Washington State Board of Health
Policy & Procedure

Policy Number:	**2005-001**
Subject:	**Responding to Petitions for Rule-Making**
Approved Date:	**November 9, 2005 (revised June 13, 2012, August 13, 2014, and March 12, 2026)**

Policy Statement

RCW 34.05.330 allows any person to petition a state agency to adopt, repeal, or amend any rule within its authority. Agencies have 60 days to respond. The agency may initiate rulemaking after receipt of a request or it may deny the request—explaining its reasons and, if appropriate, describing alternative steps it is prepared to take. If a petition is denied, a petitioner can appeal the agency's decision according to the Administrative Procedure Act, RCW 34.05. A petitioner may appeal a decision to deny a petition for rulemaking to the Governor within 30 days of the Board's written decision.

This policy outlines the procedure for responding to petitions for rulemaking.

Procedure

Board staff, in consultation with the Executive Director, will respond to the petitioner within three business days acknowledging receipt of the petition.

Preliminary Screening

Before scheduling a petition for Board consideration, Board staff, in consultation with the Executive Director, shall conduct a preliminary screening of the petition according to the following factors:

1. Definition of a Rule: The petition must request adoption, amendment, or repeal of a "rule" as defined in RCW 34.05.010. Petitions requesting actions that are not related to rules will not be scheduled for Board review.

2. Board Authority: The petition must request action within the Board's statutory authority. Petitions requesting rulemaking that falls outside of the Board's authority will not be scheduled for Board review. If the petition falls under another state agency's rulemaking authority, staff will refer the petitioner to the appropriate agency.

3. Clarity and Specificity: The petition must clearly express the specific rule change(s) requested.

When a petition is not ready for review, staff will notify the petitioner of the deficiencies and inform the petitioner that the petition will not be scheduled for Board review. If clarification is needed, the notice will request clarification. Staff will provide Board Members with copies of the petition and the response. Staff may seek additional clarification and information from the petitioner. Petitions that do not clearly adhere to requirements (1) and (2) described above or require additional clarification may be returned to the petitioner with a request for clarification. If the petitioner fails to provide clarification, the petition will be deemed incomplete according to chapter 82-05 WAC and will not be scheduled for review.

- **Notice to Board Members**: For petitions that pass preliminary screening, the Executive Director or staff will notify Board Members that a petition for rule-making has been received and will be brought to the Board for consideration at the next regularly scheduled Board meeting or will be considered at a special meeting. If no regular meeting is scheduled before the 60-day response deadline, or if the agenda for the regular meeting cannot accommodate the petition, the Executive Director will notify the Chair of the need to schedule a special Board meeting for the purpose of considering the petition.

- **Consultation:** For rulemaking petitions that pass preliminary screening, the Executive Director and Board staff will gather background information for the Board's use when it considers the petition. In this regard, the Executive Director will consult with the Board Member who sponsored the most recent revisions to the rule in question or the appropriate policy committee. The Executive Director may also consult with appropriate representatives of the implementing agency or agencies, and may consult with other interested parties as appropriate.

- **Consideration of the Petition:** The Chair may place a petition for rule-making that has passed preliminary screening on the agenda for a Board meeting scheduled to be held within 60 days of receipt of the petition. Alternatively, if the Board does not have a regular meeting scheduled within 60 days of receipt of the petition, or if hearing the petition at the next regular meeting would defer more pressing matters, the Chair shall call a special meeting of the Board to consider the petition for rulemaking.

- **Board Response**: After the Board considers a petition at a regularly scheduled meeting or special meeting, the Board shall provide a written response within 60 days of receipt of the petition. The response will be in the form of a letter from the Chair either denying the petition or informing the petitioner that staff have been directed to initiate rule-making.

- **Appeals:** If a petitioner appeals the Board's decision to deny a petition to the Governor, the Executive Director will inform the Board of the Governor's action on the appeal at the next scheduled Board meeting following the Governor's decision.