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HOUSE BILL 1661

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State of Washington                      61st Legislature                      2009 Regular Session

By Representatives Ericksen, Orcutt, and McCune

Read first time 01/27/09. Referred to Committee on Environmental Health.

1            AN ACT Relating to reducing the authority of the state board of  
2 health with regard to small-scale sewage systems; and amending RCW  
3 43.20.050.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            **Sec. 1.** RCW 43.20.050 and 2007 c 343 s 11 are each amended to read  
6 as follows:

7            (1) The state board of health shall provide a forum for the  
8 development of public health policy in Washington state. It is  
9 authorized to recommend to the secretary means for obtaining  
10 appropriate citizen and professional involvement in all public health  
11 policy formulation and other matters related to the powers and duties  
12 of the department. It is further empowered to hold hearings and  
13 explore ways to improve the health status of the citizenry.

14            (a) At least every five years, the state board shall convene  
15 regional forums to gather citizen input on public health issues.

16            (b) Every two years, in coordination with the development of the  
17 state biennial budget, the state board shall prepare the state public  
18 health report that outlines the health priorities of the ensuing  
19 biennium. The report shall:

1 (i) Consider the citizen input gathered at the forums;  
2 (ii) Be developed with the assistance of local health departments;  
3 (iii) Be based on the best available information collected and  
4 reviewed according to RCW 43.70.050 and recommendations from the  
5 council;  
6 (iv) Be developed with the input of state health care agencies. At  
7 least the following directors of state agencies shall provide timely  
8 recommendations to the state board on suggested health priorities for  
9 the ensuing biennium: The secretary of social and health services, the  
10 health care authority administrator, the insurance commissioner, the  
11 superintendent of public instruction, the director of labor and  
12 industries, the director of ecology, and the director of agriculture;  
13 (v) Be used by state health care agency administrators in preparing  
14 proposed agency budgets and executive request legislation;  
15 (vi) Be submitted by the state board to the governor by January 1st  
16 of each even-numbered year for adoption by the governor. The governor,  
17 no later than March 1st of that year, shall approve, modify, or  
18 disapprove the state public health report.  
19 (c) In fulfilling its responsibilities under this subsection, the  
20 state board may create ad hoc committees or other such committees of  
21 limited duration as necessary.  
22 (2) In order to protect public health, the state board of health  
23 shall:  
24 (a) Adopt rules necessary to assure safe and reliable public  
25 drinking water and to protect the public health. Such rules shall  
26 establish requirements regarding:  
27 (i) The design and construction of public water system facilities,  
28 including proper sizing of pipes and storage for the number and type of  
29 customers;  
30 (ii) Drinking water quality standards, monitoring requirements, and  
31 laboratory certification requirements;  
32 (iii) Public water system management and reporting requirements;  
33 (iv) Public water system planning and emergency response  
34 requirements;  
35 (v) Public water system operation and maintenance requirements;  
36 (vi) Water quality, reliability, and management of existing but  
37 inadequate public water systems; and

1 (vii) Quality standards for the source or supply, or both source  
2 and supply, of water for bottled water plants.

3 (b) Adopt rules and standards for prevention, control, and  
4 abatement of health hazards and nuisances related to the disposal of  
5 wastes, solid and liquid, including but not limited to sewage, garbage,  
6 refuse, and other environmental contaminants; adopt standards and  
7 procedures governing the design, construction, and operation of sewage,  
8 garbage, refuse and other solid waste collection, treatment, and  
9 disposal facilities;

10 (c) Adopt rules controlling public health related to environmental  
11 conditions including but not limited to heating, lighting, ventilation,  
12 sanitary facilities, cleanliness and space in all types of public  
13 facilities including but not limited to food service establishments,  
14 schools, institutions, recreational facilities and transient  
15 accommodations and in places of work;

16 (d) Adopt rules for the imposition and use of isolation and  
17 quarantine;

18 (e) Adopt rules for the prevention and control of infectious and  
19 noninfectious diseases, including food and vector borne illness, and  
20 rules governing the receipt and conveyance of remains of deceased  
21 persons, and such other sanitary matters as admit of and may best be  
22 controlled by universal rule; and

23 (f) Adopt rules for accessing existing databases for the purposes  
24 of performing health related research.

25 (3) The state board shall adopt rules for the design, construction,  
26 and installation(~~(, operation, and maintenance)~~) of (~~those~~) on-site  
27 sewage systems with design flows (~~(of)~~) equal to or less than three  
28 thousand five hundred gallons per day. The state board of health may  
29 not adopt rules or delegate rule-making authority for inspection  
30 intervals relating to the operation and maintenance requirements of on-  
31 site sewage systems with design flows equal to or less than three  
32 thousand five hundred gallons per day. Local health jurisdictions may  
33 adopt rules for inspection intervals relating to the operation and  
34 maintenance requirements of on-site sewage systems with design flows  
35 equal to or less than three thousand five hundred gallons per day.

36 (4) The state board may delegate any of its rule-adopting authority  
37 to the secretary and rescind such delegated authority.

1           (5) All local boards of health, health authorities and officials,  
2 officers of state institutions, police officers, sheriffs, constables,  
3 and all other officers and employees of the state, or any county, city,  
4 or township thereof, shall enforce all rules adopted by the state board  
5 of health. In the event of failure or refusal on the part of any  
6 member of such boards or any other official or person mentioned in this  
7 section to so act, he or she shall be subject to a fine of not less  
8 than fifty dollars, upon first conviction, and not less than one  
9 hundred dollars upon second conviction.

10           (6) The state board may advise the secretary on health policy  
11 issues pertaining to the department of health and the state.

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