



# Washington State Board of Health

Briefing – WAC 246-203-130, Keeping of Animals

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# Background

- 2009:
  - Received rulemaking petition from Washington Association of Conservation Districts.
  - Denied petition and filed CR-101 to explore broader rulemaking.
- 2017-2019:
  - Wrote background report to reset and restart rulemaking.
  - Filed new CR-101 to reflect updated Board policy direction.
  - Conducted stakeholder outreach, circulated two early drafts for feedback.
- 2020-2022:
  - Distributed formal draft for public review and comment.
  - Developed rule analyses and CR-102, Proposed Rule, for public review and comment.

# 2018 Board Policy Direction

- Develop a practical, purposeful rule.
- Capitalize on local health authority.
- Focus on the impact of domestic animal waste on health, sanitation, and nuisance.
- Focus on smaller-scale animal waste practices and impacts.
- Leave regulation of large animal feeding operations to established programs.

“The rule should not necessarily be limited in scale and could appropriately be applied to larger operations and impacts when needed. The rulemaking process should be used to discuss and determine how best to design and scale the rule’s applicability to address these needs.”

# Proposed Rule

- Framework:
  - Aims to prevent and control health hazards and nuisance associated with domestic animal waste.
  - Narrows scope and title from Keeping of Animals to Domestic Animal Waste.
  - Applies to everyone.
  - Sets standards for people to follow, no ongoing implementation.
  - Relies on local control and enforcement by local health officer if needed.
- Overarching standards:
  - Regularly collect waste to maintain sanitary conditions in containment areas.
  - Prevent deposition, leaching, and runoff to (1) another person's property, (2) drinking water sources, and (3) surface water bodies with public health risks.

# Proposed Rule

- Standards for waste from non-livestock (e.g., dogs and cats):
  - Do not stockpile the waste.
  - Store in watertight container if held for more than a day.
  - Bag and dispose as solid waste.
- Standards for stockpiled waste from livestock (e.g., horses and cows):
  - Control odors and pests/vectors.
  - Remove at least annually.
  - Set back required distance from drinking water sources, outside sanitary control areas.
  - Set back 100' from surface water bodies unless the water body is (1) upgradient or protected by a barrier, or (2) protected by practice(s) that prevent and capture leachate/runoff.
  - Store outside seasonally/frequently flooded areas unless removed prior to flooding.

# Misconceptions of the Rule

- The rule creates new authority.
- The rule includes operational functions and requirements of regulated entities such as record keeping, reporting, permitting, routine inspections, and more.
- Department of Health staff will be in the field statewide implementing and enforcing the rule.
- The rule prohibits manure composting.

# CR-102 Filing and Next Steps

- Filing the CR-102, Proposed Rulemaking:
  - CR-102 form with proposed rule and Small Business Economic Impact Statement (SBEIS).
  - Significant Analysis.
- Next steps:
  - Aiming to file by late January 2022.
  - Receive public comment on proposed rule and analyses until early March 2022.
  - Process and respond to comments.
  - Public hearing tentatively scheduled for Board meeting in April 2022.



Questions?



# | THANK YOU