

BOH Code Overview

What is the BOH Code?

- Set of adopted rules, regulations, ordinances, resolutions, and policies that serve as a framework for promoting, preserving, protecting, and improving the public health & safety of Snohomish County residents.
- Established by the local board of health.
- Enforced through the local health officer and his/her authorized representative.
- Vital to how the Environmental Health Division functions and operates.

Why is the BOH Code Important?

- **Public Health & Safety**

- Sets standards and regulations across our programs designed to:

- Prevent the spread of diseases
 - Maintain sanitary conditions
 - Minimize risk from environmental hazards.

- Also sets safety standards for places where the public gathers.

- For example, swimming pool regulations aim to prevent drowning, entrapment, and diving injury in addition to disease prevention.

Why is the BOH Code Important?

- **Environmental Protection**

- Contains regulations that are designed to protect the environment from harmful pollutants, contaminants, and hazards.

Why is the BOH Code Important?

- **Disease Prevention & Control**
 - Reporting requirements for some communicable diseases.
 - Restricting/excluding ill employees (i.e. food workers).
 - Managing outbreaks of infectious diseases.

Why is the BOH Code Important?

- **Legal Compliance**

- Outlines roles and responsibilities of the health department, health officer, board of health, etc...
- Gives the legal authority to implement and enforce public rules and regulations, issue permits, conduct inspections, take enforcement action, etc...
- Provides a clear understanding of the right of appeals and the appeals process for any aggrieved party impacted by enforcement or permit decisions.

Why is the BOH Code Important?

- **Promotes Uniformity**

- Establishes consistent guidelines to ensure all residents and businesses are held to the same health & safety standards throughout Snohomish County.
- Improves internal consistency amongst EH Staff in the application and enforcement of public health regulations.

Why is the BOH Code Important?

- **Other**

- Allows the local Health Department to address gaps and grey areas in adopted WAC's.
- Typically, when a local board of health adopts rules with more stringent provisions than those contained in a WAC, the more stringent rules apply.

Components of the BOH Code

- Organized into Titles → Divisions → Chapters → Sections
- Title 1: General Provisions
 - General requirements, procedures, and provisions that apply to all aspects of the code.
 - Addresses areas such as legal authority, enforcement procedures, permitting, fees, right of appeals, right of entry, and overall responsibilities of the board of health (i.e. procedures for meetings, decision making, and record keeping).
- Titles 2-5 cover rules, regulations, and policies for Environmental Health programs.
 - General Sanitation, Solid Waste, Food Safety, Drinking Water, Pools, Wastewater, Schools, Camps, Illegal Drug Manufacturing/Storage, Smoking in Public Places.

Components of the BOH Code

- **Revised Code of Washington (RCW's):**
 - Are a codified compilation of all permanent laws now in force.
 - Provides the legal framework for practices and activities in the state (Gives WAC's their legal authority).
 - Enacted by Washington State legislature and signed into law by the governor.

Components of the BOH Code

- **Washington Administrative Code (WAC's):**
 - Compilation of administrative rules/regulations adopted by various state agencies (i.e. Dept of Ecology, Dept of Health) in response to a law (RCW).
 - Provides interpretation, implementation, and detailed guidance for compliance with applicable RCW's.
 - Adds specificity to powers described in laws.
 - Cannot broaden the scope of the law.

Example of RCW's vs WAC's

- RCW 43.20.050
 - Gives the State Board of Health the authority to adopt rules for a variety of areas including retail food safety, schools, water recreational facilities, on-site sewage systems (OSS), etc...
- The Corresponding WAC's
 - WAC 246-215 (Food Service), WAC 246-366 (Primary and Secondary Schools), WAC 246-260 (Water Recreational Facilities), WAC 246-272A (Onsite Sewage Systems).

Components of the BOH Code

- **Ordinances**

- Local laws or regulations that once enacted stay in effect unless amended or appealed by another ordinance.
- Used to establish regulations, standards, or rules in matters not already covered by federal or state law.
- Has the force of law within a specific geographic region
 - i.e. Snohomish County

Components of the BOH Code

- **Resolutions**

- Formal, non-binding expressions of the opinion or intent of the Board of Health
- Generally used for:
 - Matters of policy
 - Position appointments
 - Declarations
 - Recognition
 - Budget

BOH Code – Current State

- The Health Dept is using the previous Snohomish Health District Code by reference through an interlocal agreement.
- The interlocal agreement is a temporary solution that allowed the Health Department to merge with the county with minimal impact to Environmental Health (EH) programming.
- The Health District cannot be officially dissolved until a BOH Code is officially adopted by the current BOH.

BOH Code – Future State

- **Phase 1 (Business as Usual)**
 - Minimal changes to existing code.
 - Do not anticipate any adverse impact to the public, businesses, the environment, or EH programming efforts.
- **Phase 2 (Major Revamp)**
 - Deep dive into the entire BOH code.
 - Major revisions anticipated
 - Important to have stakeholder input.
- **Post Phase 2 (Periodic Updates)**
 - Ongoing review and continuous updates (as needed)

Code Adoption: Phase 1

Anticipated Project Timeline

- Code Review & Research
- Identifying Code Adoption Process
- Code Update Working Sessions with Environmental Health Leadership

February-May 2023

- Prosecuting Attorney Review
- Hearing Examiner Review
- Present Code Changes to Stakeholder Groups
- Present Code Changes to Board of Health (multiple presentations covering different Titles)

May – September 2023

- Final Review by Environmental Health and Sr. Leadership
- Code Presented to Board of Health
- Code Adopted by Board of Health

September – October 2023

Code Adoption Summary (Phase 1)

- Timeline: February 2023-October 2023
- Removing chapters and sections of code that are either redundant or no longer in use.
- NOT a deep dive. A more thorough code revision will occur in Phase 2.
- Adopting WAC's by reference
 - Some recent WAC revisions now fully address previous health code language.
 - Examples include Animal Manure/Pet Waste Handling, Group Camps.
- Appeals Process
 - Updating to be more consistent with other departments in Snohomish County.
 - Improve communication on due process timelines.
- Fixing grammatical errors
- Adding new/updating existing definitions

Code Adoption: Phase 2

Review and Assessment

- Thorough review of all policies, procedures, and code for all EH sections.
- Identify “code gaps” in EH programming.
- Create new code that addresses these gaps.

Outreach

- Identify and work with key stakeholder groups.
- Build and maintain the public’s trust with Health Department policies.
- Ensure new code changes reflect stakeholder input.

Adoption

- Present to BOH one section at a time.
- Code updates are adopted by BOH.

Code Adoption Summary (Phase 2)

- Thoroughly review policies, procedures, and code for all EH sections, including enforcement and appeals.
- Identify code gaps in environmental health programming.
- Identify and work with more stakeholder groups to ensure code changes will:
 - reflect concerns/needs of citizens and businesses
 - maintain the public's trust with Health Dept policies
- Create new code that addresses program gaps and reflects stakeholder input.
- Will present to BOH one section at a time.



Questions?

Ragina Gray
Environmental Health Division Director
425-339-8769
ragina.gray@co.snohomish.wa.us

PUBLIC HEALTH
always working for a safer & healthier
SNOHOMISH COUNTY