

WASHINGTON STATE BOARD OF HEALTH

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

November 20, 2024

Hybrid Meeting

ASL (or CART)

Davenport Grand Hotel

333 W. Spokane Falls Blvd.

Spokane, WA 99201

Meeting Room: Cedar Ballroom

Virtual meeting: ZOOM Webinar

Technical Advisory Committee members:

In-Room Participants

Patty Hayes, RN, MSN, Chair

Tammy Allison, Washington Association of School Business Officials

Becky Doughty, Spokane Public Schools

Brian Buck, Lake Washington School District

Brian Freeman, Inchelum School District

Erin Hockaday, Benton Franklin Health District

David Hammond, Washington Association of School Administrators (WASA)

Suzie Hanson, Washington Federation of Independent Schools

Lauren Jenks, Washington State Department of Health

Steve Main, Spokane Regional Health District

Laura Peterson, Washington State PTA (reside in Everett School District)

Jeff Rogers, WAMOA and Auburn School District

Preet Singh, Bellingham Public School

Brook Wilkerson, School OPS

Nicole Daltoso, Evergreen Public Schools (Clark County)

Online Participants

Devon Kellogg, Washington State PTA (reside in Lake Washington SD)

Gina Yonts, Association of Washington School Principals

Jared Mason-Gere, Washington Education Association

Kate Espy, South Kitsap School District

Kellie Lacey, Richland School District

Laurette Rasmussen, Whatcom County Health & Community Services

Pam Schwartz, Washington State Catholic Conference/Catholic Schools

Samantha Fogg, Washington State PTA (Seattle Public Schools)

Tyler Muench, Office of Superintendent of Public Instruction (OSPI)

Technical Advisory Committee members absent:

Anders Lindgren, School OPS

Bailey Stanger, Benton Franklin Health District

Dan Steele, Washington Association of School Administrators (WASA)

Doug Rich, Washington State Catholic Conference/Catholic Schools

Geoff Lawson, WAMOA and Auburn School District

Jacob Cook, Parent

Jaime Bodden, WSALPHO

Jessica Sankey, Bellingham Public School
Julie Salvi, Washington Education Association
Kelly Cooper, Washington State Department of Health
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, Office of Superintendent of Public Instruction (OSPI)
Richard Conley, The Rural Alliance
Roz Thompson, Association of Washington School Principals
Sandra Jarrard, Spokane Public Schools
Sandy Phillips, Spokane Regional Health District
Sharon Ricci, Washington Federation of Independent Schools
Susan Baird-Joshi, Washington State PTA (reside in Lake Washington SD)
Ted Dehnke, Evergreen Public Schools (Clark County)

Technical Advisory Committee staff present:

Andrew Kamali, Project Manager
Nina Helping, Policy Advisor
Marcus Dehart, Communications
Michelle Larson, Communications
Mary Baechler, Community Outreach Coordinator
Crystal Ogle, Administrative Assistant

Guests and other participants:

Karen Langehough, FirstRule, Facilitator

Marissa Rathbone, Washington State School Directors Association
Lindsay Loftstrom, Deer Park School District
Sandy Hayes, North Shore School District
Melissa Beard, Tumwater School District

1. Minutes Review

Patty Hayes, Committee Chair, welcomed committee members and convened the meeting of the School Rules Technical Advisory Committee at 9:00 a.m. Chair Hayes presented meeting minutes and asked if there were any questions or comments.

Chair Hayes welcomed the American Sign Language (ASL) and Spanish language interpreters and expressed appreciation for their patience and support as the team navigated technical challenges. Chair Hayes asked members attending the meeting virtually to note comments and questions in the Zoom Webinar chat function.

Members did not have any questions or comments regarding the previous minutes.

2. Reminders

Chair Hayes highlighted the listening session on December 3 and will meet with the Washington Federation of Independent Schools.

Karen Langehough, Facilitator, briefly reminded members of the procedures for microphones and speaking slowly for translators.

3. Introductions

Facilitator Langehough asked committee members to introduce themselves. See the list of in-room and online participants above.

4. Objectives and Meeting Agreement

Facilitator Langehough reviewed the objectives for today's meeting and previously discussed committee agreements on how to work together. They highlighted the hard work and language subcommittees brought for discussion during today's meeting.

Facilitator Langehough said that the School Director's Discussion would provide members insight into what is important to school directors and offer members the opportunity to ask questions. They said they would transition to reviewing and discussing revised language related to construction, indoor air quality, routine inspections, specialized noise, and ventilation. They reminded members that the committee's final review of language should occur in February 2025 so that recommendations are ready to present to the Washington State Board of Health (Board) in April 2025.

Facilitator Langehough reviewed the committee agreements and reminded members to focus on defining the minimum standards rather than how to implement them.

Andrew Kamali, Project Manager, shared that the committee is now receiving public comment. PM Kamali stated that six public comments have been received to date (November 20, 2024) and staff will share comments with both committee and Board members. PM Kamali said comments have addressed multiple sections and some have indicated the draft rules do not go far enough while others state new rules cost money. PM Kamali said that this feedback indicates the draft languages may strike a balance. PM Kamali asked committee members to look for email notices of public comments for review and consideration as the committee develops these rules.

Chair Hayes reminded committee members to identify things for staff to consider incorporating to the committee's report to the Governor and Legislature. Chair Hayes asked committee members to both reflect on the process used to develop rules and flag learnings in comments so staff can begin to frame the report. Chair Hayes stated the report is an opportunity to communicate the complexity of the work to policymakers who are responsible for taking the next step to support the system.

Chair Hayes identified the upcoming December 4 workshop as another unconventional approach the committee is taking and an opportunity to learn more about the Clean Building Performance Standards. Chair Hayes stated the workshop's purpose is for committee members to hear directly from the Department of Commerce (Commerce) and to share the work we're doing to establish minimal Public Health safety standards for school environments. The workshop presents an opportunity to hear where there may be conflicts between the Standards and the Rules and to inform Commerce of potential issues directly as well as to inform the report to the Governor and Legislature. Chair Hayes said the goal of the workshop is not to identify huge solutions but to bring clarity and reflection. Chair Hayes stated that members of the Legislature want to know where there may be issues to address through the Legislative Branch.

PM Kamali briefly outlined the workshop and asked committee members to respond to the survey with questions for the Commerce and to indicate which breakout groups they would like to be in for the workshop (private, public, large, rural) that fits their school type/context to discuss the circumstances that may affect your facility.

Brian Freeman, Committee Member, indicated attending breakouts with other school officials would be more useful than based on school type (e.g., rural versus urban).

PM Kamali asked whether Member Freeman meant organizing by the type of school official. PM Kamali noted that both Commerce and Office of Superintendent and Public Instruction (OSPI) intended to discuss funding opportunities which differ by facility type (e.g., public, private, independent). PM Kamali said he would reopen the survey and may send out the survey again with a few adjustments based on today's feedback.

5. School Directors Discussion

Facilitator Langehough asked the School Board Directors to introduce themselves. Marissa Rathbone of the Washington State School Directors Association, Lindsay Loftstrom of Deer Park School District, Sandy Hayes of North Shore School District, and Melissa Beard of Tumwater School District, introduced themselves.

Facilitator Langehough asked the Directors what their experiences with environmental health and safety in schools have been.

Director Hayes answered that the most common topic is indoor air quality and explained that the pandemic highlighted the importance of air quality. Another issue seen in Western Washington is the lack of air conditioning in all rooms in schools. Also, with wildfire season being in hotter months, and poor outdoor air quality outside, schools need to close the doors to protect air quality and then schools deal with high temperatures. Another challenge for schools is the disparity between health departments and regulating authorities applying rules inconsistently. School districts can span various cities and counties and that can be confusing and problematic for school districts when the cities and counties have different requirements.

Director Loftstrom added that for medium-sized schools, the cost is an important factor and encouraged committee members to not propose unfunded mandates. Consider hidden costs in staff overtime to complete maintenance and keep up with mandates. Communities are not passing bonds and don't want increased taxes. School districts are having to go back to the drawing board to find solutions.

Director Beard said that their district uses levies when possible and explained they couldn't do it by bond. Their district has a professional expert that helps them through the process, but not all districts have resources like theirs.

Facilitator Langehough asked what the most common environmental health and safety issues are.

Director Beard answered indoor air quality followed by mold and temperature.

Director Hayes agreed that the number one topic is indoor air quality but added that many times the conversation turns to covering the costs, as improving indoor air quality is very expensive.

Facilitator Langehough asked if there were any other aspects of environmental health and safety in schools the directors wanted to share.

Director Loftstrom pointed out that their district submitted a letter that would go into further detail but wanted to mention that pest control, especially with bees this year, has been a huge struggle. They also deal with mice in eastern Washington. They hear that rats are an issue in western Washington.

Facilitator Langehough asked if there were additional concerns or comments around funding and unfunded mandates.

Director Hayes stated communication between regulating agencies is important. The process can be long and confusing for school districts when they run into conflicting regulation requirements.

Director Loftstrom wondered how these rules dovetail with the Climate Commitment Act.

Director Rathbone shared that they hear a lot from community members about safe drinking water and pest management control. One area of improvement can be public education. Let families know what silent work has been done or is being done in these areas already. They attended a School Rules Listening Session recently and would like to see these sessions continue to gather information and educate the communities. It would be helpful for these sessions to continue outside of rulemaking.

Chair Hayes thanked everyone for their comments and questions and shared that the committee is holding a workshop in December with the Department of Commerce and the Department of Health. The committee is hoping to bring the stakeholders to the table for communication and understanding to discuss solutions and raise awareness at the legislative level of these issues and identified areas of concern. At the workshop, we hope to bring policymakers on the two topics of health and safety and energy efficiency together. Chair Hayes invited the directors to attend the meeting or listen to the recording. The committee is having good conversations and trying to be mindful of burdens.

Director Hayes wanted to share that sometimes rulemaking doesn't consider alternatives completely and doesn't always make common sense. They gave the example that the maximum amount of lead allowed in water in schools is less than what is found in bottled water. So, if a school must shut down its drinking water supply and bring in bottled water as an alternative, the alternative may be worse than the original. They want the committee to be mindful of alternatives and what they mean.

Director Rathbone suggested that the committee consider starting with no-cost or low-cost preventative measures. School districts are doing all they can to get ahead of problems. Incremental changes are good ways to make changes, especially when it comes to funding. Maintenance is often missed or not spoken about but is essential. There is a bill coming up to change the passing of bonds to simple majority. Supporting this could be a good funding opportunity for these changes.

PM Kamali asked the directors what updates their schools have made and if there are any environmental health and safety topics they are excited about.

Director Hayes shared that two of their schools use geothermal heat and cooling, and they are remodeling three more that will do the same. They also have a half dozen electric buses and estimate it will take 50 years to replace all buses due to the expense. Cost and funding are two major factors in what they can do.

Director Beard shared that their district spent 19 million dollars on various environmental and health updates and upgrades.

Director Loftstrom added that their school district updated the HVAC in two buildings and a roof on an elementary recently, at the cost of over one million dollars. They also shared that work to be completed would replace faucets at the cost of \$12,000. Bonds don't pass, so they must use leftover money they save to pay for such costs. They struggle when it comes to having to upgrade facilities.

Facilitator Langehough asked for questions from the committee members.

Member Freeman thanked the Directors for clarifying the competing needs when it comes to environmental health and safety. There are districts in Washington that don't have bonding capacity at all, and state funding is very limited.

Director Beard shared the unfortunate reality that curriculum adoption would likely be postponed if schools need to fund environmental mandates. There is no state mandate for curriculum adoption, so a mandate would have to be prioritized. That has unfortunate consequences.

Director Hayes agreed and added that triage is required.

Pam Schwartz, Committee Member, commented that this is the challenge the committee faces. Everyone wants to do what's right and prioritize student safety and health, but if the funds are not there, especially in the private sector where public funds are not available, it's a challenge.

Lauren Jenks, Committee Member, asked how the Directors characterized their relationship with local health departments and wondered how they could help support the school districts.

Director Hayes answered that they didn't realize the local health districts existed before the pandemic. The pandemic introduced them to the local health district. However, they have receded into the background again lately as the focus is now on other things after the pandemic ended. The relationship is something that should be maintained.

Director Rathbone explained that at the school board level, they don't interact with the health districts as much, but staff works with them.

Suzie Hanson, Committee Member, wondered if the Directors have thoughts on how to coordinate the regulating bodies and reduce conflict and stress around different rules and guidelines between agencies and regulating bodies.

Director Hayes stated they had no answers, but many examples of issues without coordinating. It would be imperative to have school districts represented as a stakeholder when decisions are being made.

Director Beard agreed that schools should be at the table especially when decisions made will affect them.

Director Rathbone suggested that educating the community is also an important step, so they know what is planned, what is happening, and in the works. They also wanted to call attention to school staff members, which aren't spoken about nearly as much. The environmental health of a school building is not just an educational issue, it's a workforce issue. Director Rathbone suggested terminology in rules that allow for local flexibility or local control because each school and its local authority is who understands what's best for that school. Additionally, flexibility in timelines to allow the school districts to be responsive is very helpful for planning and funding.

Director Hayes thanked the committee for having them here today and at the table, it clearly shows schools are being considered, and that the committee wants to hear their voices and what they have to say.

Chair Hayes thanked the Directors for the many thoughts and considerations they brought to the committee, some they are aware of, and others are new. The report the committee is working on is not just the rule, but the timing of the rule, and that may be something to speak with them about further. It would be nice for the Directors to review the timeline and provide feedback or thoughts once in place. The feedback provided about not being at the table or included with local agencies and within local systems provides an opportunity for it to be included in the legislature report, perhaps not in rule form, but in partnership form. Chair Hayes suggested perhaps they work with PM Kamali to come up with some language to present to the committee for their report and added that the report should flag these types of things.

Member Freeman added that they will advocate for districts to have the ability to prioritize and have a plan similar to the Clean Energy Bill, with the idea that if there's a plan, they will be complying. They also asked for language suggestions and encouraged Directors to reach out with suggested language.

Break at 10:40 a.m. Returned at 10:50 a.m.

6. Language: Construction Subcommittee Updates

Facilitator Langehough introduced the intent of the section.

Intent

Review the construction plan review sections of the rule that the subcommittee updated after the TAC meeting on October 4, 2024.

Facilitator Langehough acknowledged the subcommittee members who brought this subcommittee recommendation back.

Member Freeman said that based on a commitment of 60 days, they are concerned that without documentation, schools can get to the 60th day and find they need additional documentation.

PM Kamali discussed the process and the middle ground to move at "the speed of compromise" to meet the intent.

Brian Buck, Committee Member, asked for a definition of specialty areas, like playgrounds, before going further.

Facilitator Langehough said the intent of the language is the requirements for construction, referred to the documentation, and asked the committee to read through it one more time to refresh their understanding of the details.

Tammy Allison, Committee Member, asked if there was a consensus with the committee when they came up with the proposed language.

Steve Main, Committee Member, believed there was good consensus. They discussed getting design and construction documents in early to local health jurisdiction, so schools could have the comments early on or ask for clarification. That's why the subcommittee specified a 50% design development stage. In (3), local health jurisdictions are required to respond in 15 days.

Facilitator Langehough asked if we have a definition of playgrounds in previous sections.

PM Kamali confirmed that we voted earlier in our playground language.

Member Buck said there is a difference between types of playgrounds and wants to be clear on what we are talking about.

Erin Hockaday, Committee Member, said we decided to adopt the American Society for Testing and Materials (ASTM) standard for public playgrounds and grounds.

Facilitator Langehough asked if we could access that.

Member Hockaday reminded the committee that ASTM is behind a paywall, but they have access.

Facilitator Langehough asked to move forward with this language and then come back if needed with the language for specialized rooms.

Member Buck said that specialized rooms could be many types such as a science lab, a project lab, or a resource room for special education. School districts need to understand what's included.

PM Kamali thanked Member Buck for the comment. The intent is to move away from the term “high-risk” rooms because it isn't inclusive of all rooms under consideration.

Nicole Daltoso, Committee Member, asked whether 1(d) alteration of playground would include maintenance—would that need to go to plan review?

Member Main confirmed that the committee did discuss maintenance. Routine maintenance would not fall under this, but significant alteration would.

New, Alterations, and Portable (1)

Facilitator Langehough introduced the language.

Proposed Language

- (1) The following school construction projects must be reviewed and approved by the local health officer:*
 - (a) Construction of a new school facility, playground, or specialized room;*
 - (b) Schools established in all or part of any existing structures previously used for other purposes;*
 - (c) Additions or alterations consisting of more than five thousand square feet of floor area or more than 20 percent of the total square feet of an existing school facility, whichever is less or*
 - (d) Alteration of a playground or specialized room; and*
 - (e) Installation or construction of a portable.*

David Hammond, Committee Member, said we are changing from “reviewed” to “reviewed and approved” by the local health officer. Is this the sole discretion of one person doing approval?

Member Hockaday discussed how in a local health jurisdiction, the health officer may not do the review. Someone under them may do the review.

Member Hammond said they have a great relationship with the local health officer, but they wondered if one person could stop construction. Would there be an appeal process?

Facilitator Langehough said we did have language earlier about an appeal process or exceptions.

Member Jenks said that many times a local health officer may work part time. Good relationships are important, and it's not just a single person.

Member Hanson stated that working statewide, they can provide many experiences. But if the one person is unkind, or has a vendetta, how are schools protected?

Chair Hayes acknowledged the issue of home rule. The appeal would go to the local board of health. If the committee is still uncomfortable, this could be flagged in the report. The point that it doesn't just stop with that one individual is an important one. The Department of Health (Department) will need to put this in their guidelines.

Member Buck said that for local construction, the approval comes from a local health officer. They weren't certain.

Member Jenks explained that the local health officer reports to the health department. So there is an escalation path within the health department before any other appeal process. The focus should be on building those good relationships and setting it up in a way that it can be productive and not end up needing to appeal.

Jeff Rogers, Committee Member, explained that they usually go out directly to the vendor and ask for the ASTM standard or any playground information that is needed to maybe override the concern of the local health jurisdiction.

Facilitator Langehough reiterated that there is a typical process and plan for the appeal process.

PM Kamali explained that the term local health officer is the legal term. They are responsible for the review, but they are not likely to do this work themselves. It is their internal team that has the expertise. For example, if a local health officer is out of bounds, there is a process for investigation at the State Board of Health. The health officer's position is apolitical and they are there to meet the legal requirements. They may not be the one doing the plan review.

Tyler Muench, Committee Member, asked if there is anything in current RCW or WAC that would have a local health officer reviewing a new school facility. Is this a new requirement?

PM Kamali said no, this is not a new requirement.

Member Hammond said that the description of a group of people at the health department working on a review doesn't reflect the current practices.

Chair Hayes said that the Department can clarify the definition in their guidelines. The existing rules use local health officers. Also, there is an appeals process to the local board of health.

Member Jenks said that "local health officer" is legal jargon. It references a local health officer who oversees the work done by a team.

Member Hockaday addressed Member Muench's question. Looking at the table on page five, it says "shall obtain health officers recommendation." There are multiple people in a department. Approval is referenced from the local health officer.

Member Freeman pointed out that there are many RCWs and WACs that say "the superintendent shall..." I'm surprised it says a "school official" shall.

Facilitator Langehough called for a vote on Section 1: Language as is, or with edits.

Voting Results

As is	With edits
19	0

Facilitator Langehough announced a consensus for the language as is.

New, Alterations, and Portable (2)(a)-(c)

Facilitator Langehough introduced the proposed language.

Proposed Language

(2) A school official shall:

(a) Consult with the local health officer at the 50 percent design development stage for school construction projects plans to determine if the project requires construction review;

(b) Provide additional documents requested by the local health officer, which may include, but are not limited to, written statements signed by the project's licensed professional engineer verifying that design elements comply with requirements specified by these rules;

(c) Consult with the local health officer to determine whether additional construction project review is required to ensure that the project meets the requirements of these rules;

Member Freeman said they met with the local health jurisdiction. It was their first time doing a review. The concern with 60 days is that it might get down to 15 days, and they will want more documents. This is key for jurisdictions without experience.

Member Daltoso said that the 50% design is submitted, but the rest of the design keeps going forward.

Member Main said at 50%, the local health jurisdictions will have questions that will inform the rest of the design. That's when they will communicate the need for additional documentation if necessary. Could be true for specialized rooms, are there going to be hoods, eye washes. The purpose is to get this to the health official early on, so we can be pretty close to what we need.

Voting Results

As is	With edits
21	0

Facilitator Langehough announced a consensus for the language as is.

New, Alterations, and Portable (2)(d)-(f)

Facilitator Langehough introduced the proposed language.

Proposed Language

(d) Before starting construction, obtain written approval from the local health officer for construction project;

(e) Before allowing school facilities to be occupied, obtain a preoccupancy inspection by the local health officer to ensure imminent health hazards are corrected; and

(f) Notify the local health officer at least five business days before a desired preoccupancy inspection.

Member Hanson asked how preoccupancy inspection dovetails with building code occupancy rules.

Member Main said this is common. Coordination between the two entities is really important.

Member Buck referred to subsection (2)(b) and recommended striking that as not all projects are the same. Some have a limited window such as when adding a classroom in a district. Section (d) prohibits us from going forward.

Member Daltoso said that this is typically a checklist. It all gets captured at the same time. Jurisdiction will work with schools. If converting a general ed into a career and specialty education, would we need to wait? Or is it sizing?

Member Buck gave an example. This summer they did a gymnasium over 5,000 square feet. The county official said they can't look at it for 90 days. So, they moved forward and provided all the steps to the local health official.

Member Jenks expressed confusion. How does this deviate from the current language? How are the rules different and the effect?

Member Freeman said this protects the local school. If it says 60 days, and the local health jurisdiction can't get to it for 90, then they are abrogating their responsibility.

Member Hockaday discussed the impacts of this and gave an example of a school going forward without the review, then they have to redo when the health official reviews after construction is complete.

Member Buck said that these are decision points the district should be able to make.

PM Kamali said that the current rule already has requirements on local health officers. We are adding time constraints. If an officer can't comply, it is not the school's fault.

Member Buck discussed hundreds of projects. If time is constrained, the school has to make decisions.

Member Main agreed with Members Freeman and Hockaday. These are significant protections. But there is a significant liability if proceeding without approvals. Getting approvals is a much better way to go. Taking this out will cause a lot of grief for schools that proceeded without our approval.

Member Daltoso said that school districts are very familiar with codes. The biggest question is what recourse do we have as school districts if approval is not received in time as allotted in the rule. Once construction has started, any potential delay can cause problems with general conditions of contractor and increase the cost.

Member Hockaday recommended that the school could reach out to the supervisor, or appeal process, if it sat on a desk for 60 days.

Member Daltoso urged the committee to ensure there is an appeal process. Without it, school districts will proceed without approval.

Member Hockaday acknowledged that this happens often. This takes much more time for the local health jurisdiction. Communicating with the local health jurisdiction early gives them time to respond. It's much more challenging going the other way.

Member Hanson appreciated the conversation. Adding 50% to the language is an improvement, but construction will need to go forward if they can't come out in that time.

Member Jenks reminded the committee that the language is changing from approval is necessary, but not time bound, to approval within a specific time.

Member Buck acknowledged the intent. In some instances—in a large county with many projects—schools cannot occupy the facility until it is approved by the local health jurisdiction. Now we cannot construct.

Chair Hayes suggested that if on (d), if the conditions in (2)(a) – (c) are met, and if the local health officer cannot do (3)(f), construction can proceed. It is a little complicated, and we would have to check with the Attorney General (AG) office.

PM Kamali asked for five minutes to revise the language.

Chair Hayes pointed out how this is a good example of creative work by partners. This language will need to be reviewed by the AG.

PM Kamali reviewed the revised language: if requirements are met, and the local health officer does not meet the timeline, the school can move forward in construction.

Member Rogers recommended changing “shall” to “may.”

Facilitator Langehough called for a vote of fist to five for the revised language.

Member Hockaday discussed leaving as subsection (3).

Devon Kellogg, Committee Member, asked if we are leaving the safety of construction guidelines.

PM Kamali said that this just says they can move forward with construction. They still must comply with the rules. They also need an inspection before occupancy.

Voting Results

Fist	1	2	3	4	5
0	0	0	3	9	8

Facilitator Langehough announced a consensus for the revised language.

Member Freeman asked about the timeline.

PM Kamali said that this is for our rule only. The financial aspect is OSPI’s responsibility.

New, Alterations, and Portable (3)(a)-(c)

Facilitator Langehough introduced the language.

Proposed Language

- (3) The local health officer shall:*
 - (a) Respond to a request to consult with a school official within 15 business days of receipt;*
 - (b) Consult with a school official to determine what is required for plan review and approval;*
 - (c) Review construction project plans at the 50 percent design development stage to confirm if a construction review and approval is needed to meet the health and safety requirements of these rules;*

Facilitator Langehough asked for clarifying questions.

Member Allison asked if the local health jurisdictions wanted to expand on these requirements.

PM Kamali explained that in the original language, it was short following the subcommittee's recommendations that if the school has the requirement, then the local health officer also has the requirement.

Facilitator Langehough called for a vote as is or with edits.

Voting Results

As is	With edits
19	0

Facilitator Langehough announced a consensus for the language as is.

New, Alterations, and Portable (3)(d)-(f)

Facilitator Langehough introduced the language.

Proposed Language

- (3) The local health officer shall:*
- (d) Consult with a school official when additional reviews are required;*
- (e) Identify and request any additional documents required to determine compliance with requirements set forth by these rules; and*
- (f) Provide written approval within 60 days of receiving the 100 percent design development for the construction design plans or a written statement describing construction project plan deficiencies that need to change to obtain approval. This timeline may be altered if mutually agreed upon by the school official and the local health officer.*

Facilitator Langehough asked for clarifying questions.

Member Allison said that the last sentence mentions altering the timeline. Is that what Member Freeman was asking to change?

Member Freeman replied that mutual is fine. (a) through (f) is providing districts with a lot of support and protection and meeting timelines.

Facilitator Langehough called for a vote on the language as is or with edits.

Voting Results

As is	With edits
21	0

Facilitator Langehough announced a consensus for the language as is.

New, Alterations, and Portable (3)(g)(i)-(ii)

Facilitator Langehough introduced the language.

Proposed Language

- (3) The local health officer shall:*
- (g) Conduct inspections:*
- (i) In a coordinated effort with the on-site project manager or other appropriate person identified by a school official;*
- (ii) At any point during the construction period to verify compliance with the requirements of this chapter;*

Member Hanson asked why we are identifying who the district is choosing instead of just saying school official. Why “on-site project manager or other appropriate person”?

Member Daltoso said the onsite project manager may work for the construction firm. They may not work for the school district. It’s allowing schools to designate someone else if they can’t make it to the meeting. Someone who is representing the school district.

Facilitator Langehough called for a vote on the language as is or with edits.

Voting Results

As is	With edits
20	1

Facilitator Langehough announced a consensus for the language as is.

New, Alterations, and Portable (3)(g)(iii)-(iv)

Facilitator Langehough introduced the proposed language.

Proposed Language

- (iii) Before the completed construction project is occupied and not more than five business days after the date requested by a school official or as otherwise agreed to by the school official and the local health officer.*
- (A) If an imminent health hazard is identified, a solution must be identified and agreed to by the school official, the local health officer, and the local building official and implemented by school officials before the affected portion of the building is occupied.*
- (B) If other conditions of noncompliance with this chapter are identified, provide the school official with a written list of items and consult in developing a correction schedule based on the level of risk to health and safety.*
- (iv) To confirm satisfactory correction of the items identified under (iii) of this subsection.*

Facilitator Langehough asked for questions or comments. No discussion.

Voting Results

As is	With edits
19	0

Facilitator Langehough announced a consensus for the language as is.

Lunch Break at 12:30 p.m. Returned at 1:00 p.m.

7. Language: Indoor Air Quality Subcommittee Updates

Facilitator Langehough reviewed the agreements from the previous session and the intent.

Agreements

Approve Section 1 – 2.

Move Section 3: Carbon Monoxide requirements from this section to applicability section.

Approve Sections 4 – 6.

Have a subcommittee review and update Section 7 (now Section 6).

Intent

The intent of this section is to provide minimum standards that mitigate or eliminate exposures to air contaminants of public health significance to promote student health

Facilitator Langehough introduced the terminology.

Established Terms

“Integrated pest management” means a program that reduces sources of food, water, and shelter for pests by using the least toxic pest controls when necessary.

“Air contaminant” means pollutants in the air that could, depending on dose and circumstances, cause adverse health impacts.

“Emissions” mean substances released into the air, including gases and particles, from various sources.

“Air cleaning technologies” means technologies used to reduce the levels of air contaminants in indoor air.

Indoor Air Quality (1)-(5)

Facilitator Langehough introduced the approved language.

Proposed Language

A school official shall:

(1) Control sources of air contaminants by:

(a) Excluding sources of potential air contaminants from a school facility; or

(b) Providing a space with appropriately used and maintained ventilation to minimize student exposure to potential air contaminants;

(2) Develop and implement a plan to test for radon every five years in regularly occupied areas on and below the ground level;

(3) Prohibit the use of air fresheners, candles, or other products that contain fragrances;

(4) Physically contain construction activities that generate emissions or conduct construction at times that minimize student exposure;

(5) Promptly control sources of moisture and remediate mold using measures to minimize occupant exposure to mold and chemicals used during the remediation process;

Indoor Air Quality (6)

Facilitator Langehough introduced the proposed language.

Proposed Language

- (6) *Ensure the implementation of a written indoor air quality plan within five years of the effective date of this section that includes:*
 - (a) *Preventative maintenance measures for identified areas of indoor air quality concerns;*
 - (b) *A schedule to perform routine inspections of heating, ventilation, and cooling systems to ensure systems are operating within intended parameters; and*
 - (c) *An integrated pest management plan.*

Facilitator Langehough thanked the subcommittee members and reviewed the October 31 agreements and intents.

PM Kamali said the subcommittee had robust discussions and hoped the committee could come to a consensus.

Facilitator Langehough said the focus today will be what is now section (6).

Member Kellogg thanked the subcommittee for the revisions. They reviewed the language with advocacy directors and asked about the air quality unit.

Chair Hayes reminded Member Kellogg that all associations and others will have the opportunity to review the rule in its entirety and provide feedback to the committee. They encouraged association members to write comments and submit them so the committee review them. We have not moved past anything yet that can't be commented on.

Member Hanson expressed frustration with the process. The committee comes to a consensus through negotiations during these committee meetings. But when they present the results to peers, the consensus goes back to the beginning of the discussion with the same issues that the committee has already resolved.

Chair Hayes thanked Member Hanson and said the rules process in general creates tension. They said the beauty of a committee is coming to a consensus. Then we take a breath to look at something we missed. If we are hitting a good mid-ground, we'll get comments both ways. Then we'll talk about it and move forward. Rulemaking is a continued empowerment of the process.

Member Jenks said we think we do good work, then we get public comment. It's hard because we might get challenged when something comes up.

Member Hanson said what's frustrating is they work things out in these negotiations, and then the same comments come in from people we represent.

Facilitator Langehough said this is good information to share back with colleagues.

Member Allison asked if the subcommittee reached a consensus.

Member Daltoso said there was much debate, but eventually, they arrived at a consensus. One of the biggest challenges on the table was defining the role of the indoor air quality coordinator.

Member Kellogg had more questions about this role.

Facilitator Langehough said there was consensus. An area of discussion was whether an air quality program coordinator would be a created role or an existing role.

Member Schwartz said part of that language was vague.

Member Buck interpreted (3)(a) as saying if we have HVAC concerns, we are providing mechanical maintenance to ensure it keeps operating.

Member Schwartz asked for more guidance by specifically referencing HVAC systems.

Ali Boris, Subject Matter Expert (SME), said the language has changed a bit. Perhaps changing the order to say identify the areas of air quality concerns and then implement measures. Initially, this piece was a “Tools for Schools” checklist, looking at ventilation, but also looks at other elements like the grounds. This is something the Department would provide guidance on—possibly checklist.

Member Schwartz wondered what it meant for the school official.

Member Hockaday commented that this is preventative maintenance for the HVAC but wants to make sure there is routine HVAC maintenance and other outside maintenance.

Member Rogers talked about the importance of using clear language and pointed out the “mold.” They mentioned that they refer to “surface visual growth” until lab results confirm that it is “mold.”

Facilitator Langehough agreed that correct language is important and that terminology could be reviewed later.

Member Hanson said they would submit comments about a “plan” in general. They don’t like when the government tells them what and how to do something. There are many kinds of schools. Sometimes buildings are owned by third parties. The school may not have the authority to create a plan. It’s a question of who is responsible.

Facilitator Langehough said subsection (6) has not been voted on yet and is still open to revisions. They appreciated the concerns about the word “plan.”

Member Daltoso said it’s important to have a written plan. If a local health officer comes in and you can explain your plan then you met the intent. Preventative measures could be documenting routine maintenance that might already be occurring. Having the plan can help communicate to parents the steps being taken by the school if an air quality incident takes place.

Facilitator Langehough asked SME Boris to confirm that there were multiple examples in their research of scaling the plan for needs of individual schools.

SME Boris said the Department is planning to have a model plan available that a school can choose to use. There are examples out there of minimal and large-scale processes and the plan can change to meet the needs of the school over time.

Member Kellogg brought up moisture management and specialty rooms. It is not clear if this is intended to be just HVAC. Their association promotes monitoring air quality and would like the plan to be broader and to identify areas such as shop class.

Facilitator Langehough said the intent of (6)(a) includes multiple areas.

Member Kellogg wondered where monitoring would come in.

Facilitator Langehough thought maybe that was under routine inspections.

PM Kamali said monitoring can be complex, and we can't expect air monitors in every room. Routine maintenance is the process we can write in the plan to ensure safety. The school official can identify and monitor the area of concern. They are more familiar with the existing issues than the local health jurisdiction.

Member Schwartz said that by requiring a plan, the rule is subjecting schools to an inspection of the plan by the local health jurisdiction, which might provide feedback on the efficacy of the plan. That feels like a lot.

Member Freeman like SME Boris' recommendation to start (a) with identify and follow it with (i) preventative maintenance. They said, based on personal experience in Alaska, they were required to have a preventative maintenance plan, and it is extremely costly. They said that if the Legislature doesn't approve the funding, they can't afford it.

SME Boris expressed interest in learning more. This rule asks for a schedule to check parameters. There are simple checklists available.

Member Freeman said when talking about scheduled routine maintenance, you're talking about identifying individual components. You need a system to do routine maintenance and right now it's not at that level.

Member Daltoso pointed to the key word "scheduling." The plan is saying to outline the "schedule." A plan could say "Please refer to our work order" or include as an appendix the maintenance manuals of systems. It could mean pulling any work orders to see what work was completed. They added that Member Freeman is describing a massive, detailed plan. The purpose we're trying to capture is the routine maintenance (which can be the same as inspections).

Member Freeman gave the example of a building with a heating system installed in 1978. There's no way it can operate within the intended parameters. Upgrading the system would be an extremely expensive proposition.

Facilitator Langehough wondered if there was other language with older systems or an exception.

PM Kamali reminded the committee about the variance section. They added that this section doesn't mention mediation. It focuses on awareness of issues and concerns.

Member Freeman suggested changing the wording "implementation," saying we can't fix until we have money.

Member Jenks said this section is about inspecting to identify any health problems. The school doesn't necessarily need to replace, but they need to inspect and mitigate risks.

Member Hanson agreed with Member Freeman. The language is problematic and can result in a large expense. They advocated for schools in old buildings and recommended revising the language. They advocated for schools that lease buildings in which they have no control over the facility systems.

PM Kamali said leased facilities still need to comply with the rules and the list of inspections could apply to the building owner.

Member Hanson said there are power dynamics. They need to ask those leasing if this is something they feel they can do. They also don't want "I like your plan" or "I don't like your plan." They'd rather see "your plan is healthy or not."

Chair Hayes said the language on inspection hinges on what we have. We're trying to strike a balance to let schools be in charge more and more. This is to allow the schools to develop a plan and when the local health jurisdiction reviews it, they can help flag and give any technical assistance. We are caught in the dilemma of being too detailed to drive costs vs flexibility regarding checklists and help available by technical assistance or a relationship with local health.

Member Jenks said the health jurisdictions do not need to approve a plan but to see if there is one.

Member Hockaday said this is not to benefit the local health jurisdiction. It benefits the school so jurisdictions don't have to be invasive.

Member Daltoso said in the guidance, the Department is going to provide examples they can copy and paste or modify to suit the needs of the school. The subcommittee removed the indoor air quality coordinator and left just the plan. When an issue arises, having a plan is invaluable to provide to a parent, or the public, to show a plan has been written. They suggested looking at this as an advantage, especially if an issue comes up.

Member Allison asked if they could just remove the (a)-(c).

Facilitator Langehough said this section intends to establish minimal requirements. Not what is in the plan and suggested making edits.

SME Boris agreed with Facilitator Langehough. To answer Member Allison's question, the Department was trying to create a minimal list for the intent of the plan. There could have been more, but (a)-(c) were the bare minimum.

Member Hanson suggested not using "preventative maintenance" since it seems to have a specific meaning.

PM Kamali said reordering (a) to have "identify" before "develop preventative maintenance" so it's clear that preventative maintenance doesn't apply to everything. "Preventative maintenance" needs to be included.

Member Freeman said under a scheduled inspection, they have no idea of the intended parameters. They suggested taking out "intended parameters."

Member Hockaday asked if the intended parameters were meant for the equipment or the space. They gave statistics on asthma and emergency room visits of children in lower economic spaces.

Member Main said the intent was to reach a standard for the classroom.

Chair Hayes said the staff understands and will refer it back to other standards in the classroom.

Facilitator Langehough recommended voting on modified language on the screen and staff will add more clarity to subsection (b) where it reads "of this rule" and reference back to intended parameters of the classroom. Facilitator Langehough called for a vote for the revised language using fist to five voting.

Voting Results

Fist	1	2	3	4	5
0	0	3	5	8	5

Facilitator Langehough announced a consensus for the revised language. They asked for feedback from the three members who voted with a 2.

Member Schwartz commented that they didn't think a discussion would change anything.

Break at 2:05 p.m. Returned at 2:15 p.m.

8. Language: Routine Inspection Updates

Facilitator Langehough reviewed the October 31 agreements and intentions:

Agreements

*Clarify subsection (1)(a) – (1)(b) and possibly remove (1)(b) or combine it with (1)(a).
Approve Section (1)(c) – (1)(f)
Add language from 246-366A to allow a school official or qualified designee to perform a routine inspection.*

Intent

The intent of this section is to provide minimum requirements for routine inspections of school facilities by the local health officer.

Routine Inspections (1)(a)

Facilitator Langehough introduced the proposed language.

Proposed Language

*(1) The local health officer shall:
(a) Conduct an environmental health and safety inspection of each school facility within their jurisdiction at minimum every three years, prioritizing areas for emphasis based on risk.*

Facilitator Langehough stated that this is the revised language originally covered in the October 4 meeting. Member Hockaday assisted with some of the revisions.

Member Allison asked the subcommittee if they reached consensus.

Member Hockaday said they pulled together the school program subcommittee, including the environmental health directors committee and several local health jurisdictions. Some wanted no constraints. Some wanted five years. Most everybody agreed around a three-year time frame.

Facilitator Langehough said the intent of this section is routine inspections by the local health officer. We have language that was approved, so the focus is on what we need to vote on. This language is that the local health officer shall conduct the environmental health and safety inspection a minimum of every three years, prioritizing areas for emphasis based on risk.

Member Hanson asked for clarification. Does a minimum of every three years mean that they could do it annually or every two years? Some districts are doing it every two years, which is a lot. It's expensive and time consuming. They were not convinced that it's helpful.

Member Hockaday stated that it is every three years. If an issue is identified, the local health jurisdiction could ask for a different schedule.

PM Kamali asked staff to remove the phrase "minimum of." It could be three years, but it could be different depending on circumstances and local health jurisdiction requirements.

Facilitator Langehough called for a vote of fist to five for the revised language.

Voting Results

Fist	1	2	3	4	5
0	0	0	4	7	9

Member Hockaday stated that they voted on the wrong QR code and selected “As is,” which was in support of the revised language.

Facilitator Langehough announced a consensus for the revised language.

Routine Inspections (1)(b)-(e)

Facilitator Langehough introduced the approved language.

Proposed Language

- (b) Notify school officials at the time of discovery, or immediately following the inspection, if conditions that pose an imminent health hazard are identified and follow the imminent health hazard requirements set forth in WAC 246-370- XXX.*
- (c) Consult with school officials upon completion of the inspection about findings and recommended follow-up actions and, if necessary, collaborate with school officials to develop a remediation schedule.*
- (d) Issue a final inspection report, within sixty days following an inspection. The local health officer may establish an alternate timeline for issuing the final inspection report when agreed upon in consultation with school officials. The report must include inspection findings related to this chapter and any required remediation.*
- (e) Confirm, as needed, that corrections are accomplished.*

Facilitator Langehough discussed that this same language was approved on October 4. The committee did not vote and there was no discussion.

Routine Inspections (2)(a)

Facilitator Langehough introduced the proposed language.

Proposed Language

- (2) The local health officer may:*
 - (a) Increase the number of years between inspections, up to one inspection every five years, if:*
 - (i) The local health officer develops a written risk-based inspection schedule, that is uniformly applied throughout the jurisdiction.*
 - (ii) The local health officer can justify the reduction in inspection frequency based on credible data or local risk factors such as low-risk environmental settings, implementation of advanced monitoring systems, or recent findings of low risk in prior inspections;*

Member Hanson asked whether “such as” in (2)(a) has the same meaning as “including but not limited to”—meaning that these are examples but that there might be other reasons why the local health jurisdiction might reduce inspection frequency.

Member Hockaday confirmed that the intent of language was not “limited to.” These are examples.

SME Boris asked if there was a need to call out that a reinspection may be needed in a follow-up action.

PM Kamali said the follow-up actions are under the approved section (1)(c): consult with school officials upon completion of the inspection and findings and recommend follow-up actions, and if necessary, develop a remediation schedule and that local health could go back into the school to inspect it. We voted on and approved this on October 4, 2024.

Facilitator Langehough called for a vote for the language as is or with edits.

Voting Results

As is	With edits
18	0

Facilitator Langehough announced a consensus for the language as is.

Routine Inspections (2)(b)

Facilitator Langehough introduced the proposed language.

Proposed Language

- (b) Decrease the number of years between inspections to less than one inspection every three years if:*
 - (i) The local health officer develops a written risk-based inspection schedule, that is uniformly applied throughout the jurisdiction;*
 - (ii) The local health officer can justify the increase in inspection frequency based on credible data or local risk factors such as high-risk environmental settings, age of the school facility, or recent findings of high risk in prior inspections*

Facilitator Langehough said that the next section is a continuation of 2. The focus is on decreasing the number of years between inspections to less than one inspection every three years.

Member Hanson asked whether this applies to each school or district. Is the decrease in the number of years between inspections less than one inspection every three years? They gave an example of a school with mold. The jurisdiction will do inspections more often based on risk for that school. Could a local health jurisdiction decrease the number of years between inspections for the entire district because of that one school?

Member Hockaday said it is a little bit of each. The local health jurisdiction would have a risk-based plan that's uniformly applied through the jurisdiction. There may be some schools that meet the circumstances and some that don't. Some may get inspected more, some less, according to the plan, but the plan overall is uniform. Depending on the risk threshold, they might have a newer school or a school that already has some sort of really advanced monitoring systems in place, we may say, here's our threshold. Same thing for the opposite.

Member Hanson asked if it was true that they could write a plan that their thresholds included all schools. And if a district determines that they prefer to do it every two years, could they write a risk-based inspection schedule for every two years?

Member Hockaday clarified that the district refers to health jurisdiction. No, it needs to be based on real data and credible factors in your community. The risk factors on the west side of the state are very different than eastern Washington based on climate.

Member Kellogg asked if (3)(d) is intended to be more than one inspection every three years if we're decreasing the number of years between inspections.

PM Kamali recognized that the language is a little confusing. We can revise it to say that inspections can be more frequent than every three years. But just know that this is saying inspections can be more frequent if those parameters are met.

Facilitator Langehough called for a vote with the language as is (with future revisions).

Voting Results

As is	With edits
16	5

Facilitator Langehough announced a consensus for the language as is. Those who voted “with edits” confirmed that they were referring to clarifications that would be covered by the future revisions for clarification.

Routine Inspections (2)(c)

Facilitator Langehough introduced the approved language.

Proposed Language

- (c) Allow a school official or qualified designee to conduct the required additional inspections under a program approved by the local health officer, if the program includes provisions for:*
 - (i) Assuring that the school official or designee conducting the inspection has attended training in the standards, techniques, and methods used to conduct an environmental health and safety inspection;*
 - (ii) Completing a standardized checklist at each inspection;*
 - (iii) Providing a written report to the local health officer detailing the findings of the inspection, within 15 days of completing the inspection.*

PM Kamali explained that subsection (2)(c) was already approved. The committee voted on it, and it states that a local health jurisdiction can say that a person has received appropriate training, so they can do any intermediary inspections that the rule or the jurisdiction might require.

9. Language: Noise Updates

Facilitator Langehough reviewed the October 31 agreements and intents and explained that the staff recommended reverting to the original language in WAC 246-366.

Agreements

- Clarify Section 1a-1b*
- Approve Section 1c-1f as is*
- Clarify Section 2*

Intents

- The intent of this section is to provide standards for noise to prevent over exposure to noise that could damage children's hearing or interfere with learning.*

Facilitator Langehough introduced the terminology.

Established Terms

“Integrated pest management” means a program that reduces sources of food, water, and shelter for pests by using the least toxic pest controls when necessary.

“Air contaminant” means pollutants in the air that could, depending on dose and circumstances, cause adverse health impacts.

“Emissions” mean substances released into the air, including gases and particles, from various sources.

“Air cleaning technologies” means technologies used to reduce the levels of air contaminants in indoor air.

Language: Noise—Revert or Revise?

Facilitator Langehough asked the committee to vote for either reverting to the original language or working through the revised language.

PM Kamali said the staff worked with some acoustic experts. Their revisions did not change the intent of the language, so to expedite the process, we recommend reverting to the original language. The experts confirmed that the science hasn’t changed, and it’s not necessary to fix something that is not broken.

Member Hanson asked who made the recommendation.

PM Kamali said it was their recommendation. It is safe to implement this statewide.

Member Freeman asked if the committee could revert the whole section instead of section by section.

Facilitator Langehough confirmed that this vote intends to revert the entire section. They called for a vote to either revert to the original rule or to revise based on previous discussions.

Voting Results

Revert	Revise
19	0

Facilitator Langehough announced a consensus to revert the language.

Break at 2:05 p.m. Returned at 2:15 p.m.

10. Language: Ventilation Updates

Facilitator Langehough reviewed the October 31 agreements and intents.

Agreements

Approve Sections 1 - 2
Clarify Sections 3 - 5

Intents

The intent of this section is to ensure the appropriate care and maintenance of ventilation systems.

There was a brief discussion amongst members regarding ventilation language.

Member Freeman brought to light some language clarification about the use of the term “new construction” that had been discussed in a previous meeting.

PM Kamali agreed and asked the committee to hold a review of this language so staff could add the term to the language and present the language at the December 4 meeting. The committee then moved to the next agenda item.

11. Recap/Next Steps

Facilitator Langehough reviewed the decisions and action items made at the meeting today.

Action items include:

- Speaking with the guest directors about the timing of implementing the rule and additional feedback
- Clarifying the repeal process in relationship to construction (1) and to bring back the playground definition per ASTM; Member Hockaday will provide that information to PM Kamali.
- PM Kamali will forward the public comments received to committee members.
- Committee members may want to consider future discussions on how to incorporate comments and feedback to the language that has already been approved. Additionally, committee members may want to explore ways to ensure schools are included in decision making processes at the local, state, and federal levels regarding rules and policies.
- Regarding decisions, we will postpone ventilation language to our next meeting.

Facilitator Langehough asked committee members if there was anything additional.

Member Freeman remembered that the school directors were going to propose language on local control.

Facilitator Langehough asked to connect with Member Freeman to capture that, as they missed that particular action item. Then they turned the floor to Chair Hayes and PM Kamali to close out the meeting.

Chair Hayes thanked committee members for the work they are doing and thought everyone offered something today. They are looking forward to the workshop on December 4 and shared that they will be visiting an outdoor classroom tomorrow with PM Kamali, which will be insightful and good.

PM Kamali thanked everyone for being with us and provided the following reminders:

- The next meeting will be on December 4 in Tumwater
- Listening sessions are scheduled, and members will be invited to the sessions within their regions. Members were asked to share those invitations with people within their community.

ADJOURNMENT

Chair Hayes adjourned the meeting at 3:00 p.m.

WASHINGTON STATE BOARD OF HEALTH

Patty Hayes, Chair

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