PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017)
(Implements RCW 34.05.310)
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WSR 26-15-119

Agency: Washington State Board of Health

Subject of possible rule making: Phase 1: Minimum Environmental Health and Safety Standards in K-12 Schools – Creating an New Chapter 246-370 WAC, and Amending Chapter 246-366 WAC.

The State Board of Health (board) is considering creating a new chapter 246-370 WAC to establish updated minimum environmental health and safety standards for schools that serve students in grades Kindergarten through 12 (K-12). The board is also considering repealing or amending portions of chapter 246-366 WAC.

Statutes authorizing the agency to adopt rules on this subject: RCW 43.20.050(2)(d)

Reasons why rules on this subject may be needed and what they might accomplish:
Chapter 246-366 WAC contains minimum standards for environmental health and safety in public and private schools serving K-12 students. These regulations have not been updated since the 1990s.

In 2024, the Legislature directed the board to convene a multi-disciplinary technical advisory committee to review Chapters 246-366 and 246-366A WAC, develop a proposed set of minimum environmental health and safety standards for schools, a fiscal analysis, and recommendations for phased implementation. The board published the results of its review in a report to the Legislature in June 2025. The report found that the current school environmental health and safety rules found in chapter 246-366 WAC are out of date and proposed the development of a new chapter of rule to establish minimum standards for K-12 schools. The board accepted the report and also repealed Chapter 246-366A WAC, which had never been implemented, to make way for the development of a new rule chapter.

The 2026 supplemental operating budget amended, but did not remove, the proviso that has prevented the board from implementing updated school rules since 2009. Section 221 of Engrossed Substitute Senate Bill 5998 allows the board to proceed with Phase 1 rule development, as recommended in the board's report.

As part of Phase 1 of the rulemaking the board will consider establishing basic structures in new chapter 246-370 WAC such as purpose and applicability sections, and will consider establishing minimum plan requirements for developing plans for indoor air quality, radon testing, extreme temperature readiness, pesticide management and injury prevention, as well as phasing out the use of scented products like cleaners and air fresheners. Phase 1 will lay the foundation for consideration of rules proposed in Phases 2 and 3. The board will also consider making minor, editorial or clarifying changes to definitions and current lighting and noise requirements, such as removing redundant language.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:
The Department of Health (DOH) implements the board's rules and provides technical assistance to local health jurisdictions and schools. The board will work closely with DOH in outreach to interested parties and development of required analyses.

The Office of the Superintendent of Public Instruction (OSPI) is the primary regulator of K-12 schools in Washington State. The board will continue to include OSPI in the rule making process.

Local health departments and local school districts will be primarily responsible for implementing school environmental health and safety rules. The board will continue to be integral to the development and implementation of any new school rules.

The board will host informational sessions and formal and informal comment periods and a public hearing to ensure the rules developed result in minimum standards that utilize the expertise of all parties involved while also reflect the practical realities associated with implementing new rules. The board will also attend meetings of interested party organizations and may host information sharing sessions.

Process for developing new rule (check all that apply):

☐ Negotiated rule making
☐ Pilot rule making
☐ Agency study
☒ Other (describe) The Board will use a collaborative rulemaking process. The board will develop the rule based on Technical Advisory Committee report recommendations published in its 2025 report to the legislature.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

		(If necessary)
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Additional comments: To be added to the listserv for this rulemaking, complete the Phase 1 School Rule Project Interest form here https://airtable.com/appInSCDg3PQGljEz/pag9Thdid5W2N8kiu/form and under “Policy Interest Areas,” select "School Rule Project. The board in collaboration with DOH will complete an environmental justice assessment for this rule-making.

Date: 7/21/2026 **Name:** Michelle A. Davis **Title:** Executive Director	**Signature:**