



King County

King County Board of Health

Staff Report

Agenda item No: 7

Date: September 18, 2025

Rule & Regulation No.: BOH25-02

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Subject

Proposed Rule and Regulation (R&R) BOH25-02 would require more frequent inspections and require a new placard to be placed adjacent to the food safety rating placard as a result of a food establishment's noncompliance with financial obligations resulting from the enforcement of labor laws related to worker wages.

Summary

Food safety inspections completed by Public Health Seattle King County (PHSKC) are typically completed one to two times per year, depending on the food establishment's risk assessment. The proposed Rule and Regulation (R&R) would prompt PHSKC to conduct an additional inspection based on a food establishment's unpaid wage violation within 30 days of receiving information from state and local labor agencies about the businesses' unpaid financial obligation. It would also require the business to display a new placard, next to the food safety rating placard, noting the business's unpaid financial obligation. The R&R would outline the terms for an agreement between PHSKC, the City of Seattle's Office of Labor Standards, and Washington State's Department Labor and Industries to share relevant information to implement this R&R.

The sponsor has asked staff to draft a striking amendment for this R&R. The striking amendment, S1, would clarify the definition for the term used to describe businesses with unpaid wage violations in the R&R, "noncompliant with employment-related financial obligations" and make corrections to the term's use throughout the R&R. It would also make additions to the Findings section and include the Washington State Attorney General as a party that could share data regarding businesses with an unpaid wage violation.

Background

Food Safety Inspections

Food safety inspections are completed by Public Health Seattle King County (PHSKC) in alignment with the King County Food Code,¹ which includes the Washington State Retail Food

¹ [BOH Code Title 5](#)

Code, Washington Administrative Code (WAC) Chapter 246-215.^{2,3} The food safety inspection processes and standards are defined in WAC 246-215; however, the Board of Health has the authority to make more stringent requirements.⁴

According to Executive staff, the Environmental Services division uses the risk categories defined in Board of Health Code (BOH) 5.61.010⁵ to determine the inspection frequency, as shown in Table 1. For complaints, such as a food establishment not having water or concerns about basic sanitation, the urgency is based upon the nature of the complaint, but Executive staff stated that most responses occur within five days of a complaint.

Table 1. Food Safety Inspection Frequency

Risk Level	Minimum Inspection Frequency	Food Establishment Examples⁶
1 (Low Risk)	1 inspection per year	Convenience store, coffee shop, or tavern
2 (Medium Risk)	2 visits per year (e.g. one routine inspection and one educational visit)	Bakery, caterer, or sandwich shop
3 (High Risk)	3 visits per year (e.g. two routine inspections and one educational visit)	Restaurant, deli, or seafood market

PHSKC can prioritize and conduct more frequent inspections based on the food establishment's history of compliance with the Food Code and its potential as a vector of foodborne illness, which are evaluated under several criteria,⁷ including:

- Past performance, or noncompliance with the Food Code or the Hazard Analysis and Critical Control Point (HACCP) Plan;
- Past performance, for numerous repeat violations of the Food Code or the HACCP Plan;
- Past performance, for complaints investigated and found to be valid;
- The hazards associated with the particular foods that are prepared, stored, or served;
- The type of operation including the methods and extent of food storage, preparation, and service;
- The number of people served
- Whether a population serviced is a highly susceptible population; and
- Whether the establishment is properly implementing an approved self inspection program.

² [WAC Chapter 246-215](#)

³ According to the [Washington State Retail Food Code Preface](#), Chapter 246-215 WAC incorporates the 2017 Food and Drug Administration Food Code with modifications from Washington stakeholders.

⁴ [WAC 246-215-01110](#)

⁵ [BOH 5.61.010](#)

⁶ [Examples from PHSKC](#)

⁷ [WAC 246-215-08405](#)

During food safety inspections, inspectors use PHSKC's Food Establishment Inspection Report Forms, developed by the Washington State Department of Health, to document compliance or violations with the Food Code. There is additional space on the form for food inspector comments and supplementary information.

A food safety rating is determined by the inspector based on the results of the food safety inspection, and up to the four most recent inspection results.⁸ A placard with the food safety rating, furnished by the inspector at the conclusion of an inspection, is required to be positioned in a conspicuous location of the food establishment.⁹

Washington State Department of Labor and Industries. Washington State's Department of Labor and Industries (L&I) is responsible for protecting the health and safety of Washington workers.¹⁰ Their Employment Standards Program enforces the following wage and labor statutes, which is subject to change based on legislative action:

- Wages and working conditions: Minimum Wage Act (Revised Code of Washington (RCW) 49.46), Industrial Welfare Act (RCW 49.12), and Wage Payment Act (RCW 49.48)
- Protected Leave (various statutes under Title 49)
- Family Care Act (RCW 49.12.265 through RCW 49.12.295)
- Emergency First Responders (49.12.460)
- Youth Employment (RCW 49.12, WAC 296-125)
- Healthcare Overtime (RCW 49.28.130)
- Agriculture (RCW 49.30, WAC 296-131, RCW 19.30)
- Retaliation (RCW 49.46, WAC 296-128)
- Paid Sick Leave (RCW 49.46, WAC 296-128)
- Equal Pay and Opportunities Act (RCW 49.58)
- Isolated Workers (RCW 49.60.515)
- DV Protected Leave (RCW 49.76)
- Military Spousal Leave (RCW 49.77)
- Warehouse Protections (RCW 49.84)

If, after the investigation process, L&I finds that a wage and/or labor law has been violated, there are several enforcement remedies that can be employed. Depending on the specific infraction, L&I, or the Director of L&I, has the authority to order payment of all wages owed including interest and a penalty.¹¹ In order to collect the payment, a lien on real and personal property of the employer, writs of garnishment, a notice and order to withhold and deliver property or funds from

⁸ [BOH 5.04.045](#)

⁹ [BOH 5.15.010](#)

¹⁰ [Washington Department of Labor & Industries](#)

¹¹ Investigation and appeals processes are defined in the appropriate wage and labor statutes.

a financial institution may be issued, as well as foreclosure on liens.¹²

According to L&I staff, between July 2020 through June 2024, L&I sent approximately 15 citations per year to collections that were from food service businesses in King County, including the City of Seattle.

City of Seattle Office of Labor Standards. City of Seattle's Office of Labor Standards (OLS) was established in 2015 to implement the City's labor standards.¹³ OLS enforces the following wage and labor laws within Seattle city limits:

- App-Based Worker Minimum Pay (Seattle Municipal Code (SMC) 8.37)
- App-Based Worker Paid Sick and Safe Time (SMC 8.39)
- Cannabis Employee Job Retention (SMC 8.38)
- Paid Sick and Safe Time (SMC 14.16)
- Fair Chance Employment (SMC 14.17)
- Hotel Employees Job Retention (SMC 14.19)
- Minimum Wage (SMC 14.19)
- Wage Theft (SMC 14.20)
- Secure Scheduling (SMC 14.22)
- Domestic Workers (SMC 14.23)
- Protecting Hotel Employees from Violent or Harassing Conduct (SMC 14.26)
- Protecting Hotel Employees from Injury (SMC 14.27)
- Improving Access to Medical Care for Hotel Employees (SMC 14.28)
- Commuter Benefit (SMC 14.30)
- Independent Contractor Protections (SMC 14.34)

OLS has the authority to investigate violations, and the Director of OLS has the authority to assess liquidated damages, depending on the specific infraction, including twice the amount of the unpaid compensation, civil penalties, fines, and interest.¹⁴ The Director of OLS can refer cases to collections services, to the City Attorney to enforce collections, or to the City's Department of Finance and Administrative Services to deny, suspend, or revoke any business license held by the employer.^{15,16}

From 2016 to date, OLS has had 12 total cases involving investigations of food services companies where the companies failed to pay as ordered, according to the OLS staff.

¹² [RCW 49.48](#)

¹³ [City of Seattle Office of Labor Standards](#)

¹⁴ Investigation and appeals processes are defined in the appropriate wage and labor statutes.

¹⁵ [SMC 14.19](#)

¹⁶ Depending on the violation, a private right of action may also be available to employees.

Labor Standards Enforcement in Other Jurisdictions. Santa Clara County¹⁷ and San Diego County¹⁸ have implemented programs to advance labor standards through partnerships with their respective public health agencies. The counties' public health departments have the authority to temporarily suspend or revoke a food vendor's food health permit if the food vendor fails to pay wage judgements. According to Santa Clara County staff in February 2025, they had suspended one food permit in the several years the program had been active.¹⁹ Neither program is codified; California's Retail Food Code requires food facilities to follow all local, state, and federal statutes.²⁰ The King County Board of Health authority is more narrowly defined²¹ than California's but the King County Board of Health has the authority to implement more stringent requirements to procedures such as food safety inspection frequency than the Washington State Retail Food Code, as this R&R intends to do.

Analysis

Summary of Proposed Rule and Regulation BOH25-02

The proposed R&R has ten sections, which are described below:

Section 1 would adopt findings noting:

- the state statutes that L&I enforces;
- the city statues that OLS enforces;
- King County's minimum wage enforcement mechanism;
- a Board of Health meeting discussing the enforcement of minimum wage in food service in other jurisdictions;
- the WAC that provides the BOH the authority in increase frequency of food safety inspections; and
- requirements from federal and local agencies to display minimum wage information for employees.

Section 2 would establish a new section in BOH Code to define "noncompliant with employment-related financial obligations." This term describes businesses with unpaid wage violations, as determined by OLS or L&I, that have exhausted the initial appeal process, if applicable, and the debt has been sent to collections, but the business has not made payments that are owed.

Section 3 would amend BOH 5.15.010, which requires food establishments to display food safety rating placards. The amended section would add a requirement for food establishments with an unpaid wage violation to display an additional placard noting the financial obligation. It would

¹⁷ [Santa Clara County Food Permit Enforcement Program](#)

¹⁸ [San Diego County Good Faith Restaurant Program](#)

¹⁹ The program was launched in September 2019 initiated as a pilot with enforcement in two cities

²⁰ [California Health and Safety Code § 113715](#)

²¹ Under [RCW 70.05.060](#), local boards of health have supervision over all matters pertaining to the preservation of the life and health of the people within its jurisdiction, including regulations to preserve, promote, and improve public health.

require the placard to remain in place until the financial obligation is paid, or the food establishment makes an appeal at the director's level or higher, at which point the food establishment may remove the placard.

Section 4 would establish a new section in BOH Code amending WAC 246-215-08405, which defines how a public health authority can prioritize and conduct more frequent food safety inspections. The amended section would add an additional evaluation criterion to allow PHSKC to perform a food safety inspection if they are notified that a food establishment has an unpaid wage violation.

Section 5 would establish a new section in BOH Code requiring more frequent inspections required under Section 4 to occur within 30 business days of notification of the unpaid wage violation.

Section 6 would establish a new section in BOH Code calling for PHSKC to design a new placard to be used as described in Section 3.

Section 7 would establish a new section in BOH Code calling for PHSKC to distribute materials, or provide a link in the food inspection report, with information describing the R&R.

Section 8 would outline the terms for an agreement between King County, OLS, and L&I to share data regarding businesses with unpaid wage violations. The R&R requires the agreement to be settled by June 30, 2026 and should include the following elements:

- the process for sharing data;
- identification of the data that will be shared;
- the process and authority for other state or City of Seattle departments to communicate with PHSKC regarding wage violation case resolutions; and
- the language that PHSKC, OLS, and L&I will use to communicate information about this R&R.

Section 9 sets the effective date for Sections 1 through 7 of this R&R for July 1, 2026.

Section 10 allows for sections of this R&R to apply if certain sections are found to be invalid.

Costs

Executive staff noted that they expect the implementation of legislation to require roughly 170 hours per year, as shown in Table 2, resulting in a cost of approximately \$41,000 per year. The Board of Health does not have the ability to issue appropriations. If additional appropriation authority is needed to implement this R&R, the King County Council would need to take action during the biennial budget process or make a supplemental appropriation.

Table 2. Estimates and Assumptions for BOH25-02 Implementation by PHSKC

Activity	Approximate Number of Hours Per Year
Inspections, assuming 20 food establishments referred per year	40
Interactions with reporting agencies	10
Interactions with food operators regarding the new R&R	20
Responses to media and public inquiry	20
Responding to complaints from the public	80
TOTAL	170

Amendment

Striking Amendment, S1, would:

- make clarifying edits to the definition of "noncompliant with employment-related financial obligations";
- clarify the use of the term "noncompliant with employment-related financial obligations" throughout the R&R;
- add to the findings the Washington State Attorney General's role in enforcing labor-related laws;
- add additional employment and labor-related laws to the list of laws that the City of Seattle's Office of Labor Standards enforces; and
- add the Washington State Attorney General as a party that could share data on businesses that are noncompliant with employment-related financial obligations.

Attachments

1. Proposed R&R BOH25-02
2. Striking Amendment S1
3. Citations from preamble