



**Final Minutes of the State Board of Health
June 11, 2014**

Hotel Murano, 1320 Broadway Plaza, Tacoma, WA 98402

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
Dennis Worsham
The Honorable Donna Wright

State Board of Health members absent:

Diana T. Yu, MD, MSPH

State Board of Health staff present:

Michelle Davis, Executive Director
Melanie Hisaw, Executive Assistant
Sierra Rotakhina, Health Policy Analyst
Timothy Grisham, Communications Consultant

Ned Therien, Health Policy Analyst
Tara Wolff, Health Policy Analyst
Lilia Lopez, Assistant Attorney General
Mike McNickle, Health Policy Analyst

Guests and other participants:

Lindsay Hovind, American Heart Association
Stephanie Arey, Self
Jean Mendoza, Friends of Toppenish Creek
Jim Dyjak, Citizen in Moxee
Jefferson Ketchel, Grant County Health District
Jan Whitefoot, Concerned Citizens-Yakama Reservation
Gordon Kelly, Yakima Health District
Jack Field, WA Cattleman's Association
Ed Field, WA Cattleman's Association
Kim Koon, Self & Director of Pasados Animal Cruelty
Tiffany Norling, Pasado Safe Haven
Brad Banks, WA State Assoc of Local Public Health Off
Laurie Jinkins, WA State Legislator
Lin Watson, Department of Health
Denise Clifford, WA Department of Ecology
Tom Eaton, Environmental Protection Agency
Denise Smee, Clark Conservation District (CD)& WACD
Steven Kein, Clark CD
Jay Gordon, WA State Dairy

Matt Park, MD, Pediatrics
Gina Legaz, March of Dimes
Larry Fendell, Citizen in Zillah
Audrey Adams, Washington Action for Safe Water
Drew Bouton, Department of Health
Chas DeBolt, Department of Health
Daniel Lutz, Animal Legal Defense Fund
Laura Henderson, Pasado's Safe Haven
Jim Wright, Self
Sarah Hamilton, Pasados
Nancy Napolilli, Department of Health
Andre Fresco, Yakima Health District
Linda Barnhart, Department of Health
Virginia Prest, WSDA
Kelly Susewind, WA Department of Ecology
Tom Tebb, WA Department of Ecology
Tysch Hantucrne, Clark CD
Ginny Stern, Department of Health

John Austin, Board Chair, called the public meeting to order at 9:35 a.m. and read from a prepared statement (on file).

1. APPROVAL OF AGENDA

Motion: Approve June 11, 2014 agenda

Motion/Second: Sledge/Pendergrass. Approved unanimously

2. ADOPTION OF MONTH DAY, YEAR MEETING MINUTES

Motion: Approve the April 9, 2014 minutes

Motion/Second: Pendergrass/Grellner. Approved unanimously

3. BOARD ANNOUNCEMENTS AND OTHER BUSINESS

Michelle Davis, Board Executive Director, mentioned WSALPHO having meetings here today and some of its members would be visiting the Board's meeting from time to time. Ms. Davis described copies of correspondence behind Tab 3 in member packets. She introduced new staff members Melanie Hisaw and Mike McNickle. She also pointed out a copy of a proclamation from Governor Inslee declaring April Minority Health Month. She indicated that the board would likely hear about congenital heart defect testing from the Heart Association during public testimony. Ms. Davis also mentioned that Sierra Rotakhina has an abstract accepted for presentation at the American Public Health Association conference in New Orleans this November.

Ms. Davis said she participated in a meeting with Representative Fitzgibbon, Chair of the House Environment Committee, about a bill considered during the 2014 session and about Group B water system rule petitions the Board received related to that bill. She said she will be flying to Spokane at the end of the week with Department staff to meet with Representative Short about the bill and petitions.

She said she met with State Health Officer Dr. Lofy, and the Department's Chief of Emergency Preparedness and Response, Mike Loehr to talk about the Board's authorities and rules that the public health system may rely on during emergency events. Chair Austin asked if the meeting included discussion about engagement with partners such as Red Cross for emergency planning. Dennis Worsham, Deputy Secretary of the Department of Health, responded the Department has an advisory committee that provides input on emergency planning, which includes representatives from many community organizations, although he could not remember if the Red Cross is a member.

James Sledge, Board Member, reported that the oral health project is proceeding with a meeting starting in July with ten state agencies to discuss strategies that fit with the Board's goals.

4. DEPARTMENT OF HEALTH UPDATE

Deputy Secretary Worsham reported the Department is updating its strategic plan, particularly related to community transformation, childhood obesity prevention, climate change, and funding of public health. He reported on the Central Washington anencephaly cluster investigation, which has identified 29 confirmed cases in three counties. The Department has assembled an advisory group to help determine actions to reduce incidence, improve reporting, and identify if there are additional investigation strategies. There will be three meetings of the advisory group, with a report anticipated in September. He reported that budget planning for the 2015-17 biennium has started. He said the Department has been asked to plan for a possible 15 percent reduction in state general fund money.

Stephen Kutz, Board Member, asked if the Department had noticed any trend in minority or socio-economic status regarding the anencephaly cluster. Deputy Secretary Worsham said the most common association seems to be lack of prenatal care. Thomas Pendergrass, Board Member, said

that folic acid supplementation before pregnancy would be beneficial. He said there are genetic causes of neural tube defects, but lack of folic acid seems to be the most important cause.

5. DRAFT STATE HEALTH REPORT

Michelle Davis, Board Executive Director, explained the Board's requirement to prepare the State Health Report to the Governor every even-numbered year. She said this year's report is focused on the Board's oral health initiative, health impact reviews, and language access. Timothy Grisham, Board Staff, described the content of the report. He said the cover is a reminder of the history of the Board, mentioned in the State Constitution, in this 125th anniversary of the state. He mentioned the State History Museum is doing a 125 celebration and the cover ties into that effort. He said the final report is due to the Governor July 1. Therefore, the oral health work description will not be able to contain the outcomes of the oral health workshop planned for this summer. The health impact review section describes the process and recent reviews. A third topic in the report is language access, a major goal of the Governor's Council on Health Disparities.

Chair Austin pointed out that staff members were not mentioned in the report. Member Grellner suggested staff be included to call attention to the Board's lean organization. Member Pendergrass suggested staff contact information (as of July 1, 2014) should be included in the report.

Member Bessermin asked how the health impact reviews (HIR) affected bills in the Legislature. Sierra Rotakhina, Board staff commented that none of the bills with an HIR request passed in session. However, some pieces of the legislation passed and the HIRs may influence re-introduction of the bills in 2015.

Chair Austin said he liked the changes reflected in this report. Ms. Davis said the semi-annual reports usually focus on only a few topics, but in the past sometimes the report included essays from other agencies. Member Pendergrass asked if in the past the report had included links to other agencies' work. Mr. Grisham explained that all footnotes are linked electronically but would add a link to the DOH Health of Washington report.

Motion:

The Board directs staff to finalize the 2014 State Health Report by adding a link to the Health of Washington report and staff member list for transmittal to the Governor.

Motion/Second: Pendergrass/Sledge. Approved unanimously

The Board took a break at 10:38 a.m. and reconvened at 10:55 a.m.

6. RULE REVIEWS PER SSB 5679 (2013)

Chair Austin introduced the topic. Ned Therien, Board Staff, pointed out the materials behind Tab 6 in member packets and explained the Board has responsibility under RCW 43.20.050 and other laws to adopt rules to protect public health. He said the Board has adopted rules into 30 chapters of the Washington Administrative Code. He introduced Tami Thompson, Department of Health, who explained a regulatory reform audit of most of the State regulatory agencies resulted in SSB 5679 in 2013 for the purpose of streamlining rules on business. The bill requires three of the larger agencies to review the rules every 5 years: the Department of Health, the Department of Labor & Industries and the Department of Ecology. The Department of Health's rules fall under the same WAC Title 246 as the Board's rules. The Department worked with Board staff and determined the

Department's staff will review most of the rules for the Board. The Department has developed a procedure to assure a more formal and better documented process of rule review. The Department has developed a tracking system database and a rule review summary sheet. The Department will include stakeholders in some fashion in many rule reviews, but not necessarily in all of the reviews. The Department will set up a schedule to review all rules at least once every 5 years. The purpose of reviewing rules is to assure they are clear, concise, and efficient, meet standards, and are as streamlined as possible.

Keith Grellner, Board Member, asked how the Department will determine which stakeholders to involve. Ms. Thompson said it will involve the same groups of stakeholders with which it already has relationships. Ms. Thompson said that some chapters are very small and have not had stakeholder group involvement before. She stated that the rule of thumb is if it is normal practice to use stakeholders, then they will continue as normal. Member Grellner encouraged the Department to include local public health as stakeholders for most rule reviews.

Motion:

The Board directs staff to conduct systematic reviews of all Board rules in conjunction with Department of Health staff, consistent with Department of Health processes and SSB 5679 of 2013.

Motion/Second: Kutz/Grellner. Approved unanimously

7. BRIEFING: NEWBORN SCREENING – CHAPTER 246-650 PER SHB 2544 (2014)

Member Pendergrass introduced this agenda item in place of Member Yu. Tara Wolff, Board staff, described materials under Tab 7 in member packets. Ms. Wolff explained that the Board's rules for newborn screening need revision to meet the standards of SHB 2544 from the 2014 session. She said this rule change could use an abbreviated process because the rule revisions are due to changes in the law. She introduced Lain Knowles, Department of Health, who gave a presentation about the legislative directive, the current rules, the process to develop a proposed revision, and an expectation to have that proposal ready for the Board's consideration at a public hearing in August 2014. He said a major change in the law is that testing is required for all births, including out of hospital births. The legislation requires samples to be collected within 48 hours after birth and received by the laboratory within 72 hours after collection. (For more detail please refer to the power point in tab 7.)

Member Kutz asked about trying to capture unattended births. Mr. Knowles responded the Department was establishing processes to try to assure those newborns were tested. Chair Austin asked to be reminded if Board staff testified about the bill. Ms. Davis said she testified for the Board in support of the bill. Member Pendergrass spoke in support of the anticipated changes to the rules. He said follow-up interventions, based on test results, are vital. He said the US Department of Health and Human Services has an advisory council to help determine what newborn conditions deserve testing, but the advisory council process does not have the status as the ACIP. Ms. Wolff commented that at some time the Board may wish to develop criteria which must be met before the Board appoints an advisory committee to apply its five criteria for a condition's inclusion in the NBS required Newborn Screening panel of tests. This would be similar to the assumptions which must be met before the Board convenes a panel to apply its nine criteria to determine if a vaccine should be required for children.

The Board recessed for lunch at 11:43 a.m. and reconvened at 12:47 p.m.

8. PROJECT BRIEFING: CREATING A STANDARD FOR AN EMERGENCY PROCESS FOR RESPONDING TO EXPANDING VACCINE-PREVENTABLE DISEASE OUTBREAKS AND EPIDEMICS IN WASHINGTON STATE

Member Pendergrass introduced this topic. Ms. Wolff noted there was a motion in the packet for the Board's consideration. She mentioned that the Board has the authority to adopt rules to protect vulnerable populations from diseases during an epidemic. She noted there is a need for a clear process for moving from a local threat to a statewide threat in terms of disease prevention. Member Pendergrass used the pertussis outbreak a few years ago as an example of the issues that occur during a disease outbreak. Member Pendergrass noted the proposal is about the scope of vaccination within the context of a disease outbreak/epidemic. He then walked the Board through the packet materials that outline the rationale for the proposal. (For more detail please see the project proposal in Tab 8.) Chair Austin asked about who would be involved in the stakeholder input process, would it include the Department of Emergency Management. Member Pendergrass explained that it is likely they would be included. Member Kutz noted the tribes are independent entities, as are military bases. He said they should be included in this process. Member Pendergrass noted that he had thought about the tribes, but not military bases. Member Kutz noted that there are health authorities across the border (Canada) and other states that should be involved. Member Austin noted the Veterans Administration should also be involved. Member Pendergrass asked the Board members to think about who else should be involved in the process.

Member Kutz noted that health professionals are some of the least immunized populations, and felt that not being immunized as a provider should affect health professional licensure. Member Pendergrass said that hospitals are included in the stakeholder group, and that provider membership organizations will be involved in the process as well. Don Oliver, Board Member, noted that during community emergencies of many types the Red Cross is there to help people. He recommended the Red Cross be included as a stakeholder. Chair Austin noted there are no dates in the timeline included in the packet. Member Pendergrass explained that dates were not developed since the project was still pending Board's approval of the proposal. Chair Austin asked for a motion.

Motion:

The Board approves the plan for the project that creates a standard for an emergency process for responding to expanding vaccine-preventable disease outbreaks and epidemics in Washington State and requests implementation of the plan.

Motion/Second: Oliver/Sledge. Approved unanimously

The Board took a short set-up break at 1:05p.m. and reconvened at 1:12 p.m.

9. BRIEFING: KEEPING OF ANIMALS – WAC 246-203-130

Governmental Agency Panel

Matthew Baerwalde, Snoqualmie Indian Tribe
Tom Eaton, US Environmental Protection Agency
Mike Means, Washington Department of Health
Kelly Susewind, Washington Department of Ecology
Julie Morgan & Virginia Prest, Washington Department of Agriculture
Brad Banks, Washington Association of Local Public Health Officials

Conservation Districts and Industry Associations Panel

Denise Smee, Washington Association of Conservation Districts

Jay Gordon, Washington Dairy Federation
Ed Field, Washington Cattle Feeders
Jack Field, Washington Cattleman's Association
Community & Environmental Organizations Panel
Andrea Rodgers Harris, Western Environmental Law Center
Katelyn Kinn, Puget Soundkeeper Alliance
Jan Whitefoot, Concerned Citizens of the Yakama Reservation

Member Grellner opened the briefing with a short discussion about the rule, the history of the issue (Keeping of Animals), and provided the context for the presentations by the panelists. He noted this is an informational and educational briefing for the Board about the issues surrounding the proposed rule change. Ned Therien, Board staff talked about the history of the current rule and how other agencies deal with, and have authority over, animal manure. He then discussed the materials enclosed in the Board packets, and the context for the briefing. Mr. Therien then went through the PowerPoint presentation created to introduce the issues surrounding the animal waste/nutrient issue. Mr. Therien then introduced the governmental agency panel and Matthew Baerwalde launched into his presentation. Member Oliver asked how many cows there are in Snoqualmie Valley. Mr. Baerwalde said his best wild guess was over 2000. Member Bessermin asked if Mr. Baerwalde was referring to the draft rule revision, and he said yes.

Mr. Therien then introduced Tom Eaton from the Environmental Protection Agency (EPA). Mr. Eaton launched into his presentation. Mr. Eaton said that the Washington State Departments of Ecology and Agriculture have the authority to deal with the nonpoint pollution. He did note that AFO/CAFOs with documented discharges are considered point sources and should be permitted under the NPDES. Mr. Eaton noted that the EPA reached a consent agreement with 4 dairies in the area, and as part of that agreement the dairies were asked to test wells within 1 mile of their property. Mr. Eaton stated that there are 224 wells in this (1-mile) geographic area; of those, 181 were tested, and 61% had results above the nitrate MCL. EPA also conducted upgradient/downgradient monitoring well testing and found that upgradient wells were below MCL and down gradient wells had nitrate level above the MCL. Member Grellner asked if those results were just from the 1-mile radius of the four dairies in the consent agreement. Mr. Eaton said yes. Member Oliver asked about air pollution and other nuisances. Mr. Eaton noted that the EPA has authority over Indian reservations on air quality and nuisances issues and is currently working on a rule to deal with emissions but without much progress. Member Oliver asked if the 12% of the wells with MCL above the MCL were countywide, and Mr. Eaton said that boundary was within the Ground Water Management Area (GWMA).

Mr. Therien then introduced Kelly Susewind from Ecology. He discussed that Ecology doesn't do much with solid waste, with a small exception for digesters. Air quality is also not covered by Ecology. Ecology does issue permits on dust control. Ecology also has authority over waters of the state (RCW 90.48). Ecology does have authority over CAFOs, with direct discharges to surface waters. About one dozen facilities are currently permitted. Mr. Susewind said the permit is outdated and they are in the process of updating the permit. Ecology also has authority over ground waters of the State. Ecology only has 8-9 staff statewide to cover the nonpoint pollutions source identification and correction within the State. Ecology does have a new Director whom has a lot of energy to work on nonpoint source pollution issues. Partnerships and collaborations are one of the main focus areas for Ecology on nonpoint issues. Ecology will be ambivalent about a rule change for the current rule under consideration. Member Oliver asked if Ecology is now working holistically with other agencies on this issue. Mr. Susewind responded by saying there is a new

energy to work with the agricultural community and others to get improvements. Member Oliver asked if the Department of Health has been involved in these discussions. Mr. Susewind said that there are discussions at the Director level around this issue. Mr. Susewind pointed out that Ecology has a MOU with WSDA about this issue. Member Oliver asked if there was a communication plan to get the info about these efforts to the locals. Member Grellner asked if how Ecology decided what CAFOs should be permitted. Mr. Susewind said it is based on discharges and size of operation. Member Grellner asked what the current permit addresses. Mr. Susewind said it addresses manure control, manure application and monitoring. Member Grellner asked if a local health jurisdiction or an irrigation district requested an inspection/made a complaint based on data, would Ecology respond. Mr. Susewind said yes, with technical assistance first. Member Grellner said that EPA stated finds that there is a big problem with nitrates in groundwater in the area; did Ecology agree with that finding. Mr. Susewind said yes they agree that nonpoint pollution is the problem in the groundwater supplies. Member Grellner asked if Ecology had requested more resources to deal with the issue. Mr. Susewind said that they are working on it and will continue to do so. Member Oliver asked who has authority over the lagoons and dairies. Mr. Susewind stated that the Department of Agriculture is the lead agency for dairies; Ecology is lead for groundwater and surface water. However if the facility is permitted, then Ecology has authority. Member Kutz asked if the nutrients/solids leave the property boundaries, who monitors that application on other properties. Mr. Susewind said that Ecology monitors those applications. Member Grellner asked if it were more efficient to regulate through a permit rather than a nuisance rule. Mr. Susewind agreed it would be. Member Grellner then asked if it would be better for Ecology to enforce air, water and other issues through a single permit. Mr. Susewind equivocated on this issue. Member Austin asked if Ecology issues permits for air quality for CAFOs. Mr. Susewind said only if the facility has 1000 or more animals. Member Kutz asked if anyone is involved at the local jurisdictions who review the land use issues. Mr. Susewind said different jurisdictions have different rules through things like the Growth Management Act. Member Kutz asked if Yakima Valley and Whatcom County have local efforts going on in those areas dealing with these issues. Member Grellner asked if there have been any conversations with industry to better manage these issues through the proposed new permitting system.

Mr. Therien introduced Julie Morgan, who then launched into her presentation as outlined in the packet. Ms. Morgan mentioned that the Department of Agriculture is moving toward a non-regulatory approach to dealing with manure. Member Kutz talked about the farm next door to his farm, and can adjoining farms get information/records about the application of biosolids on the fields and are those application rates available for dairy nutrients. Ms. Morgan said those records are kept on the dairy. Member Oliver asked whose jurisdiction is it for these application rates. Ms. Prest said it's no one's jurisdiction, and Mr. Susewind agreed. Member Austin asked if it were possible for a truck to dump materials on Bureau of Land Management land and no one would be able to deal anything about it. The answer was yes. Member Oliver asked about informal and formal enforcement and where the line is drawn between the two. Ms. Prest said that notice of corrections/orders/penalties are formal while notice of warnings are informal. Member Oliver asked who follows up with informal enforcement in a dairy. Ms. Prest said that WSDA does, but they have limited authority. Ms. Prest said that 95% of the time informal enforcement works. Member Oliver asked how many formal actions WSDA has taken in the Yakima Valley. Ms. Prest said she would find out. Member Worsham asked if there was a time when the formal enforcement process is the first step rather than the second step. Ms. Prest said they always start with an informal process. Member Grellner said that there has been a huge change in the size of CAFOs over the years, and have the Dairy Nutrients Plans (DNP) kept up. Ms. Prest said only when a discharge occurs does a DNP change. Member Grellner asked how WSDA monitors the difference. Ms. Prest

said that if the animal number increases by 10% or the acreage changes by 10% then the conservation district works with the facility on updating the DNP. Member Grellner asked if a dairy had more nutrients than can be used on its own property, what happens. Ms. Prest said that WSDA does surveillance and monitoring to identify on land applications on non-dairy land. Ms. Prest pointed out that WSDA only has 5 regular staff who work the entire state. Member Grellner asked how WSDA monitors discharges under a CAFO. Ms. Prest said soil sampling is common, but that is not how it works right now or that it is the best method. Member Bessermin asked what happens if the corrections are not followed. Ms., Prest said that WSDA moves to a formal process. Member Grellner asked if the State Board of Health could meet with these folks again, and they all confirmed they could.

Mr. Therien then introduced Mike Means of the Washington State Department of Health. Mr. Means then launched into his presentation as found in the packet. Member Grellner asked if there is anyway to continue to monitor the source water. Mr. Means said systems do typically monitor the source water but that data doesn't go into the database. Member Kuntz asked if people could start giving their data from private well data to the Department. Mr. Means said their database could not handle it. Member Pendergrass asked if those 45 systems identified in the presentation are required to provide information about the water quality to their customers, and does anyone else get that information. Mr. Means responded by saying that notification for those systems is an informal system. Member Grellner asked if sanitary surveys are done on Group A systems, and if so, have nitrates sources been identified for those systems. Mr. Means responded that it is only on the individual basis from a problem solving perspective at the individual level. Mr. Means mentioned that there is cyclical nitrate issue in Whatcom County related to raspberries. Member Kutz asked whether the Department has any monitoring wells. Mr. Means said no, they don't have any. Member Kutz asked if there is work being done to compile and aggregate the data from all of the agencies; Mr. Means said yes.

Mr. Therien then introduced Brad Banks with the Washington State Association of Local Public Health Officials. Mr. Banks said that the local health jurisdictions (LHJ) he represents are committed to protecting public health within their scope. Mr. Banks noted that the State Board of Health should be cognizant that LHJ work level should be maintained within their current scope of work and that adding more into their scope isn't something that is supported by LHJs. Member Oliver asked if LHJs have the responsibility to protect the people of their jurisdiction. Mr. Banks said yes. Member Oliver stated that the LHJ in Yakima should be involved with the agencies who have jurisdiction over the problems in their communities. Member Kutz noted that LHJs can create Clean Water Districts and is the LHJ in the area should be looking into that possibility to deal with the water quality issues. Mr. Banks said that might be a possibility.

Mr. Therien then introduced the next set of panelists. Denise Smee then presented on the history of the request for the change in the rule. The issue began about one horse in Clark County. Ms. Smee then explained the history of the conservation districts in Washington. Member Grellner asked if the NRCS have kept up with the pace of change in terms of dealing with current farm operations. Ms. Smee said she believed so as they are site specific. Member Kutz then asked more about the one horse issue in Clark County as being the reason this WAC was used there for enforcement, but hasn't heard anything about dogs or cats issues being dealt with by this WAC.

Jack Field then presented about the authority of Ecology to enforce water quality issues. Mr. Field then described the regulatory structure for CAFOs and controlling nonpoint pollution. Mr. Field said the informal enforcement approach works 99.9% of the time. Mr. Field stated that he didn't

believe the Department of Health should be involved in the regulation of CAFOs. Member Grellner asked if Mr. Field was stating that washing your car is equivalent to a CAFO operation. Mr. Field said in terms of the aggregate nonpoint pollution issue, yes that is the case. Member Kutz asked if Ecology has a charge to protect public health in the community. Mr. Field agreed that Ecology has a charge to protect water quality. Member Grellner asked if the Cattlemen's Association is opposed to CAFO permits. Mr. Fields said he advises his members to do things in such a way that will assure that they do not need to be permitted. Member Grellner stated that the four CAFOs that signed the consent agreement had to, by some degree, agree they had an impact so what is different about the way the non-permitted CAFOs operate in terms of nonpoint pollution. Jay Gordon stated that every dairy has a farm plan, and so they comply with the first tier. If you produce a discharge then you are on the second tier; if you land on the second tier both Ecology and WSDA will be involved. The Dairymen's Association does support getting a permit for CAFOs.

Mr. Gordon then presented. Mr. Gordon said the farm plan is just a plan, but the goal is not to pollute. They (dairymen) are focused on performance. Mr. Gordon noted that the NRCS standards are set every 5 years. Mr. Gordon mentioned that there were agencies missing on the matrix in the materials, including EPA, The Department of Health's shellfish program, shellfish protection districts, counties, and GWMA. Member Grellner stated he found it great that the dairies are engaged in performance, so how does the dairy industry look into groundwater monitoring. Mr. Gordon said that prevention was the best method to avoid pollution and that the dairies maintain records that they are applying nutrients at the proper agronomic rates. Mr. Gordon said that monitoring wells should be installed comprehensively and through a GWMA.

Ed Field then presented. Mr. Field described the background and history of his farm and other farms in Eastern Washington. Mr. Field finds that the nutrients/manure is a great fertilizer and that his members track the application of the nutrients carefully. Mr. Field states they do a good job in all aspects of nonpoint pollution, including air, water and so on. Mr. Field states they have a good relationship with Ecology.

Mr. Therien then introduced the last panel. Andrea Rodgers Harris then started her presentation. Ms. Rodgers Harris referred the State Board of Health to her written testimony provided in the packet. Ms. Rodgers Harris asked the State Board of Health to assist Ecology to develop a strong general permit for medium and large CAFOs. Ms. Rodgers Harris also requests that the State Board of Health maintain the current language in the rule. Ms. Rodgers Harris also asked the State Board of Health to assist implementing a comprehensive water quality monitoring process of water wells near CAFOs and implement other items listed in her testimony. Ms. Rodgers Harris also asked the State Board of Health to make methemoglobinemia a reportable condition.

Katelyn Kinn then presented. Ms. Kinn provided the State Board of Health with a large number of facts and figures about the impact nonpoint pollution sources have on public health, shellfish and natural resources of Puget Sound and other waters of the state. Ms. Kinn asked the State Board of Health to assist Ecology to develop a strong general permit for medium and large CAFOs.

Jan Whitefoot then presented. Ms. Whitefoot discussed how she became involved in Yakima Valley CAFO issues. Ms. Whitefoot discussed how CAFOs have impacted her community and other areas around the State. Member Austin announced that he was closing the presentations. The presentations ended at 4:03.

10. PUBLIC TESTIMONY

Mr. Therien pointed out the written testimony submitted in advance of the meeting behind Tab 10 in member packets.

Lindsay Hovind, American Heart Association, testified with partners asking for the Board to add pulse oximetry to the newborn screening panel. She said congenital heart disease occurs in 1% of births and pulse oximetry is a low-cost test to identify the condition. She said universal newborn screening would cost an average of \$4 per newborn. She said more than 30 states have added the condition to their newborn screening requirements.

Matthew Park, MD, Multicare Health Centers, served on national panel evaluating newborn screening. He said only 50% of newborns are identified by ultrasound. With pulse oximetry screening up to 90% of newborns with the condition are identified. He said Washington has three excellent surgical centers that could deal with the newborn heart conditions. He said early detection and treatment can prevent long-term health problems.

Stephanie Arey said her son was born with the condition. Pulse oximetry was not used on him as a newborn. When he was three years old he was diagnosed with pulmonary valve constriction. He suffers from repeated episodes of life-threatening attacks. He will have life-long problems. If pulse oximetry had been used when a newborn, the problem might have been discovered and treated early.

Gina Legaz, March of Dimes, asked the Board to add CHD to the newborn screening panel. She said her brother was born in 1982 with a heart defect that would be identified by pulse oximetry. Although that technique was not used on him, an alert nurse identified he had a problem and he received surgery a few months later.

Jean Mendoza, Yakima Valley resident, testified in support of pulse oximetry testing. However, she primarily testified about manure management. She said Washington Department of Agriculture data shows 38% of the dairy cows in the state are located in Yakima County. She said 45 ppm nitrate in soil is the upper level per manure application guidelines. She said she has heard staff within the Department of Agriculture is questioning whether the guideline is too high to be protective of water.

Larry Fendell, Yakima Valley resident, testified that large dairies have moved to the Yakima Valley to spoil the area and move on. He said he is for property rights, but when manure comes onto his property, he has a concern. He testified about air quality concerns. He said nutrient management plans look good on paper, but do not work in practice.

Audrey Adams, Washington Action for Safe Water, testified that her son is sensitive to fluoride in water. She read from a letter by Dr. Richard Sauerheber to the U.S. Food and Drug Administration expressing concern about variable responses to drugs, including fluoride in water. She requested Washington Action for Safe Water be given a seat at the July oral health workshop.

Jim Dyjak, from Moxie, testified his family is the victim of manure pollution. He said he is an original member of the Lower Yakima Valley Groundwater Management Area Advisory Committee and has not missed a meeting. He tried to get on a Yakima Clean Air Agency panel to look at pollution from dairies, but was denied and told he was not a stakeholder, even though he breathed the air in the community. He also expressed concern about bacteria in manure.

11. BOARD MEMBER COMMENTS

Chair Austin said when Ms. Davis was hired as executive director, she was given a salary about \$9,000 less than the previous executive director. He felt that the salary should be reinstated at its previous levels. The other Board members expressed agreement.

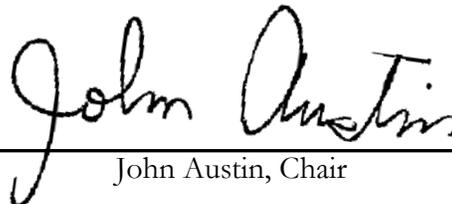
Member Kutz reported that the Health Disparities Council has two priorities this year: reducing childhood obesity and adverse birth outcome disparities.

Ms. Davis and Board members thanked Mr. Therien for his nine years of exemplary service to the Board, as he is about to retire.

ADJOURNMENT

Chair Austin adjourned the meeting at 4:50 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 with a large initial "J".

John Austin, Chair