



***K-12 Environmental  
Health and Safety Rules:  
Estimated O&M Costs***

**PUBLIC HEALTH**  
ALWAYS WORKING FOR A SAFER AND  
**HEALTHIER WASHINGTON**

***Joint Task Force on  
Basic Education Finance***

**Craig McLaughlin, State Board of Health  
July 7, 2008**



WASHINGTON STATE  
**Board of Health**

ALWAYS WORKING FOR A SAFER AND HEALTHIER WASHINGTON

## Statutory Authority

### RCW 43.20.050(2)(c)

- The Board shall ... Adopt rules controlling public health related to environmental conditions including but not limited to heating, lighting, ventilation, sanitary facilities, cleanliness and space in all types of public facilities including but not limited to ... schools.



## School Rules Have a Long History

- 1950s: some form of rule in existence
- 1960: as far back as we can trace history
- 1971: existing rule framework adopted
- 1991: last update (basic noise standard)



WASHINGTON STATE  
**Board of Health**

ALWAYS WORKING FOR A SAFER AND HEALTHIER WASHINGTON

## Rule Revision Process—Overview

ACTIVITY	DATES
Most recent round of public testimony about school health and safety, conducts preliminary inquiry	2002-2003
SRDC advisory committee process (7 months)	2004-2005
DOH releases <i>FIRST DRAFT</i> proposed rule revision	March 2006
DOH holds workshops and receives comments on <i>FIRST DRAFT</i> ; SBOH holds study sessions	March – Nov 2006
DOH presents <i>SECOND DRAFT</i> proposal to SBOH	August 2007
Comments received, stakeholder review team formed	Aug 2007- May 2008
Pre-publication briefing of SBOH on <i>FINAL DRAFT</i> /costs	June 11, 2008
SBOH Public Hearings on <i>FINAL DRAFT</i>	Aug. 27, Sept. 10



WASHINGTON STATE  
**Board of Health**

ALWAYS WORKING FOR A SAFER AND HEALTHIER WASHINGTON

# Existing Rule vs. Working Draft

ACTIVITY	Existing	Draft
Site approval	✓	Phase 1 ESA
Plan review	✓	✓
Inspections	Periodic	Annual/Self?
Minimal construction standards	✓	✓
Plumbing, water and fixtures	✓	Pb & Cu sampling
Lighting	✓	✓
Heating, ventilation & temperature	✓	Added provisions
Noise standards	Updated 1991	✓
Safety	✓	Playgrounds, labs
Exemptions	SBOH exemption	LHO variance



## New Sections

- Intent and applicability
- General responsibilities (DOH, PH, schools)
- Water quality monitoring (lead and copper)
- Moisture monitoring and mold remediation
- Animals
- Lab and shop safety
- Playground safety
- Variances, appeals, waivers, complaints



WASHINGTON STATE  
**Board of Health**

ALWAYS WORKING FOR A SAFER AND HEALTHIER WASHINGTON

## Challenges to Costing

- Many schools already comply with new requirements (for example, ducted returns)
- Many schools/local health not in compliance with existing requirements (ex: plan review)
- Ongoing (O&M) cost estimates subjective
- Experts can disagree (cost and interpretation)
- School districts vary (no one size fits all)
- Local public health programs vary



WASHINGTON STATE  
**Board of Health**

ALWAYS WORKING FOR A SAFER AND HEALTHIER WASHINGTON

## Entities Experiencing New Costs

- Schools
  - New construction
  - Operations and maintenance
- Local health jurisdictions
  - Environmental health programs fee-based but not all costs recoverable through fees
  - School fees can be contentious local issue
- Department of Health



WASHINGTON STATE  
**Board of Health**

ALWAYS WORKING FOR A SAFER AND HEALTHIER WASHINGTON

## Types of New Costs

- Construction
- Ongoing operations and maintenance (O&M)
  - Administration, maintenance, remediation, fees
- Startup or one-time O&M
  - Provide ventilation for laminators/workrooms
  - Establish policies, manage toxics, etc.
- Lead testing
- Lead remediation (30% of schools)



# Construction Requirements

- Phase 1 Environmental Site Assessment
- New specificity for plan review
- Indoor air quality (duct lining upgrade, no open plenums, carpet standards)
- Fall protection (railings)
- Standards for health rooms (if built)
- Lab and shop safety (switched, showers)
- Playground safety



## Construction Costs

- No conflicts with sustainable schools
- Big costs phased-in (ducts and liners 2013)
- Cost per square foot \$4-\$6 (DOH)
- ~2% increase in cost of construction
- 2.4%-3.6% increase in \$168/ft<sup>2</sup> state match if state were to cover all construction increases
- Annualized cost per student—\$18 to \$22



WASHINGTON STATE  
**Board of Health**

ALWAYS WORKING FOR A SAFER AND HEALTHIER WASHINGTON

## Ongoing O&M costs

- \$8,000 to \$10,000 per year per school (mean)
  - Excludes lead testing and remediation
  - Excludes one-time costs (startup)
  - Assumes schools meet all existing rules
  - Assumes schools do not already meet any new requirements
  - Assumes now existing inspection fees
- System costs about \$16 million per year



## Startup O&M Costs

- New policies or procedures
- Management of hazardous chemicals
- Ventilated workrooms
  - \$10-\$11,000 per school if exhaust needed
  - Majority of schools already have them (~70%)
  - Some schools may find low-cost solutions
- Cost per school <\$1,000 to \$11,000
- System costs (one-time) ~ \$8-\$10 million



## Lead Testing

- Elementary: 100% of faucets normally used for drinking & cooking by 2011-2012 (3 years)
- Middle Schools: 25% by 2012-2013
- High Schools: 25% by 2013-2014
- Repeat testing every five years
- Faucets tested since 2003 credited to total



## Lead Testing Costs

- Cost of sampling and lab tests:  
\$720/school
  - 445/1161 elementary already some testing
  - All Seattle schools already tested
- System costs, first 2 years: ~\$1.2 million
- System costs ongoing: \$200,000-\$300,000



## Lead Remediation

- 30% of schools may require remediation
- Remediation drops significantly for follow-up
- Remediation costs can vary widely
- Seattle schools and most others who have already tested have already remediated
- System costs, initial round: ~\$500,000/yr
- System costs, later rounds: ~40,000-\$80,000/yr



## Possible State Funding Options

- Increase state match per square foot for construction
- Increase NERC to offset O&M costs
- Increase non-certified staffing ratio
- Repeat 2003 Governor's Initiative for water testing
- Grants for mechanical exhaust
- Grants for lead remediation



WASHINGTON STATE  
**Board of Health**

ALWAYS WORKING FOR A SAFER AND HEALTHIER WASHINGTON

## Next Steps

- Publish final rule proposal and economic analyses in July
- Comment period July – August
- SBOH public hearing
  - Aug. 27, Spokane
  - Sept. 10, Olympia
- Possible adoption on Sept. 10
- Effective date Sept. 1, 2010 (some phase in)

# **PUBLIC HEALTH**

**ALWAYS WORKING FOR A SAFER AND  
HEALTHIER WASHINGTON**

***[www.sboh.wa.gov/rules/schooleh/](http://www.sboh.wa.gov/rules/schooleh/)***

**Craig.McLaughlin@doh.wa.gov  
Washington State Board of Health  
PO Box 47990  
Olympia, Washington 98504-7990  
(360) 236-4106, Fax (360) 236-4088**