



**Final Minutes of the State Board of Health
January 8, 2014**

Department of Health, Point Plaza East, Rooms 152/153, 310 Israel Road S.E., Tumwater, WA 98501

State Board of Health members present:

The Honorable John Austin, PhD, Chair
Fran Bessermin
Keith Grellner, RS, Vice-Chair
Stephen Kutz, BSN, MPH
Donald Oliver

Thomas Pendergrass, MD, MSPH
James Sledge, DDS, FACD, FICD
Allene Mares, Secretary's Designee
The Honorable Donna Wright
Diana T. Yu, MD, MSPH

State Board of Health members absent:

State Board of Health staff present:

Michelle Davis, Executive Director
Desiree Robinson, Executive Assistant
Christy Hoff, Health Policy Analyst
Sierra Rotakhina, Health Policy Analyst

Timothy Grisham, Communications Consultant
Ned Therien, Health Policy Analyst
Tara Wolff, Health Policy Analyst
Lilia Lopez, Assistant Attorney General

Guests and other participants:

Audrey Adams, Washington Action for Safe Water
Ann Clifton, Mercury Awareness Team of Washington
Julie Sims, Washington Action for Safe Water
Olemara Peters, Public
Rad Cunningham, Department of Health
Jeff Wise, Department of Health
Tami Thompson, Department of Health
Vicki Bouvier, Department of Health
Mark Soltman, Department of Health

John Austin, Board Chair, called the public meeting to order at 10:04 a.m. and read from a prepared statement (on file).

1. APPROVAL OF AGENDA

Motion: Approve January 8, 2014 agenda

Motion/Second: Sledge/Grellner. Approved unanimously

2. ADOPTION OF MONTH DAY, YEAR MEETING MINUTES

Motion: Approve the November 13, 2013 minutes

Motion/Second: Pendergrass/Besserman. Approved unanimously

3. BOARD ANNOUNCEMENTS AND OTHER BUSINESS

Michelle Davis, Board Executive Director, reported on Sierra Rotakhina completing a health impact review on SHB 1680, which is posted on the Board's website. Ms. Davis discussed the new format. She said Ms. Rotakhina will be doing follow-up with the legislator who requested the review.

Ms. Davis said the legislative session will start on January 13. She plans to give members a weekly update. She said staff will be using a new bill tracking and analysis process this session.

Ms. Davis pointed out three pieces of correspondence in member packets behind Tab 3.

Keith Grellner, Board Member, briefly described public workshops on the keeping of animals rule. One, held in Yakima, was well attended. The other, held in Tumwater, had no public attendance.

Ms. Davis said the next Board meeting will be held in Vancouver in March.

Chair Austin commented about the Governor's Health Care Innovation Plan.

Member Grellner commented that since the November Board meeting presentation about King County's secure drug disposal program, a lawsuit has been filed against the county about the program.

4. DEPARTMENT OF HEALTH UPDATE

Allene Mares, Designee for the Secretary of Health & Board Member, announced the Department of Health is recruiting a replacement for former State Health Officer Maxine Hayes, who retired at the end of 2013. She said Dr. Kathy Lofy, a pediatrician, is serving in the interim as the state health officer. She said Dennis Worsham, the new Deputy Secretary for Operations has started work and she expected he would arrive to introduce himself to the Board before the end of the meeting.

Ms. Mares said the Governor's proposed budget includes some money for tobacco prevention. The Department hopes to use the money to help people quit, prevent youth from starting, and studying health disparities related to tobacco. She noted this year marks the 50th anniversary of the Surgeon General's report linking smoking and cancer.

Ms. Mares said there is a small amount of funding in the Governor's proposed budget for the Department to help educated youth about hazards of marijuana. Diana Yu, Board Member, asked whether there was some money provided by the citizen-passed marijuana initiative also for education. Ms. Mares responded there was some for education to help prevent adult abuse.

Ms. Mares mentioned one of the Governor's initiatives, called the Healthiest Next Generation, which is intended to help reduce youth obesity. She reported on several other new activities funded by the Governor's proposed budget. One is to look at who has access to CHARS data.

Thomas Pendergrass, Board Member, recommended studies on marijuana and lung function. He suggested engaging physicians in quality improvement efforts, and offered partnership with Children's Hospital for this. Member Yu commented on the need for funding of community organizations for the Healthiest Next Generation Initiative to help solve health disparities problems. Fran Bessermin, Board Member, suggested looking at access to healthy foods and the problem of "food deserts."

Ms. Mares reported on China banning shellfish from the west coast because of a geoduck shipment testing high for inorganic arsenic. The Department has done follow-up testing and not found the edible parts above China's arsenic standard. Maryanne Guichard came up from the audience and commented geoduck gut balls were included in the tests, but not the skin. China has confirmed the

geoduck skin is not considered edible in China. The Department has transmitted its results to NOAA, which is the federal agency that would communicate with China.

5. BOARD MEMBER COMMENTS

Chair Austin mentioned an interesting article in the January 6 New Yorker about genome work hoping to find disease cures. He also reported on participating in a conference call with Secretary of Health and Human Services Sebelius. He was struck by how hard some other states were avoiding participating in the Affordable Care Act and expressed pride that Washington was a leader in implementing the act. Member Yu commented that illness reports are indicating we are into flu season. She encouraged everyone, especially school teachers, to get a flu shot.

6. PUBLIC TESTIMONY

Ann Clifton, Mercury Awareness Team of Washington, described an article, which she provided to members, about the book *Age of Autism*. She also reported on and provided copies of a table called Vaccine Ingredients Calculator and an article from *Natural News* about New York City using flu shots containing thimerosal for children.

Julie Sims, Washington Action for Safe Water, described having migraine headaches almost every day for 30 years. She said she tried many medications, which did not solve her problem. A friend recommended eliminating fluoride intake. She said after 3 weeks of avoiding fluoride, her headaches subsided and she was able to stop taking medication to control her headaches. Her doctor has told her to avoid drinking or bathing in fluoridated water. She asked the Board to look at the lifetime impact of fluoride on total health.

Olemara Peters stated she is made ill from fluoridated water, either by drinking or bathing in it. She said her symptoms are common in the public, so she expects she is not the only one who is sensitive to fluoride. She thought she had allergies to food, but determined fluoride was her problem. She said fluoride is stored in the body, which makes it difficult for people to identify fluoride sensitivity. She asked the Board to tell water districts it has not determined fluoride in water is safe.

Audrey Adams, Washington Action for Safe Water, said her autistic son has suffered migraine headaches. She commented on a study done in Ireland of cities with fluoridated vs. non-fluoridated water, which she said indicated increased multiple adverse health outcomes in fluoridated areas. She asked the Board to conduct a similar study comparing Washington cities. She asked the Board to notify water districts that the Board has not determined fluoridated water is safe.

7. BRIEFING – ELEVATED BLOOD LEAD LEVEL—WAC 246-101-010, NOTIFIABLE CONDITIONS—DEFINITIONS

Member Grellner introduced this agenda item. Ned Therien, Board Staff, pointed out documents under Tab 7 of the Board packets and said the Department expects to be ready for a hearing in March for the Board to consider the proposed update to the rule. Rad Cunningham, Department of Health, gave a presentation on the rule proposal. He said the proposal would align the Board's rule with updated National standards. He gave a brief overview of the Department's role in monitoring youth blood lead levels. He said there is no safe level of lead exposure and the standards are created to try to minimize exposure. The proposal is to lower the reportable blood lead level for children less than age 15 from 10 to 5 micrograms per deciliter ($\mu\text{g}/\text{dL}$) and for adults from 25 to 10

mcg/dL. In addition, the draft rule provides a reference for the definition of “laboratory.” Mr. Cunningham said the Department of Labor and Industries (L&I) has expressed support for the rule changes.

Member Pendergrass said children in Washington have less exposure to lead compared with other states. He said the studies that have looked at health impacts of blood lead levels on IQ have had difficulty showing significance, unless they have had a large sample size such as the studies cited by Mr. Cunningham. He expressed support for the rule update. He said, however, the cost benefit for screening indicates that not all children in the state should be routinely tested for lead.

Member Yu echoed Member Pendergrass’ comments and indicated she would not want to see blood lead level testing be required. She asked if such testing is still required for all Head Start children. Mr. Cunningham indicated it is, but the Health Care Authority has been working on a federal waiver from the requirement. Member Yu asked if counties that are investigating blood lead levels are using guidelines supplied by DOH so that there is some consistency in what constitutes an investigation. Mr. Cunningham indicated that the Department has not yet developed guidelines, but planned to develop some. Member Yu then asked how health care providers are involved, indicating that parents are likely to go to their provider for guidance if their child has high blood lead levels. Mr. Cunningham said that eliminating the exposure source is the recommended response, and that many providers are not well educated in lead because there is less risk of lead exposure in our state than in other parts of the nation. He said the primary step of local health investigators is to contact the health care provider.

Member Pendergrass indicated high lead exposures in Washington are generally related to occupational or recreational activities of the family (e.g., make fishing weights or go to gun ranges). He said for L&I this is important. He said it would be helpful for many jurisdictions to have a list of exposures and activities that can result in high blood lead levels.

Chair Austin indicated that artists also may have occupational exposures. Member Yu said she had worked on a case of a child with a blood lead level of 11 µg/dL. A toy was the main exposure. Guidance from the Department on how to respond to such cases would be helpful. Mr. Cunningham indicated the Department does not provide recommendations on who should be screened, but leaves that up to the health care providers. He said the Department is developing a list of where individuals may be exposed to lead. Donna Wright, Board Member, said any real estate transaction through an agent requires a disclosure form about lead-based paint.

Dennis Worsham, Deputy Secretary of Operation for the Department of Health had arrived and was introduced by Chair Austin.

The Board took a break from 11:33 a.m. until 11:50 a.m.

8. APPROVAL OF 2014 LEGISLATIVE SENSE OF THE BOARD

Ms. Davis pointed out documents behind Tab 8 in member packets. She said the proposed Statement of Policy on Possible 2014 Legislative Issues in the packets is based on the 2013 document, with changes as requested by members since the November meeting. She described the changes incorporated into the 2014 document. She asked Board members if they wanted other changes. None were asked for. Ms. Davis explained staff will be reviewing bills filed each day to determine if any fit within the Board’s Statement of Policy. Board members will be kept informed of those identified bills.

Ms. Davis explained required reporting by members and staff to the Public Disclosure Commission for what is considered lobbying. She said any time members, in behalf of the Board, have face-to-face interaction with a legislator they must report the contact to the Commission. She asked members to inform her if they make such legislative contact while representing the Board. Telephone calls and e-mail messages do not require the same reporting.

***Motion:** The Board adopts the Statement of Policy on Possible 2014 Legislative Issues as submitted on January 8, 2014.*

***Motion/Second:** Wright/Sledge. Approved unanimously*

9. DOH REQUEST FOR DELEGATION – CHAPTER 246-282 WAC, SANITARY CONTROL OF SHELLFISH

Member Grellner introduced this agenda item. Mr. Therien directed the Board to materials under Tab 9 in their packets. He explained the Department was requesting the Board delegate its authority to make changes in chapter 246-282, Sanitary control of shellfish, to standardize the reference to national standards throughout the rules. He reminded the Board it had delegated to the Department authority in June 2013 to update a section of those rules to reference the latest edition of the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish. He said the Department had received public comments during that rule making, completed recently, about the inconsistent terminology through the chapter referencing the national standards. He said changing the terminology for the reference will not change the standard. Mr. Therien introduced Mark Soltman, Department of Health, to help answer any questions from the Board about the request. Board members did not have questions.

***Motion:** The Board delegates to the Department of Health authority to adopt revisions to chapter 246-282 WAC, Sanitary control of shellfish, that standardize the reference throughout the chapter to requirements of the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish.*

***Motion/Second:** Yu/Oliver. Approved unanimously*

The Board recessed for lunch at 12:15 p.m. and reconvened at 1:30 p.m.

10. HEARING – CHAPTER 246-105 WAC IMMUNIZATION OF CHILD CARE AND SCHOOL CHILDREN AGAINST CERTAIN VACCINE-PREVENTABLE DISEASES

Member Yu introduced this agenda item. chapter 246-105 WAC. She explained that the changes to chapter 246-105 WAC were primarily proposed in light of statutory changes to the exemptions provisions made in 2011. Tara Wolff, Board Staff, said only one written comment had been received about the rule proposal, which was a question about applicability of the rule to all childcare arrangements or facilities. Ms. Wolff introduced Jeff Wise, Department of Health, who gave a presentation about the proposal. He said the primary purpose of the rule revision was to align with RCW 28A.210.090, which was revised in 2011. The statute changed the requirements for some immunization exemptions in school and childcare center settings. He said the proposal also includes a few housekeeping changes including updating the reference to the 2013 ACIP schedule. (More detail on his presentation is available in Tab 10 of member packets.) Member Yu commented it was unfortunate there was not direct alignment of the Board's requirements in the rules for all childcare facilities. The Board's authority only applies to childcare centers. Member Kutz asked about religious exemptions. Mr. Wise explained the religious group membership exemption (whose teachings or beliefs preclude a child receiving medical treatment such as vaccinations) was the only exemption that requires a parent to include the name of the church or religious body and his/her signature.

This type of exemption does not require a medical provider's signature. Member Yu explained the school staff role in reviewing and accepting these exemptions. She said the purpose of changing the exemption process was not to prevent people from getting an exemption based on their real beliefs but to minimize exemptions just for convenience sake and to maximize parents' information on the risks and benefits of vaccination. Member Kutz asked if there was a way for parents to find out immunization rates for their children's schools. Mr. Wise said that is not possible now. Ms. Wolff mentioned that in the past, the Board had received an inquiry on the status of day care providers' immunization rates. Member Pendergrass commented that Washington has a higher exemption rate than the average across the country and called attention to statistics in Mr. Wise's presentation.

Chair Austin asked if there was anyone in the audience wanting to testify. No one in the audience indicated they wished to testify. Chair Austin noted there was no standard that had to be met to prove religious affiliation in the rule.

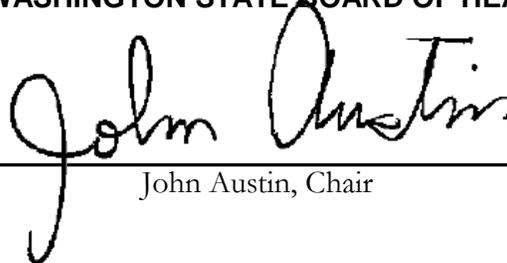
Motion: *The Board approves the amendment to revise WAC 246-105-020, 030, 040, 050, 060, and 070 as published in WSR 13-24-095 and asks that a CR-103 be filed to adopt the amendments.*

Motion/Second: Pendergrass/Yu. Approved unanimously

ADJOURNMENT

John Austin, Board Chair, adjourned the meeting at 2:00 p.m.

WASHINGTON STATE BOARD OF HEALTH

A handwritten signature in black ink that reads "John Austin". The signature is written in a cursive style and is positioned above a horizontal line.

John Austin, Chair