

# WASHINGTON STATE BOARD OF HEALTH

## **Final Minutes of the State Board of Health**

**April 9, 2025**

Hybrid Meeting

ASL (or CART) and Spanish interpretation available

Cedarbrook Lodge

(Cedar I and II Rooms)

18525 36<sup>th</sup> Avenue South

SeaTac, WA 98188

Virtual meeting: ZOOM Webinar

### **State Board of Health Members present:**

Patty Hayes, RN, MSN, Chair

Kelly Oshiro, JD, Vice Chair

Tao Sheng Kwan-Gett, MD, MPH, Secretary's Designee

Paj Nandi, MPH

Peter Browning, MA

Melinda Flores, MHCM

Stephen Kutz, BSN, MPH

### **State Board of Health Members absent:**

Socia Love, MD

### **School Rule Project (SRP) Technical Advisory Committee (TAC) members present:**

Tammy Allison

Brian Buck

Nicole Daltoso

Brian Freeman

David Hammond

Suzie Hanson

Erin Hockaday/Baily Stanger (Alternate)

Kevin Jacka

Lauren Jenks

Devon Kellogg

Geoff Lawson/Jeff Rogers (Alternate)

Laura Peterson

Laurette Rasmussen

Pam Schwartz

Preet Singh

Brook Wilkerson

Becky Doughty

Kate Espy

Samantha Fogg

Jared Mason-Gere

Sandy Philips

Morgan Powell

### **State Board of Health staff present:**

Michelle Davis, Executive Director

Lilia Lopez, Assistant Attorney General

Ashley Bell, Deputy Director

Melanie Hisaw, Executive Assistant

Michelle Larson, Communications  
Manager

Anna Burns, Communications Consultant

Marcus Dehart, Communications  
Consultant

Ash Noble, Health Policy Advisor

Molly Dinardo, Health Policy Advisor

Kelly Kramer, Newborn Screening Project  
Policy Advisor

Andrew Kamali, School Rules Project  
(SRP) Manager

Nina Helpling, SRP Policy Advisor

Crystal Ogle, Administrative Assistant

Mary Baechler, SRP Community  
Engagement Coordinator

**Guests and other participants:**

John Thompson, Department of Health

Karin Neidt, Department of Health

Annie Hetzel, Office of the Superintendent of Public Instruction

Karen Langehough, SRP TAC Facilitator

Patty Hayes, Board Chair, called the public meeting to order at 8:32 a.m. and read from a prepared statement (on file).

Michelle Davis, Board Executive Director, welcomed the Board and provided a Land Acknowledgement.

Chair Hayes shared a remembrance of former Secretary of Health, Mary Selecky. Chair Hayes shared special memories and offered a moment of silence.

Tao KwanGett, Secretary Designee, acknowledged Mary Selecky's remarkable legacy. Board Members Peter Browning, Steven Kutz, and Paj Nandi shared personal reflections on her kindness, leadership, and thoughtfulness. Executive Director Davis remembered Mary as a mentor and friend, highlighting their immense contributions to public health.

**1. APPROVAL OF AGENDA**

**Motion:** Approve April 9, 2025 agenda

**Motion/Second:** Member Browning/Vice Chair Oshiro. Approved unanimously

**2. ADOPTION OF MARCH 12, 2025 MEETING MINUTES**

**Motion:** Approve the March 12, 2025 minutes

**Motion/Second:** Vice Chair Oshiro/Member Browning. Approved unanimously, Member Kutz abstained.

**3. PUBLIC COMMENT**

Patty Hayes, Board Chair, opened the meeting for public comment and read from a prepared statement (on file).

Bill Osmunson thanked the Board and Department of Health (Department) for reviewing water fluoridation and quoted RCW 43.20.050 (2) (a) to ensure safe drinking water. B. Osmunson outlined 18 risks of fluoride, including hormonal disruption and neurological impacts, and stated that water fluoridation is not safe.

Gerald Braude discussed the 238 deaths following COVID vaccinations in Washington. G. Braude noted that Department leadership said the vaccine did not cause adverse effects and that determining cause and effect is not their role. G. Braude discussed various deaths and injuries, including cardiac arrests and Bell's palsy.

Rick Norh discussed formerly supporting fluoridation and now opposes it. R. Norh cited the National Toxicology Program, noting 18 out of 19 studies showed harmful effects of fluoridation. R. Norh said fluoridation poses a risk to the IQ of children and said only 24

out of 196 nations allow water fluoridation. R. Norh said 95% of the world demands and drinks unfluoridated water, so stop supporting fluoridation.

Derek Kemppainen echoed previous speakers and recommended that the Department stop COVID-19 vaccines and water fluoridation. D. Kemppainen said the highest Health and Human Services official now opposes water fluoridation and it's a great time to stop a very questionable health practice. D. Kemppainen said there are no studies to show that fluoride is safe for the brain and that it is more toxic than lead.

Lisa Templeton extended condolences for former Department Secretary Mary Selecky. L. Templeton said water fluoridation should be discontinued, and that injecting fluoride does not contribute to cavity prevention. L. Templeton said 97% of Western European countries do not ingest fluoridated water. L. Templeton said water fluoridation does not allow for individual consent; the practice is ethically questionable and does not allow for controlled dosage. L. Templeton asked the Board to allow B. Osmunson to share his findings.

Natalie Chavez talked about Engrossed Substitute House Bill (ESHB) 1531, which preserves the ability of public officials to address communicable diseases. N. Chavez discussed signing up to testify but did not get the opportunity to do so. N. Chavez said over 10,000 people signed up in opposition to the bill, but it didn't matter, and it should have died in the House. N. Chavez said trust in government is eroded, and as a lifelong Democrat, opposing thoughts just don't matter. N. Chavez talked about the truth, lawsuits, court released documents, and referenced phmet.org and lcandecide.org.

Bob Runnells discussed the Department's website, which states that the flu vaccine is the best protection. B. Runnells referenced a Cleveland study showing negative efficacy and could not find evidence supporting the flu vaccines effectiveness. B. Runnells asked the Board to tell the Department to update their website and find other valid methods for protection.

#### **4. BOARD ANNOUNCEMENTS AND OTHER BUSINESS**

Michelle Davis, Executive Director, provided updates on staff and Board Member activities. Executive Director Davis discussed the CR-101 for Notifiable Conditions and the Health Impact Review (HIR) team of analysts completed their seventh HIR of the fiscal year on Engrossed Substitute Senate Bill 5232.

Executive Director Davis shared that the Board used Foundational Public Health Services (FPHS) funding to replace aging audio/visual equipment and aging iPads with laptops. Executive Director Davis said that Deputy Director Ashley Bell has been streamlining processes and consolidating Board information for efficiency and easier access.

Executive Director Davis and Deputy Director Bell met with Tim Reynon from the Governor's Office of Indian Affairs to discuss the Board's commitment to early and meaningful engagement with Tribes. Executive Director Davis emphasized the importance of the Tribal Liaison role and encouraged Board Members to take advantage of Government-to-Government opportunities.

Steve Kutz, Board Member, noted the Government-to-Government training used to be two and a half days, but it is now one day and it is excellent.

Patty Hayes, Board Chair, asked Deputy Director Bell to explore adding the training to Board Member orientation.

Executive Director Davis discussed the FPHS Steering Committee meeting on budget planning and potential reductions. The Steering Committee has also been working on strategic planning with Kauffman and Associates. Steering Committee members recently provided an FPHS overview to the Public Health Advisory Board (PHAB). The PHAB will evaluate FPHS per its statutory charge.

Chair Hayes discussed the Equity Technical Workgroup for the FPHS Committee. The Steering Committee approved a set of principles and definitions that might be included in a packet for the Board for awareness. The Steering Committee recognized the Board's work in prioritizing equity with FPHS dollars.

Member Kutz agreed and noted that even small funding cuts could have a big impact and that the work ahead will be challenging.

Executive Director Davis discussed anticipated budget reductions and said the Steering Committee voted to protect Tribal investments and Board FPHS funding, which supports eight staff positions. Executive Director Davis gave a legislative update and noted that the Governor signed the "WIC Stick" bill. Executive Director Davis shared that the proposed budget includes a \$29.5 million annual cut to FPHS. Both Senate and House budgets include funding for Newborn Screening panel updates for OTCD, Arginase-1 and GAMT deficiency.

Paj Nandi, Board Member, asked if this will be a longer session.

Executive Director Davis said it's uncertain and noted the Governor's concern over proposed revenue options. The revenue shortfall could range from \$12 billion to \$18 billion.

Peter Browning, Board Member, noted concerns about tax revenues due to tariffs and the impact on agriculture.

Executive Director Davis noted the House budget included an amendment that would allow the school rule to go into effect after the next legislative session. This is premature, as the Technical Advisory Committee (TAC) is still finalizing recommendations, which are due to the Legislature in June.

Chair Hayes added that some TAC members may be concerned, as no one requested this amendment. Chair Hayes emphasized that the Board has shared concerns about the timing and wants to reassure the TAC that the process remains a good faith effort.

## **5. DEPARTMENT OF HEALTH UPDATE**

Tao Sheng Kwan-Gett, Secretary's Designee, provided an overview of state and national topics, including the national measles outbreak, a new WIC program that allows recipients to use their benefits at Walmart, Senate Bill 5244 which allows WIC staff to

take blood samples, and House Bill 1531, which preserves the ability of public officials to address communicable diseases based on the best available science. Member Kwan-Gett mentioned several tobacco and vapor products bills would increase cigarette tax, restructure vape tax, ban flavored vape products, and change the definition of tobacco products, increasing state revenues by an estimated \$95 million per biennium.

Member Kwan-Gett discussed the Health and Human Services (HHS) Senate confirmations for Medicare and Medicaid, NIH, FDA administrators, and the HHS reorganization, including that 82,000 full-time employees were reduced to 62,000, 28 divisions consolidated to 15, the reduction of 10 regional HHS offices to 5 offices including the closing of Region 10, for the Pacific Northwest. The CDC Pregnancy Risk Assessment Monitoring System (PRAMS) has reportedly had the entire team laid off, severely affecting efforts to improve maternal child health. DOH received notice of termination of CDC grants; although there is a temporary restraining order to keep these grants in place, at risk is \$140 million in federal funds, approximately 75% of which is passed through to local health jurisdictions, Tribes, and community-based organizations. Member Kwan-Gett discussed the resilient community of public health professionals; Tribal Health, Local Health Jurisdictions, the Department of Health, and the Board of Health collaborating in the face of change to protect and improve the health of all Washingtonians.

Steve Kutz, Board Member, asked if they are going to continue to publish MMRs and asked if the elimination of the PRAMS team at CDC would affect PRAMS data collection by the state.

Member Kwan-Gett replied that they have not received any news that that MMRs would stop, and that was correct, the PRAMS data collection would be affected.

Member Kutz discussed childhood illnesses, measles, and remembering the graves of children lost to childhood illnesses.

Member Kwan-Gett discussed benefits from vaccination and how to communicate that the benefits outweigh the risks.

Paj Nandi, Board Member, asked about anticipated cuts to USDA. Member Kwan-Gett responded that any cuts to WIC would be a setback and would consult with the team and get back. Member Nandi discussed the tobacco and nicotine tax, and asked if any of the funding would go to youth or prevention. Member Kwan-Gett replied that they'd have to consult with their team on that and get back.

Peter Browning, Board Member, discussed how the WIC issue with Walmart addresses food deserts, and how for rural counties it is an elegant solution to a real problem.

Patty Hayes, Board Chair, asked for an update regarding the vaccine committee that was dissolved so that the next year's flu vaccine could not be identified, and after flu season, about the efficacy of this year's vaccine, as there was public comment around that. Member Kwan-Gett replied that there is still time to create the formulation for next season's flu vaccine, and a key meeting is in June; for that question and for the efficacy of this season's flu vaccine, they will consult with their team and get more details.

Chair Hayes discussed the process for identification of the components of the flu vaccine and revisiting that status in a June or other meetings of the Board, and the need to highlight prevention efforts; these are getting lost in the vision of the critical role of public health. Most of the public doesn't understand that WIC is tied to public health, so to raise awareness and maybe have someone with a WIC program come visit and talk about public health's role. Chair Hayes discussed highlighting areas that Board members are interested in, that for this year, part of the Board's role or duty is to raise awareness. Chair Hayes also discussed their gratitude for Member Kwan-Gett's service.

Member Kwan-Gett thanked Chair Hayes and added that strategizing about prevention is powerful, because of universal themes; everybody wants healthy children, strong emotional health for children, elders to be vital and healthy, and discussing this could be a bridge to bring people together.

Member Nandi discussed the importance of thinking holistically about prevention and community health workers, and their visible role in prevention.

Chair Hayes agreed and discussed public health's role; that the healthcare industry is more about response, and they count on public health for prevention.

The Board took a break at 10:15 a.m. and reconvened at 10:30 a.m.

## **6. NEWBORN SCREENING (NBS) TECHNICAL ADVISORY COMMITTEE (TAC) DRAFT REPORTS AND RECOMMENDATIONS FOR CONGENITAL CYTOMEGALOVIRUS (cCMV)**

Kelly Oshiro, Board Vice Chair, said the Board formed a technical advisory committee (TAC) in April to review Congenital Cytomegalovirus (cCMV) for newborn screening, as required by Senate Bill 5829. Vice Chair Oshiro introduced Kelly Kramer, Board staff.

Kelly Kramer, Board staff, introduced John Thompson and Karin Neidt from the Department of Health (Department) and presented an overview of the TAC's cCMV evaluation. Kelly reviewed the 2022 recommendation to revisit cCMV in three years. Kelly noted that in 2024, they heard from auditory and infectious disease experts to help inform the TAC review. Kelly shared that cCMV is the leading cause of non-genetic hearing loss, affecting 1 in 200 babies. Including it in newborn screening could allow early treatment and monitoring (see presentation on file).

John Thompson, Department staff, reviewed the cost-benefit analysis of including cCMV in the newborn screening panel. John explained that cCMV does not fit the typical newborn screening rationale because there is no quantifiable difference in mortality. However, early detection can help identify hearing loss in asymptomatic babies. Overall, the analysis shows that the costs of each type of screening is more than the benefit. In Washington, 43 babies annually would benefit from early detection, while parents of 242 asymptomatic cCMV infants would need to manage regular hearing screenings. Parents of newborns with cCMV will have the potential for lost wages to take children to the hearing screenings for the hearing loss several times a year for the first three years and twice a year thereafter. John mentioned that Senate

Bill 5829 now requires the Department to educate about preventing cCMV transmission during pregnancy (see presentation on file).

Steve Kutz, Board Member, asked why there is not prenatal screening and if there was any data about treating the pregnant mother for the infection. John mentioned that they did not collect that type of data, as they were directed to collect postnatal data only.

Kelly stated that cCMV screening for pregnant people is not recommended by the American College of Obstetricians and Gynecologists, as the current tests are not sensitive enough, lack specificity, and have no definitive safe treatment for pregnant mothers.

Tao Sheng Kwan-Gett, Secretary's Designee, asked about cost/benefit results findings from other newborn screening panels. John stated that while costs vary over time, most screenings have a net benefit, with a few exceptions.

Member Kwan-Gett asked if the periodic hearing screening would be covered under insurance. Kelly stated that they do not have a definitive answer to that.

Member Kwan-Gett asked who the educational information required by Senate Bill 5829 focuses on. Karin Neidt, Department staff, responded that the educational flyers were for families, midwives, and pediatric providers. The flyers are translated into several languages.

John explained the public health infrastructure needed to start up and run the screening process for cCMV. There would be a need for new equipment as well as almost four full-time staff to run the program long term.

Karin discussed the Early Hearing Detection Diagnosis and Intervention (EHDDI) program. Karin noted that as more children are referred for hearing tests, families face long wait times and may have to travel great distances due to a shortage of pediatric hearing providers. Once the program is operational, it is anticipated that an initial 300 children will be seen in the first year, potentially increasing to 1800 per year by year six, based on statistics for children born with cCMV each year. Karin further pointed out that there are only 30 clinics in Washington State, with 22 located in Western Washington. Currently, there is a 2-3 month wait on the west side of Washington to see a doctor. There is no available data on wait times at present for the east side of Washington (see presentation on file).

Vice Chair Oshiro asked if the east side clinics are taking pediatric clients. Karin responded that not all do, but Spokane, Tri-Cities, and Prosser have pediatric clients. Wenatchee used to have a pediatric clinic.

Vice Chair Oshiro asked if the Public Health Lab had enough space for new equipment. John responded that there is sufficient space at the lab for the equipment.

Member Kutz asked what percentage of the 285 babies born with cCMV each year are identified in the EHDDI report. Karin said the percentage is unclear because not all hospitals report cCMV infections.

Member Kutz asked if children with hearing loss are tested for cCMV? Karin stated that not all doctors will go back to the newborn screening blood spot.

Member Kutz asked if there are racial implications to cCMV. Kelly said that there were none that they know of, but they do know that many of the people who have cCMV have smaller children or work with smaller children.

Peter Browning, Board Member, asked if there was a rate of severity in the hearing loss. John stated that the team does not know the severity rate, but it is severe enough to get services for people with hearing difficulties.

Kelly reviewed the TAC voting results for cCMV. In summary, the TAC recommends that the Board ask the Legislature to add dried urine filter paper to the specimen collection requirements for newborn screenings and that the Board ask for funding for equipment and personnel.

Patty Hayes, Board Chair, thanked the staff and the TAC for their work but believes that preventing cCMV infection is the best step forward. Chair Hayes also expressed gratitude to the Department for their efforts. Chair Hayes thinks there would be difficulty in adding urine sample collection to the newborn screening sample collection list.

Member Kwan-Gett thanked the TAC for their efforts, dedication to the research, but decided based on the discussion that the screening for cCMV does not fulfill the criteria or the infrastructure requirements at this time. Member Kwan-Gett stated that since there is no change in mortality rate, they are hesitant to add this to the panel. Member Browning agreed.

**Motion:** The Board determines that cCMV should not be considered for addition to the newborn screening panel at this time.

**Motion/Second:** Member Browning/ Member Kutz. Approved unanimously

John mentioned that the committee responsible for developing the recommendations for the newborn screening panel, the Federal Advisory Committee for Heritable Disorders in Newborns, has been dissolved. The Board and Department agreed to continue their work in alignment with the Recommended Uniform Screening Panel (RUSP) and will convene a TAC to review the four remaining screenings that are on the RUSP panel but not included in the Washington State screening panel soon.

## **7. RULES BRIEFING, AUDITORY SCREENING RULEMAKING, [CHAPTER 246-760 WAC](#)**

Kelly Oshiro, Board Vice Chair, provided an overview of the Board's authority to adopt rules related to auditory screening and the background of the current rulemaking effort. Vice Chair Oshiro then invited Board staff and presenters to give an update.

Molly Dinardo, Board staff, and Annie Hetzel, Office of the Superintendent of Public Instruction, introduced themselves to the Board.



Molly presented background information on chapter 246-760 WAC, followed by an overview of the engagement and rule development process. Molly then summarized the proposed rule changes and highlighted key feedback received during the informal comment period (see presentation on file). Molly also informed the Board of the next steps in the rulemaking process, including filing the CR-102 form, initiating the open public comment period, and holding a public hearing in June.

Peter Browning, Board Member, asked whether staffing for hearing screenings in schools would be a challenge. Annie responded that screenings are already being conducted, primarily by school nurses, with some support from speech-language pathologists, audiologists, and volunteers. No additional staffing is anticipated.

Member Browning expressed concern that potential budget cuts could impact school nurses, making implementation difficult despite the rule proposal's merit. Annie responded that this would not increase the workload.

Molly added that the new screening method—otoacoustic emission (OAE) testing—is optional and formalizes practices already occurring in some schools.

Member Browning emphasized the importance of identifying decreases in hearing early and expressed support for implementation despite resource challenges.

Patty Hayes, Board Chair, thanked the presenters.

## **8. REVIEW AND APPROVAL OF THE DRAFT REPORT ON BRANCHED CHAIN KETOACID DEHYDROGENASE KINASE (BCKDK)**

**Motion:** The Board moved to move item 8 to the June 4, 2025, meeting

**Motion/Second:** Vice Chair Oshio/Member Kutz. Approved Unanimously

## **9. 2025 BOARD MEETING SCHEDULE UPDATE**

Michelle Davis, Board Executive Director, presented an update to the 2025 meeting schedule. The meeting originally set for June 11, 2025, will be moved to June 4, 2025. This change allows Board staff and leadership to attend the Washington State Association of Local Public Health Officials (WSALPHO) Annual Meeting scheduled for June 10 to 12, 2025.

**Motion:** The Board approves changing the June 11, 2025, meeting date to June 4, 2025.

**Motion/Second:** Member Kutz/Member Nandi. Approved unanimously

The Board recessed for lunch at 12:20 p.m. and reconvened at 1:10 p.m.

## **10. JOINT MEETING SCHOOL RULE PROJECT (SRP)**

Patty Hayes, Board Chair, introduced the agenda item and welcomed all Board Members and School Rule Project (SRP) technical advisory committee (TAC) members.

Karen Langehough, Facilitator, began with member introductions and asked everyone to share why this work is important to them.

Facilitator Langehough then reviewed meeting objectives. This included reflecting on TAC member experiences, sharing recommendations, reviewing fiscal analysis, and discussing next steps like the legislative report. Facilitator Langehough reviewed the TAC committee agreements that guided the TAC meetings. Facilitator Langehough provided an overview of the timeline for SRP project. Facilitator Langehough invited time for reflections from TAC members.

Brian Freeman, SRP TAC member, described the process as deliberate and often contentious, such as ventilation. With experience in building and school construction, TAC Member Freeman highlighted the high costs but importance of ventilation. An engineer's funding estimates helped the committee reach consensus on energy codes. Key challenges include reliable funding and updating aging buildings to ensure safe, healthy environments for children. TAC Member Freeman highlighted that education is a constitutional priority, yet school buildings don't reflect this, especially in rural areas where bond passage is difficult. TAC Member Freeman raised concerns about equity and the ability of districts to meet new rules, asking how to ensure every child has a safe place to learn.

Tammy Allison, SRP TAC member, noted the value of the diverse experience and knowledge of TAC members and how well the group collaborated over eight months. TAC Member Allison discussed gaining a new understanding of local health jurisdictions' (LHJs) work with school districts. Funding remains a major challenge. Larger districts have more resources, while smaller districts have limited tax bases.

Samantha Fogg, SRP TAC member, expressed that it was a rewarding experience and now views schools as part of the greater community, and improvements can come through partnerships and collaboration. TAC Member Fogg noted significant disparities in funding and staffing, worsened by years of unchanged school rules, and expressed an interest in legislators seeing the full range of school buildings throughout the state. TAC Member Fogg expressed frustration with the disparity between allocated funds and actual expenses.

Suzie Hanson, SRP TAC member, appreciated the reminder that all schools share some of the same issues and sense of camaraderie. TAC Member Hanson also mentioned the importance of funding availability.

Laurette Rasmussen, SRP TAC member, expressed gratitude for the collaborative process. Challenging aspects of this are funding for making improvements and public health. Whatcom hasn't had a school health and safety program for 40 years. Federal Public Health Services (FPHS) funds it now, but that funding may not be around.

Brian Buck, SRP TAC member, stated that it's important to note that we stand on the shoulders of those who came before us. TAC Member Buck thanked Chair Hayes, Board staff, and Facilitator Langehough. TAC Member Buck mentioned that the rules will require funding to implement, and appreciated the collaboration between schools, the Department of Health, and local health jurisdictions to do what's best for kids.

Baily Stanger, SRP TAC member (Alternate), recognized Erin Hockaday's contributions and described Benton-Franklin's FPHS-funded program, which provides free inspections and consultations. TAC Member Stanger noted it offers a small-scale view of what the SRP rule could look like statewide and emphasized the need for continued funding.

TAC Member Hanson added that there was also agreement on many rules and ideas about health and safety that don't cost money.

Nicole Daltoso, SRP TAC member, reiterated that many things can be implemented without funding, such as health and safety guidance. TAC Member Daltoso noted that various things happening throughout the state can be merged for full implementation and agreed that the relationship between LHJs and school districts is important. Not all districts have someone they can go to as a resource. TAC Member Daltoso also mentioned the challenges posed by funding and staffing issues.

TAC Member Freeman remarked on the relationships the TAC members developed and the amount of experience they brought to the group. Knowledge and skill are where LHJs are most needed.

Facilitator Langehough transitioned the group from reflections to recommendations and passed the meeting to Chair Hayes.

Chair Hayes summarized the TAC's work and emphasized that the proposed rules help build local relationships, establish minimum standards, and clarify what belongs in rules versus guidelines. The Legislature asked the TAC to present recommendations to the Board. The phased implementation approach was developed over several meetings as part of their work. In Phase 1, the Department will begin working on creating guidelines, and schools will work with LHJs to develop plans. Phase 2 will occur within the local context, using strong relationships as best practices and examples shared across the system. The Board may consult with local health officials about interregional/interlocal district sharing to enhance its strength. Phase 3 involves full implementation of rule-compliant plans.

Lauren Jenks, SRP TAC member, said Department staff noted every time they said "we will put that into guidance." It will help with tricky areas, such as shower requirements.

Andrew Kamali, Project Manager, directed TAC and Board Members to page 312 of the meeting packet for the rule language and breakdown of the phases. The TAC was also required to consider the greatest health and safety benefits which will be included in the report. The phases focus on what is achievable.

Member Kutz complimented the common understanding that was developed and asked how people were going to work together across the state in this complex time.

Chair Hayes acknowledged the challenge of statewide coordination, and the group will revisit this later. Chair Hayes discussed next steps, including filing the recommendations and report to the governor in June, which requires action next

session. After proviso funding ends, staff will continue outreach and advance the rulemaking process.

TAC Member Freeman told Member Kutz that in Phases 1 and 2, the LHJs will take the lead. But some counties, such as Tri-Counties, lack experience and technical skills for tasks like site-assessments. As a result, the Department and the Board will have the biggest lift.

Member Kutz asked how to ensure relationships get built among people who aren't present.

TAC Member Hanson emphasized the need to focus on relationships because a compliance focus will not work as well.

TAC Member Daltoso reiterated the importance of relationships to this project and spoke about personal experience in Clark County.

TAC Member Rassmussen acknowledged that not all LHJs have the experience for a health and safety program and suggested exploring more how an existing program helps another jurisdiction/county get theirs going. The most important thing is to be equitable to all schools and not to use punitive language in inspections.

TAC Member Freeman noted the Board might be surprised at the level of relationships that already exist. Urban core may be a bigger lift on building relationships.

Jeff Rogers, SRP TAC member (Alternate), expressed an interest in addressing unfunded mandates from the Legislature.

TAC Member Stanger (Alternate) said the rules flexibility are a strength and emphasized that this is not punitive. TAC Member Stanger reiterated the importance of relationships in implementing these rules.

The Board took a break at 2:58 p.m. and reconvened at 3:10 p.m.

Facilitator Langehough restarted the meeting with a background on the fiscal analysis and highlighted the significant effort behind it. Staff reviewed over 25 data sources, engaged with local and environmental health inspectors, conducted phone surveys, and held a two-day fiscal summit. The analysis focuses on new rule components and includes cost ranges for labor, construction, trade services, and consumer-related services.

Andrew provided a detailed overview of the fiscal analysis and noted that they would not go through every section in detail. Andrew highlighted that the analysis compares current requirements under WAC 366 with the proposed rules, focusing on routine inspections due to their cost complexity. The analysis includes cost breakdowns presented in tables with hourly rates for maintenance, training, self-inspection requirements, and incorporates minimum and maximum wage data from reviewed sources. Andrew also added that routine inspection costs were calculated by multiplying hourly wages by estimated time per task, which also applied to training cost estimates.

Andrew continued with an overview of the Indoor Air Quality (IAQ) section of the fiscal analysis. The IAQ section breaks down costs per square foot and highlights the "Tune and Balance" (TAB) requirement as the most expensive. Andrew emphasized the importance of accurately capturing costs related to TAB requirements, noting that it was a key issue in previous rulemaking efforts. To address this, the School Rules team partnered with an engineering firm to develop realistic cost estimates and ensure transparency throughout the process. The analysis incorporated input from schools and acknowledged that figures in state reports often do not reflect the actual on-the-ground costs. The goal was to produce the most accurate and representative data possible.

Chair Hayes chimed in with the importance of engaging local legislators to understand better the specific costs and implementation challenges at the local level. Chair Hayes noted that while aggregated data and statewide examples are helpful, they often fail to capture the nuanced realities communities face. To effectively communicate the proposed rule's impact, Chair Hayes encouraged local partners, particularly LHJs, to share real-world examples and foster relationships with legislators. Chair Hayes suggested this could be an area of focus over the next year and proposed further discussion at the upcoming Washington State Association of Local Public Health Officials (WSALPHO) meeting. Chair Hayes also acknowledged the complexity of the fiscal analysis and the value of having experts like Andrew help interpret the data for local interested parties, highlighting the importance of collaborative storytelling to convey the true scope of local needs.

Paj Nandi, Board Member, appreciated the collaborative work and learning that has occurred. Member Nandi emphasized the importance of maintaining consistent communication after the School Rule proviso work ends and recommended creating a communication plan with unified messaging.

TAC Member Hanson stressed that sharing the fiscal analysis with legislators should focus on explaining the need for legislative involvement and not just requesting funding. TAC Member Hanson encouraged LHJs to help shape that message.

Chair Hayes highlighted the importance of approaching the issue from both a local and legislative perspective. Chair Hayes noted that while legislative action is needed to support children's health and welfare, it's equally important for LHJs to view this as an opportunity for relationship building and providing technical assistance. Chair Hayes acknowledged the challenge in developing universal talking points and stressed the value of sharing the unique stories behind the fiscal data at the local level.

Facilitator Langehough transitioned the group to a discussion of the legislative report. The group will review the report outline, followed by a deeper discussion on specific sections highlighted in the final report.

Chair Hayes outlined key elements of the draft report, emphasizing its focus on the guiding principles behind the proposed rule, particularly its emphasis on the health and welfare of children and youth. Chair Hayes noted the report will detail the phased approach and address items like the budget proviso and other relevant considerations.

The report will capture the rationale behind the decisions and set the tone for the next steps in the process.

Andrew thanked Chair Hayes for the overview and provided additional context for the report. The report includes a document comparing the current and proposed rule language and a three-column format that shows proposed standards alongside correlating standards. Although the document is lengthy, it directly compares to the suspended rule for Board Members familiar with the previous process.

TAC Member Jenks asked Andrew if a tab for the Departments K-12 guide should be included in the report and suggested listing the current version.

Andrew agreed with the suggestion and recommended including a hyperlink to the guidance to allow interested parties and legislative staff to review the guide.

Facilitator Langehough introduced the clean building performance standards, noting that TAC Member Buck had clarified the standards and TAC's language in a prior meeting with the Department of Commerce (Commerce). Facilitator Langehough asked TAC Member Buck to provide additional details.

TAC Member Buck discussed the conflict between current clean building standards and the challenges faced during COVID. TAC Member Buck highlighted that while guidance changed frequently, one key measure—pumping 100% outdoor air into schools—helped reduce COVID transmission, despite straining ventilation systems. These standards were set before COVID, with school energy use categorized and normalized for weather but not for COVID-related changes. Energy codes have since evolved, prohibiting large handling units and requiring dedicated outdoor air systems. TAC Member Buck noted an opportunity for the clean building standards to account for increased ventilation, associated costs, and energy implications, which are not currently permitted under the existing targets.

Andrew discussed that the clean building performance standards, based on pre-COVID data, don't reflect current school needs and were set without input from the K-12 sector. Andrew noted concerns about potential fines for non-compliance and the financial strain this could place on schools. Andrew asked TAC Member Hanson to share some of the key points they have advocated in their discussions with the Legislature and Commerce.

TAC Member Hanson expressed the need for prioritization from the state and two agencies, especially when energy or mold issues threaten students' health and safety. While recognizing Commerce's dedication, TAC Member Hanson emphasized the need for greater flexibility to address the realities of school life. TAC Member Hanson also highlighted that schools must provide a safe and healthy student environment and suggested balancing energy priorities with student well-being. Additionally, TAC Member Hanson mentioned a bill that could allow for an extension to provide more authorization in such cases.

Chair Hayes encouraged the Board to consider including a formal statement in the report recommending a reevaluation of clean building performance standards based on

post-COVID scientific understanding. Chair Hayes noted that a joint perspective from schools and local health agencies could strengthen the report and offer leverage in legislative discussions. While Commerce may not see current standards as conflicting with school needs, Chair Hayes emphasized the importance of presenting a broader policy view. Chair Hayes urged the group to consider whether they are comfortable making a bold recommendation and to explore how the report can highlight key tradeoffs, such as ventilation versus energy use.

Member Kutz inquired if the TAC worked or connected with any industrial hygienists on this topic.

TAC Member Jenks confirmed that they did.

Member Kutz noted that hospitals face similar challenges in meeting ventilation and energy standards, particularly in settings like operating rooms. Member Kutz suggested that industrial hygienists' involvement at the Office of Financial Management (OFM) could help determine an appropriate balance between health requirements and energy efficiency. Member Kutz proposed this as a potential outcome to consider.

Chair Hayes emphasized that a key issue is the lack of a single coordinating entity to oversee standards across sectors. Chair Hayes noted that, as highlighted by TAC Member Brian Buck, current benchmarking for schools is surprisingly lower than that for office buildings. During workshops, Chair Hayes was struck by the realization that these benchmarks do not adequately account for children's health, safety, and welfare, particularly regarding air quality. Chair Hayes stressed the importance of reconsidering these benchmarks, considering lessons learned from COVID-19, and urged the Board to recognize how strongly the TAC feels about this issue.

Devon Kellogg, SRP TAC member, acknowledged the discussion around the first three key points and emphasized the importance of the fourth point, highlighting the opportunity to demonstrate how upgrades to more efficient systems can help schools save money, support clean building standards, and improve student and staff health.

Facilitator Langehough moved the discussion to partnerships, noting that various components have addressed this topic. Facilitator Langehough referenced Member Kutz's question about expanding these partnerships, which will be included in the report along with additional recommendations. Facilitator Langehough also mentioned that some members have had successful partnerships and asked if anyone could provide insights on public/private school partnerships.

TAC Member Daltoso shared an example of successful public-private school partnerships, noting that they are often formed through committee involvement, networking, and parent engagement in private schools. Once established, private schools frequently seek guidance, such as written health and safety plans. TAC Member Daltoso suggested that LHJs could play a key role in fostering these connections and emphasized the importance of collaboration.

Pam Schwartz, SRP TAC member, agreed with TAC Member Daltoso, stressing that building relationships is key to success. TAC Member Schwartz highlighted the unique

challenges Catholic schools face, particularly concerning the varying levels of understanding among LHJs about the specific needs of these schools. TAC Member Schwartz noted that while health and safety standards apply universally, there are distinctions between small and large districts, and suggested that more understanding and support from LHJs would help address these challenges.

Laurette Rasmussen, SRP TAC member, shared their interest in forming an advisory committee to engage private schools more effectively. TAC Member Rasmussen emphasized the importance of collaboration and partnership rather than focusing on violations, which they felt would not be productive.

Facilitator Langehough transitioned the group to a discussion on inconsistent implementation and invited Chair Hayes to comment.

Chair Hayes acknowledged the complexities of operating as a home rule state, noting that local health jurisdictions (LHJs) have differing approaches, leading to inconsistencies. Chair Hayes emphasized the importance of partnership and the need for the Board's recommendations to support a collaborative framework. Chair Hayes noted structural differences across jurisdictions, such as fee structures, and encouraged transparency about those differences while affirming the value of recommending the rule within that local context.

Member Browning offered a county commissioner's perspective, emphasizing the need for full cost recovery through fees and the philosophical stance that these fees are being passed back from government entity to government entity, which is a challenge when revenue is tight. Member Browning stressed that fees should reflect actual time and resources used.

Chair Hayes thanked Member Browning and highlighted the report's opportunity to question the practice of government agencies charging fees to one another. Chair Hayes noted that while this issue emerged during TAC conversations, it's worth further exploration.

Member Browning responded that while charging schools may not always make sense, documenting the time and effort involved is critical for accountability. Member Browning emphasized that tax-supported entities should be transparent when transferring resources among themselves.

TAC Member Freeman added that, from a county perspective, revenue often comes from sales tax, making cost recovery not just philosophical, but necessary.

TAC Member Rasmussen provided an example from their experience in environmental health, where all services are fee-supported. TAC Member Rasmussen explained that due to budget constraints, their jurisdiction had no school inspection program until funding from Foundational Public Health Services (FPHS) was received. While they are now discussing charging fees for school visits, TAC Member Rasmussen acknowledged it is a difficult and emotional topic that may strain relationships.



TAC Member Daltoso thanked TAC Member Rasmussen and shared that Clark County's fee changes led to significant discussion among school districts. TAC Member Daltoso emphasized that while fees are difficult, the value comes from inspections and the relationships and support that develop, such as help managing public relations in sensitive situations. TAC Member Daltoso noted variability across counties and the need to manage fee expectations by clearly communicating the value provided.

Suzie Hanson, SRP TAC member, added that if inspections are perceived as punitive or unproductive, they damage relationships. TAC Member Hanson noted that requiring fees without equitable services could lead to resentment, especially among private schools, and stressed the need for open and courageous conversations.

Facilitator Langehough moved the discussion to general barriers to implementation. Facilitator Langehough acknowledged that while many have already been mentioned—like funding and political resistance—there may be other factors to consider and invited committee members to share additional insights.

TAC Member Freeman emphasized the state's legal responsibility in this area. TAC Member Freeman argued that shared responsibility between the state and local governments must be recognized and addressed, especially by the legislature.

TAC Member Fogg echoed TAC Member Freeman's comments and stressed the need for equity in implementation. TAC Member Fogg noted that current limitations in access to the State Construction Assistance Program (SCAP) create barriers for some districts. TAC Member Fogg highlighted the importance of establishing a baseline of health and safety for all schools and reiterated that school facilities impact student well-being and public health.

Facilitator Langehough asked if a TAC member could provide clarification on SCAP.

TAC Member Freeman explained that SCAP provides partial reimbursement for school construction projects. Districts must document assets in the Office of Superintendent of Public Instruction Information and Condition of Schools system, and the program typically covers 10–12% of construction costs. TAC Member Freeman noted that bonding capacity and other limitations affect eligibility.

Facilitator Langehough noted that additional topics to include in the report do not fall under a single category. These include challenges specific to small schools, legislative engagement, and recommendations around structural and financial barriers.

TAC Member Allison briefly mentioned ongoing delays in receiving federal tax credits.

TAC Member Hanson raised an additional concern about private schools but did not elaborate further.

Facilitator Langehough invited final comments from the Board or TAC members.

## **11. CONSIDERATION OF SCHOOL ENVIRONMENTAL HEALTH AND SAFETY RULE TAC RECOMMENDATIONS**

Patty Hayes, Board Chair, pointed out that repealing 246-366A is important and reopened the discussion on the motion before the group.

Kelly Oshiro, Board Vice Chair, thanked Andrew Kamali, Project Manager, for their leadership. Vice Chair Oshiro also thanked the technical advisory committee (TAC) for their work and dedication. Vice Chair Oshiro asked whether the group would be repealing 246-366A in its entirety and received an affirmative response. Vice Chair Oshiro then asked about the timelines for the three phases of the rulemaking.

Andrew responded that they are unable to provide firm dates because the first step is legislative action. Board staff won't move forward with the recommendation with the proposed 246-370 until there is clear legislative direction. Andrew speculated that the entire implementation process would probably occur over 10-years, involving three separate 101s, 102s, and 103s for each phase. It would be one rulemaking to set up the planning, then depending on the Legislature, there would be an opportunity for a second phase, and then depending on how things move forward, the opportunity for the third phase. This time lag would allow schools to develop their capacity.

Vice Chair Oshiro asked whether that would depend on the readiness of the districts.

Andrew asked Vice Chair Oshiro to clarify whether the question referred to a circumstance in which one district was ready and would be allowed to move forward, but another could delay implementation if needed.

Vice Chair Oshiro responded yes.

Andrew responded that they cannot state definitively district by district when the rule is applicable, but because of how the rule is designed, districts without resources could partner with their local health jurisdictions to work out a plan for that. It wouldn't prevent school districts from moving ahead, but there is a process built into the rule.

Chair Hayes added that the Board will need more conversations on how that would work. For now, the goal is to move forward with as much flexibility as possible. Chair Hayes then asked whether there were other comments.

Steve Kutz, Board Member, commented that at some future hearing, it will become important for the TAC members to communicate how "together" they were on this and that consensus was reached.

Chair Hayes added that when the Board is invited to present the work in the future, the presentation will need to be different than the Board's usual method and involve bringing partners to present.

Paj Nandi, Board Member, asked Andrew whether other parties might oppose this process to the work that hasn't been heard from.

Andrew responded that the group has done all they could in terms of meeting with interested parties. Andrew also expressed hope that TAC members are establishing partnerships to disseminate information.

Pam Schwartz, SRP TAC member, thanked Andrew and Chair Hayes. TAC Member Schwartz noted that although the TAC consists of only 25 people, the group's reach has extended far beyond that, using the state's Catholic school system as an example of their reach.

Michelle Davis, Board Executive Director, added that Andrew has been available to multiple organizations. Executive Director Davis also affirmed that there would always be concerns about the costs of this rule but reiterated that the TAC came to consensus with the rules. Executive Director Davis also listed additional actions taken to ensure that people's voices have been and will be heard.

David Hammond, SRP TAC member, reiterated the diversity of the TAC and complimented Andrew and the team.

Chair Hayes directed the group to move forward.

**Motion:** The Board accepts the technical advisory committee's recommendations regarding the proposed rule, Chapter 246-370 WAC, and directs staff to begin the process of repealing Chapter 246-366A WAC and any other items articulated in conversation today.

**Motion/Second:** Member Kutz/Member Browning. Approved unanimously

## **12. BOARD MEMBER AND SRP TAC MEMBER COMMENTS AND UPDATES**

Andrew Kamali, Project Manager, emphasized that the School Rule project will proceed in incremental steps, not all at once. While specific implementation dates are not yet determined, focusing on the upcoming steps is essential. Andrew added that a Board rules hearing will take place on June 4, 2025, to repeal 366A. Rather than extending the rule, it will be repealed on the same day it is set to go into effect.

Andrew reminded the technical advisory committee (TAC) members about the survey and the new meeting date. Andrew encouraged them to review the legislative report and share feedback before it goes to the Board. Andrew also thanked members for their ongoing commitment, noting that their efforts are key to the group's progress.

Patty Hayes, Board Chair, provided an update on a KUOW spotlight aired yesterday, reflecting on the fifth anniversary of the COVID-19 pandemic. The feature included interviews with various individuals, including Chair Hayes (public health perspective), an ICU nurse, a father adapting to return to the office after the stay-at-home order, and a small business owner who survived the pandemic. Chair Hayes encouraged Board Members to listen to the interview, which is still available online.

Steve Kutz, Board Member, added a personal reflection on the COVID-19 pandemic, comparing it to experiences during the early 1980s HIV crisis, when much was unknown about the virus. Member Kutz stressed the importance of learning from past challenges and applying those lessons to future public health work. Member Kutz also highlighted how the pandemic underscored the importance of healthy environments, particularly in schools and workplaces. Member Kutz emphasized that the new school rules aim to

create healthier environments for students and staff. Member Kutz concluded by expressing heartfelt gratitude to all TAC members for their dedication and hard work.

The meeting was adjourned with appreciation for all members' continued contributions and commitment.

## **ADJOURNMENT**

Patty Hayes, Board Chair, adjourned the meeting at 4:50 p.m.

## **WASHINGTON STATE BOARD OF HEALTH**

---

Patty Hayes, Chair

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

PO Box 47990 • Olympia, Washington • 98504-7990  
360-236-4110 • [wsboh@sboh.wa.gov](mailto:wsboh@sboh.wa.gov) • [sboh.wa.gov](http://sboh.wa.gov)