



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

Agency: State Board of Health

Subject of possible rule making: WAC 246-290-460, Fluoridation of drinking water

Statutes authorizing the agency to adopt rules on this subject: RCW 43.20.050(2)

Reasons why rules on this subject may be needed and what they might accomplish: In 1983, the State Board of Health (SBOH) set in WAC 246-290-460 a fluoride concentration range based on federal recommendations. This level of fluoride is intended to prevent cavities while minimizing dental fluorosis. The SBOH rule applies to public drinking water systems choosing to fluoridate under RCW 57.08.012. The U.S. Department of Health and Human Services (HHS) is currently considering changing its recommendation for an optimal fluoride level in drinking water. On January 13, 2011, HHS published a request for public comments on its draft recommendation. The SBOH will consider revising its WAC 246-290-460 based on the finalized HHS recommendation.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:
The U.S. Environmental Protection Agency (EPA) regulates the maximum level of fluoride in public water systems under the Safe Drinking Water Act. These federal regulations set the maximum allowable level in drinking water to protect public health. The HHS recommended level considered optimal for cavity prevention is much lower than the maximum level of fluoride allowed in public drinking water supplies by EPA. SBOH will assure the allowed fluoridation level set in WAC 246-290-260 is under the maximum level allowed by EPA. SBOH will consider revising the rule based on the level recommended by HHS.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) The State Board of Health will use a collaborative rule making process, seeking input from interested parties. Outreach efforts will include providing information on our web page, www.sboh.wa.gov, and using e-mail contact lists of public drinking water stakeholders.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Interested parties can participate in development of a proposed rule by submitting comments to the State Board of Health at wsboh@doh.wa.gov.

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DATE 05/13/11

NAME (TYPE OR PRINT)
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