Member Freeman said that under temperature requirements in chapter 246-366 WAC, we already have guidance for the minimum temperatures that schools are allowed to have in classrooms, but not the maximum temperature. Subsection 246-370-080 (1)(a) has the minimum and maximum temperature requirements. How do we keep the minimum temperature in the rule as we implement 246-370 in phases?

PM Kamali explained that chapter 246-366 WAC will not go away in its entirety. As we implement chapter 246-370 WAC in the phased approach, we will repeal the corresponding section of 246-366 that we implement in 246-370.

Member Freeman asked if PM Kamali meant that as soon as something in 370 is adopted, then a corresponding section of 366 will go away.

PM Kamali said yes.

Member Kellogg asked if injury prevention (246-370-110) subsections (2) through (4) could be in phase one.

Member Hanson said that there are already rules for storing chemicals in 366. Some of the new requirements will take time and money for the schools to implement and should stay in phase three.

PM Kamali said that we did make some updates to injury prevention from what was in 366 but agreed that new requirements will take time and money to implement.

Member Daltoso also said that 246-370-110 (2)(a) through (e) is included in other rules, but to fully implement it will take time and money. Keeping it in phase three makes sense.

Member Allison said that in the background, we talk about 246-366. Maybe we can add this transition to the background.

PM Kamali said that we can add it there or in the paragraph at the beginning of this section.

Member Kellogg said that in specialized room 246-370-140(1)(c), it starts with "Prohibition of use and storage of compounds that are explosive and of lethal concentrations..." It feels like it should be included in phase one, as that is important.

PM Kamali said that those requirements already exist in 366. We just called it out in specialized rooms in 370.

Chair Hayes suggested thinking about a way to call out language that we used from other existing rules or that exists in 246-366 now.

Member Hockaday suggested using a different font to differentiate what we kept in the rule.

Member Daltoso suggested using the side-by-side comparison like we did during the rule creation in committee meetings.

PM Kamali said that we could add the comparison to the appendices of the report.

Member Allison asked if a variance was left up to the local health jurisdiction and how long they are in place.

PM Kamali clarified that a variance is forever, and a waiver is case by case.

Member Kellogg asked why chemical safety was in phase three when the executive summary says that it is a priority based on our ranking.

PM Kamali said that while identified as a priority, there are issues like chemical safety that will likely need additional funding. We said that the items that required additional funding should be in phase three.

Member Rasmussen asked if we should define waiver and variance.



PM Kamali deferred to Chair Hayes.

Chair Hayes said that we will need some guidance on that.

Executive Director Davis looked on the legislative website to see if there was one available.

Member Hockaday asked why we need both variance and waiver.

Chair Hayes said that we were trying to differentiate between a permanent and temporary resolution to an issue in past committee meetings.

Member Hockaday asked if we can just call it an emergency variance for a temporary situation, and just a variance as a permanent item?

Member Freeman said that as a contractor, a waiver is a permanent change to a rule that is acceptable to the regulating body. "Waiver" is a common term for such a situation.

### **Lunch Break from 12:30 to 1:30 p.m.**

## **5. Review Draft Report**

### **Draft Rule**

PM Kamali asked if there were any final questions or concerns regarding the draft rule.

Member Kellogg discussed including injury prevention on page 14 in phase one instead of phase three. Phase two is hard to use because it requires coordination with the local health jurisdiction. This does not seem to be a high cost and was ranked as a top priority.

Member Daltoso asked Member Kellogg for a reference for the prioritization.

Marcus DeHart, Board Communications Consultant, replied that it can be found in Appendix D, page number 141 of the full packet.

Member Freeman said that there had been an issue with a change in the uniform building code and this could supersede what was code at the time. It could become expensive and was covered elsewhere. This was one whole section; to break it apart would be difficult.

PM Kamali asked if the committee thinks that section 110 subsections (2) and (3) should come in an earlier phase.

Member Daltoso answered that subsections (2) and (3) are covered in the current 366. It will take time and money to implement (a) through (e). For example, their district has implemented a chemical hygiene program, designating a teacher at each school as a chemical hygiene officer. They must supplement their pay, purchase flammable cabinets, and use portable eyewash stations. This is just a small detail of the investment covered in subsection (2). For subsection (3), most school districts that are already using green chemicals also use that to discourage staff from bringing in their own chemicals like Clorox wipes, hand sanitizers, air fresheners, and so on.

Geoff Lawson, Committee Member, said that with (3), their district already has a policy in place to prohibit teachers from bringing chemicals in. They agreed with Member Kellogg; (3) would be easy to implement because most school districts are already using green chemicals.

Member Freeman asked Member Lawson if it is low-hazard cleaning supplies or lower hazard.

Member Lawson replied that it is lower hazard. For the best health of students and staff, districts would go with the lowest danger chemicals.

Tammy Allison, Committee Member, said that every hazard level is going to be in subsections (1), (2), or (3). Do we want to get that precise? If (3) is already in the rule, it's likely schools are already doing it.

Member Daltoso discussed how their district, and many others, do not have a policy forbidding staff from bringing in cleaning chemicals. This would help the schools implement this requirement.

Member Daltoso has done environmental health assessments over the last few weeks with their local health jurisdiction and found a lot of unsafe chemicals. Subsection (3) would have an immediate impact and help both districts and local health. We should consider that.

Member Lawson agreed with Member Daltoso, saying that while they have this policy, staff still bring chemicals in, and principals typically don't enforce the policy. Having a rule that could reinforce the importance of this policy. It would also address districts that don't have such a policy.

Member Hanson asked if the issue is prioritizing funding. If there is no cost, why not bring it in when it is easy to implement, like no fragrances?

Member Daltoso asked what that would look like. If the entire section is left as phase three, then they can't use it or cite it to the district— it's not enforceable.

Chair Hayes discussed the prioritized list. Phase one was about planning and prep, and to give that the first boost. Phase two was about building relationships and working with local health districts. Phase three included requirements that needed additional resources, time to implement, and financial support. We are saying to the Legislature, here are our priorities. Out of respect for the system and the needs, we are recommending a phased approach. For you to go to a teacher and say this is the rule. Subsection (1) is filed first, to remove the old language and put the new language in, then subsections (2) and (3). Member Lawson and Member Daltoso are saying that if we put this in phase one, that will help schools implement it.

Member Lawson agreed, saying that this is going to help us promote safer chemicals in the classroom and better cleaning techniques. There's a risk of chemicals mixing when you are cleaning. A teacher might bring in something that shouldn't mix with the chemicals that custodians use. There doesn't seem to be a cost to the district for subsection (3).

Member Hanson asked if there is more weight if it's a rule rather than a policy.

Member Lawson said yes. Most districts do not have this as a policy, probably 80% don't have a policy or think about it.

Member Allison asked if this would go with the indoor air quality plan that's supposed to be developed in five years.

Member Daltoso said it depends on the depth of that plan. If it is put in the section on the indoor air quality plan, it does not have to be implemented yet. It doesn't hurt to implement it now.

Member Allison said that the policy would be in place. We don't have to wait five years to implement the rule.

Chair Hayes answered that these rules will be available for people to learn about. However, based on our decision to phase them, the requirement will be according to the phase. What we are

debating right now is whether subsection (3) of phase three could be moved earlier. There's not much cost to move this up, and it's a benefit for operations.

Member Lawson agreed with Chair Hayes and said most school districts don't have any structure or policy about bringing chemicals into the buildings from the outside. This rule is going to benefit us in enforcing a healthier and safer environment for students and employees.

Member Fogg said that if we move this to phase one, we will have a reduction of potential conflict. There is more space for conflict if it is a policy, and we don't need conflict. Let's just say, do it in phase one; this is inexpensive.

Member Rasmussen agreed. From a regulatory standpoint, it is a requirement, which helps local health say it is required.

Member Freeman added that there is a section that talks about aerosols that have fragrance. What if we moved it into (1) and combined them, because these are related?

Chair Hayes called for a vote to move subsection (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, to phase one. Chair Hayes noted that there was a consensus in favor of moving (3) into phase one.

## **Fiscal Analysis**

PM Kamali directed the committee to the fiscal analysis and asked for questions and concerns.

Member Freeman said that the costs could be lower when the Department of Health comes up with templates.

Member Rasmussen asked if this is going to be a one-time cost or is it going to be revised throughout the years.

PM Kamali said that this does not factor in inflation, but the Legislature could ask to include it.

Chair Hayes added that we must submit this report based on what we know. It is what it is, and there are three phases to rulemaking. Could Executive Director Davis clarify?

Executive Director Davis replied that when an agency proposes a rule that includes significant changes, then we must do a quantitative and qualitative cost-benefit analysis and a small business economic impact statement, which would reflect the costs for small or private schools. This may not get to the schools' costs, which are likely reflected in the cost-benefit analysis, not in the small business economic impact statement.

Chair Hayes said there will be an opportunity to re-engage during that portion for those who are concerned about phase three.

Member Hockaday asked if the document would reflect the perspective of local health jurisdictions that don't have a current program for construction plan review. Will we survey jurisdictions that don't have a program in place?

PM Kamali said that the legal process requires analyzing the cost difference from the existing regulation. We talked to jurisdictions that don't currently have a program in place to understand what it will take for them to start a program. Even though not all jurisdictions have programs, the

rule still has those requirements. That is not reflected here because, technically speaking, they are already required to do this.

Member Freeman said that their local health jurisdiction is doing their first review and charging \$1,104.

Member Kellogg referenced page 19 and asked if the school must hire a professional for the test and balance of the ventilation system. Could someone at the school do that?

PM Kamali replied that the test and balance are a separate requirement that's to ensure that your system is operating correctly and set within its parameters. It's a technical process, especially with advanced systems. It requires a professional, but this is a requirement that's only once every 15 years.

Member Kellogg discussed the section above, which says what to do if you don't meet the current building codes.

PM Kamali replied that to meet the requirement of subsection (2), you would need to do the test and balance every 15 years.

Chair Hayes replied that test and balance refer to a different section.

Member Kellogg remembered that Member Buck had said that sometimes they open a window to comply.

PM Kamali answered that for schools with mechanical systems, the rule requires testing and balancing every 15 years. For schools that don't have it and are not using carbon dioxide (CO<sub>2</sub>) monitoring or other forms, then they're required to do a test and balance.

Nina Helpling, Policy Advisor, discussed how this requirement would work in conjunction with the building code, professional testing and balancing, verifying, or using CO<sub>2</sub> monitoring.

PM Kamali asked for additional questions.

Member Freeman asked if the phase three for fragrance free would change to phase one.

PM Kamali concurred.

## **Implementation Recommendations**

Member Kellogg asked about the implementation recommendations with a suggestion on the wording for impact.

PM Kamali agreed.

## **Discussions and Concerns**

PM Kamali said that they appreciate getting feedback the most on the Discussions and Concerns. This section is important for the Governor and Legislature to know about.

Chair Hayes added that on Discussions and Concerns, the Board found it important to highlight these things and send them forward, saying that these are the issues, and to capture the committee's voice. This is such an important section that staff will send out something for the

committee members to edit. They will have until Tuesday or Wednesday to return it with specific wording.

Member Allision liked it. It captured a lot of what the committee had been stressing about.

Member Hanson said they would like more emphasis on separating private from charter schools. Private schools have 90,000 kids and charters 5,000. There are different issues in small and rural districts and schools, and issues with funding.

Member Hockaday said that charter schools need their own section, as private schools may be older and smaller schools. A defined section for those types of schools would be warranted. The section discussion about the clean buildings rule and how it conflicts with student health, and it says these measures undermined indoor air quality and put students with asthma at risk. This could be more like saying “has the potential to undermine.” The local public health section could better capture the scope of expertise needed to inspect schools. It’s challenging to have uninterrupted service for schools.

Chair Hayes replied that we can split out the local health section, if you would work on that together. We want to reflect that in the best way. The energy efficiency section was a little on the edgy side. Going with the theme that this is your voice, I would normally write this exactly how Member Hockaday said it here. That was well done.

Member Lawson said they like the edginess of the statement. Those two statements are going to clash.

Member Hanson agreed.

Member Rasmusen said that for local public health, the expertise and the learning are huge and the training is costly. To be a certified public playground safety inspector, the fee is around \$1,000 without lodging.

Member Kellog suggested a change to the wording for the energy efficiency measures section; it states that the rule aims to cut greenhouse gases by tightening building envelopes and cutting HVAC runtimes. That’s not actually the rule. It aims to make buildings more energy efficient. Then you can say in the next sentence some energy efficient steps such as cutting HVAC runtimes can also reduce fresh air, delivery, etc.

Chair Hayes agreed.

Member Freeman said there is a change now that we can get waivers. For funding model barriers, there is a section with a low tax base, and we should add high poverty. With energy efficiency, rural and small districts worry that they’ll have to prioritize fines over classroom resources.

Member Buck said that clean buildings are a struggle. Schools must balance comfort and air quality. You can’t do one without affecting the other. When there’s a need to improve the air quality during cold and flu season, it’s going to impact thermal comfort and energy use. The Clean Buildings Act gives us energy use intensity targets.

Chair Hayes discussed that the Clean Buildings Act was established pre-pandemic. We learned during the pandemic what needs to be applied. Chair Hayes noted that committee members were nodding their heads in agreement that we should include background on this. Chair Hayes asked Member Buck to send some language on those sections. If anyone else has something specific to describe what they learned during the pandemic, this would be the section to put it in.

Member Hanson asked if the Board determines who is doing health and safety for boarding schools. Should this be the responsibility of local health jurisdictions because the school runs the programs?

Member Hammond said funding models may change for high poverty districts. We must be careful putting names on things that would drive funding, since funding might go away. High poverty is an example; funding for kindergarten through third grade (K-3 funding) is an example.

Member Freeman asked who inspects the residential boarding schools.

PM Kamali deferred to Member Hanson. Normally, the Department of Children, Youth, and Families (DCYF) limits its inspection based on age range.

Member Hanson replied that DCYF does the inspecting, which is problematic. Our relationship is with our local health jurisdiction. With the consistency that I see in the new rules, this is perfect for the kinds of questions that schools have over safety for residential programs.

Executive Director Davis asked if there is a recommendation for relations between different agencies. There was a similar question years ago for farmworker camps. There was a mandate for coordination between agencies, local health, and the Department to improve consistency and remove redundancy. This seems like a reasonable recommendation that would improve consistency, reduce redundancy, and relieve some inspection burden for schools.

Chair Hayes asked if it would help to draft a message about agency coordination that the Board could recommend.

Member Hockaday expanded on farmworker housing as an example. Residential facility inspection is something no local health jurisdiction has experience in inspecting. Other similar transient accommodations are done by the Department. They could potentially mimic that model, a three-way coordination with the Department, local health jurisdictions, and schools.

Member Kellogg asked if we could add a section on climate change as that affects temperature, mold, water quality, and air quality. Most scientific organizations recognize that it is a threat. It will get worse and increase costs on all the things we are talking about. Should we mention it?

Chair Hayes said that staff will look for a place to reference climate change since it was an issue that the committee discussed.

Member Daltoso agreed and said the energy efficiency section can acknowledge that. If temperatures increase, then air conditioning needs to be increased. That section would be ideal to propose some language in.

Member Hockaday said that climate change is compounded. With buildings being airtight, climate change shifts our populations of mosquitoes, which leads to more pesticides. Tighter buildings mean more toxins in the air. I can flesh this out, but there may be something to use there.

Member Kellogg asked if we can capture the increased costs of climate change.

Chair Hayes replied that it may be beyond our scope but asked Member Kellogg to send their thoughts on this.

Member Phillips agreed with adding climate change. It is having a big impact on schools in terms of heating and cooling, and high winds. They've had schools ask for guidance on what they should do about children going out on the playground and regarding energy efficiency. During the pandemic, they had several managers contact them about the clean energy bill and the conflict with

Department guidance on increasing ventilation to reduce transmission of COVID in schools. Member Phillips reached out to Nancy Bernard and Dr. Lutz at the Department and had meetings at the Department of Commerce. Their response at the time was that there was no conflict. At a recent school advisory meeting, Bill 1543 does allow some waivers, which can provide some relief to schools.

Member Jenks said they loved the discussion. Their biggest concern around climate change with these rules is the phased implementation. We are facing a climate that's changing faster than we're able to fund these rules. In the cost estimate, it makes sense to say how climate change will affect this and to allow some wiggle room due to the changing climate.

PM Kamali discussed House Bills 1540 and 1543. An agency requested legislation from the Department of Commerce that allows for different metrics other than energy use intensities. They asked Member Hanson to share an update on this.

Member Hanson said there are exemptions to energy use intensity targets. It was more about giving people the ability to have extensions. We wanted to be sure to use an example that would impact private schools. They are intent on making sure there is energy efficiency. We are making sure that comfort and air quality are in there.

Chair Hayes thanked Member Hanson for the update, and would like staff to look at this, as it may strengthen the report if we mention it here. They asked Member Hanson to include this in their email back to us.

Member Kellogg asked about heating and cooling. What about the new heat pumps for efficiency?

Member Buck said that ground source heat pumps are highly efficient. It's a dedicated outside air system with the ground source heat pump system.

Chair Hayes asked if there were any other comments and invited committee members to come to the public comment during the June 4 Board meeting.

**Break from 3:09 to 3:20 p.m.**

## **6. Discuss Frequently Asked Questions**

PM Kamali asked members what questions they think should be part of the frequently asked questions (FAQ).

Chair Hayes suggested, "What does a phased approach look like?" or "Where is the current rule?"

Member Hanson suggested, "Where can they get the forms and support?"

Member Freeman suggested listing rules that some local health jurisdictions are and are not doing.

Chair Hayes suggested, "Does my jurisdiction have a school health program? If not, what do I do?"

Member Hockaday suggested, "How do I get in contact with my local health jurisdiction?" That's part of the relationship building.

Chair Hayes suggested public health guidance documents.

CC DeHart asked committee members to consider the audience. Do we need different FAQ for parents, teachers, health officers, and legislators? How should we organize the FAQ?

Member Hockaday said the Center for Disease Control (CDC) and other sites break it out for different audiences, which is a good way to organize.

Member Freeman said we should include something about fee schedules.

Executive Director Davis encouraged members to think about policy makers they've worked with and the types of questions they've asked.

Member Jenks considered questions for teachers?

PM Kamali suggested a question on who this applies to.

Member Jenks suggested questions about protecting kids' versus protecting adults (ie, L&I).

Member Yonts said this is for the health and wellbeing of all children and adults in the buildings.

Member Kellogg suggested questions around connections to clean building standards for school administrators, saying it would be nice if they knew where to go or other opportunities available.

Member Hockaday suggested advice about how to go about anything we reference, such as "How can I find a phase one site assessment or tips for HVAC maintenance?"

Member Freeman suggested sharing a list of vendors, such as DES public contract folks or contractors, so they don't have to go out to bid.

Member Rasmussen suggested, "What if a school can't meet the standards?" or "What do I do if I have a complaint?"

Member Rogers suggested, "How do I deal with resistance regarding adhering to the rule?"

Member Hanson suggested, "How does it apply to private schools or Tribal schools?" saying the big question for private schools is how to pay for this.

Member Daltoso suggested, "What do I do if my school district isn't abiding by the rule?" We could have the answer to be to connect with your school first before going to the local health jurisdiction.

Member Hanson liked the one about "What do I do if we don't have a local health jurisdiction?"

PM Kamali said all jurisdictions do respond to complaints, they do food safety inspections, and programs need to be developed. They suggested, "Who can I go to, if...?"

Member Hockaday said some jurisdictions have hygienists and others don't. We can give a self-check list.

Member Hanson asked about a jurisdiction and an educational service district (ESD), saying the ESD assists both public and private schools.

Member Daltoso suggested listing organizations and resources that can help, such as WAMOA, WASBOH, WASSA, etc.

PM Kamali said to let staff know if they have more questions later.

Member Daltoso recommended sending out an email asking for last-minute thoughts, so it goes to the general email.



## 7. Review Playground Cards

PM Kamali introduced Juan Gamez, Subject Matter Expert (SME).

SME Gamez talked about playground safety cards and the *Supplementary Field Guide for Inspectors*.

PM Kamali also introduced Kara Ziegler and Ali Boris, SMEs who make up the School Environmental and Health Safety Program at the Department. They provide technical support to schools and are asking for a review of the usefulness and recommendations of these playground cards.

Member Fogg asked about the section regarding loose fill protection materials and wheelchair areas and protection from falls.

PM Kamali thanked Member Fogg for including the need to comply with the American's with Disabilities Act (ADA).

Member Peterson asked about compliance.

Member Hockaday talked about an audit and inspection at the time of playground installation. Inspections are up to the local health jurisdiction after the installation.

Member Rasmussen and Member Phillips described their processes.

Member Phillips said that if a parent complains about a playground, the school will follow up. They added that the equipment safety standards have not been updated since 2010. Most schools are looking at the ADA. It might be helpful for the cards to note which ones are ADA accessible and which ones are not.

Member Hanson appreciated the availability of the cards and that they were easy to read.

Scott Reynolds, Department SME, acknowledged Tacoma Pierce County's collaboration with the Department.

Member Hockaday thanked the Department staff for providing this resource. It supports local health jurisdictions and schools.

SME Gamez thanked everyone for their support and introduced SME Boris, Indoor Air Quality Specialist; SME Reynolds, Program Specialist and Section Manager for Environmental Public Health Schools; and SME Ziegler, Program Specialist, who joined last spring.

SME Ziegler expressed appreciation for the collaboration and partnership.

SME Boris expressed appreciation for working with the committee and shared their contact information.

## 8. Recap/Next Steps

Chair Hayes reminded everyone to share creative language, which will be part of the large Board packet for the upcoming June 4, 2025, meeting. They invited and encouraged members to share any thoughts or recommendations and said that the public comment portion is in the morning at the June 4 meeting.

Chair Hayes said we must transmit the school rules project report to the governor by June 30, 2025. Staff will work on how to keep in contact with committee members. The Board is in the process of repealing chapter 246-366A WAC. This is necessary before the Legislature can consider the new rule. Chair Hayes' prefers to partner in these conversations—to keep rumors down and trust up.

Chair Hayes offered to partner with committee members if an opportunity arises to get the word out. This phasing is new, and we need ways to partner and do the work together.

Chair Hayes invited committee members to submit letters to the Board from their organizations. That would show the strength of voices and could be referenced down the road.

Member Freeman asked for a one-page document for legislators when they meet with them this summer. The document should include why the rules are changing.

Member Hockaday said adding a QR code could help, because legislators don't want to save documents as part of record retention policies.

PM Kamali appreciated the recommendation.

Member Kellogg asked if the letter should be sent in time for the June 4 Board meeting.

Chair Hayes said that would be ideal. But we need a letter on record that would accompany the Board report to the Governor.

Executive Director Davis said we would need it by June 26 to include it in the report.

Executive Director Davis said you can always submit correspondence to the Governor's VIP correspondence inbox.

CC DeHart asked if the letter should be addressed to the Governor, the Legislature, or the Board.

Chair Hayes said it can be addressed to all three.

PM Kamali said if they do want the letter to be part of the June 4 Board meeting materials, the deadline for the materials packet is May 27. Otherwise, June 27 is the deadline for the Governor's office and Legislature.

Member Freeman asked who to send it to for the Legislature. Should it go to chairs or members of committees?

Chair Hayes said we'll provide guidance to the committee.

Member Daltoso asked if staff could provide a letter template.

Chair Hayes gave an example such as "This organization would like to.... we participated on the committee, we want to highlight these issues that are very important to us, thank you for moving forward, etc."

PM Kamali advised checking in with their organization's communications process.

Member Freeman said that pre-planning resources are helpful for those of us who testify regularly to the Legislature. They need to be crisp and ready within a limited time.

Chair Hayes said it all depends on the structure and would like to connect with Senator Robinson.

Member Freeman suggested Senator Robinson travel to schools to see some of their struggles, especially for phase one.

Member Fogg talked about strategizing on tours, a template on how to invite legislators, and what to include to create a coalition of advocacy. They expressed a willingness to coordinate and work on this.

Chair Hayes thanked Member Fogg. Having a more formal advocacy group is important for education and information. The Board can support from the background.

Chair Hayes expressed deep gratitude to committee members. Working with this committee has been a real highlight of their career. To be present and listen to the myriad issues of the children has been inspiring. If we can get phase one started, people will see the benefit for our kids. That will be their message to the Legislature.

Chair Hayes acknowledged that this process went months longer than originally expected and gave huge applause to the staff and committee members for their astounding level of deep listening.

PM Kamali said we sent blind carbon copy (bcc) emails to you to maintain your privacy. Would committee members be comfortable sharing their emails? Please let the staff know if you are not comfortable.

PM Kamali thanked everyone. The original goal was to finish in December, and only five months have passed since then. That's remarkable considering the original rulemaking took five years. They thanked members for advocating for change that could have an impact on all Washingtonians.

Mary Baechler, Board staff, thanked Chair Hayes, Executive Director Davis, PM Kamali, and committee members, saying this is the 17th committee meeting. Staff conducted 11 listening sessions, totaling 28 meetings (not including subcommittee meetings) in less than a year. So great job.

Member Rasmussen expressed great appreciation and thanked everyone.

Member Hanson echoed the gratitude and said the leadership was amazing. Meeting in different locations around the state was great. It felt like being part of something bigger.

CC DeHart thanked Karen Langehough, Facilitator, who was absent, for leading the team throughout the year.

## **ADJOURNMENT**

Chair Hayes adjourned the meeting at 4:25 p.m.

WASHINGTON STATE BOARD OF HEALTH

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Patty Hayes, Chair

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