

WASHINGTON STATE BOARD OF HEALTH

ENVIRONMENTAL HEALTH COMMITTEE SPECIAL MEETING SUMMARY NOTES

What: Environmental Health Committee

When: May 16, 2022

Participating via Zoom: Board of Health (Board) members Keith Grellner, Chair, Patty Hayes, Melinda Flores; Board staff Kaitlyn Donahoe, Stuart Glasoe, Michelle Davis, and Melanie Hisaw; Department of Health (Department) staff Theresa Phillips, Jocelyn Jones, Joe Graham, Joe Laxson, Kim Sanchez, Lauren Jenks, Laura Johnson, Nancy Bernard, Nina Helpling, Peter Beaton, Todd Phillips; and six members of the public.

Summary Notes:

General Environmental Health Rulemaking Project Updates

- Stuart Glasoe provided high-level updates to the Keeping of Animals (WAC 246-203-130) rulemaking work.
- Theresa Phillips and Peter Beaton summarized the status of On-Site Sewage System (chapter 246-272A WAC) rulemaking. They noted that progress is being made and the team is wrapping up analysis in preparation for a future Board briefing.
- Jocelyn Jones shared Sanitary Control of Shellfish (chapter 246-282 WAC) rulemaking. She noted that the work is in the initial phases and the team surveyed interested parties to identify key issues and to determine a timeline for engagement.

June Board Meeting Preparation – Petition for Rulemaking, Food Service, Chapter 246-215 WAC

Kaitlyn Donahoe discussed a petition recently received by the Board related to the Board's Food Service rules. She said the petitioner requested the Board to adopt a rule to require food handlers to always wear masks. The petitioner cited the rise of assembly-line style food preparation results in the spread of food handlers' bodily fluids on food. Ms. Donahoe described the Board's statutory authority and purpose of rulemaking related to food safety and preventing food- and vector-borne illnesses. Ms. Donahoe, Chair Grellner, Member Hayes, and Joe Graham discussed the petitioner's request and whether there is current evidence for communicable diseases spread via air droplets onto food in which masks or face coverings would prevent. Lauren Jenks provided further discussion of interventions for preventing spread of communicable disease person to person, including improved air ventilation and masking. Committee members provided guidance to staff regarding information that would be important for the Board's discussion of this topic at its June meeting. Michelle Davis shared additional background regarding potential action the Board could take regarding the petition.

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June Board Meeting Preparation – Effective Date Extension, Environmental Health and Safety Standards for Primary and Secondary Schools, Chapter 246-366 and 246-366A WAC

Ms. Donahoe discussed the history of the school environmental health and safety rules and the budget proviso that currently restricts implementation of the rules. She said that while the House's budget revised the budget proviso language during the 2022 legislative session, the supplemental 2021-2023 state operating budget passed by the legislature includes the original budget proviso. Ms. Donahoe said that the Board must extend the effective date of the rules at its June meeting. She noted that the legislature did allocate funds to the Department to contract with the University of Washington (UW) to develop a report that outlines current school environmental health and safety policies, recommendations, and standards. Member Hayes said she was eager to see the results of the UW's findings.

June Board Meeting Preparation – Rules Hearing, Keeping of Animals, WAC 246-203-130

Mr. Glasoe first discussed the status of the rulemaking process. He then briefly characterized the work cataloging and responding to comments received to date on the proposed rule during the public comment period. He said the Board received many comments and may receive more. He identified a couple issues that may need attention, including a reference in the rule analyses to a requirement in the state solid waste rules and related legal issues raised in public comment regarding Right to Farm laws. He said he is working with the Board's legal counsel on this topic. Mr. Glasoe said there is a fair amount of pushback on the proposed rule and expects to hear similar testimony at the hearing. He said he is continuing to work on addressing public comments and preparing materials for the rules hearing. He closed with a brief overview of possible scenarios for Board action at the hearing.

Next Steps:

Ms. Donahoe said staff are currently discussing the future of Environmental Health Committee meeting structure and reminded attendees that the subcommittee is not a decision-making body. She said future Environmental Health Committee meetings are currently scheduled for the year, and that staff will adjust as needed.

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