



DATE: October 9, 2015

TO: Washington State Board of Health Members

FROM: James Sledge, Board Member

SUBJECT: PETITION FOR RULE-MAKING REGARDING NSF APPROVAL OF FLUORIDATION ADDITIVES

Background and Summary:

RCW 34.05.330 allows any person to petition an agency to adopt, repeal or amend any rule within its authority. An agency must respond to the petitioner within 60 days. On September 8, 2015, the Board received a petition from James Deal, requesting the addition of rule language to WAC 246-290-460-Fluoridation of Drinking Water. Mr. Deal has proposed that a new paragraph (6) be added to this section of rule that would put new requirements on the Department of Health to independently evaluate toxicity data for fluoridation additives in order to ensure that these products comply with NSF/ANSI standard 60. Further, the proposed rule language would disallow the use of fluoride additives until the Department has confirmed that toxicity data indicate that these additives comply with NSF/ANSI standard 60. Mr. Deal alleges that NSF has failed to properly follow NSF/ANSI Standard 60 requirements in providing its certification of fluoridation additives. Mr. Deal has provided a 50 page narrative as supporting documentation for this petition.

The Board has been working on oral health issues for the past several years. In November of 2013 the Board endorsed a set of “Recommended Strategies to Improve Oral Health of Washington Residents”. Our goals in creating these recommended strategies were, in part, to “guide the Board in its rule making and policy development activities.” Supporting community water fluoridation is one of our oral health strategies for the benefit of the people of Washington State.

David DeLong, Health Policy Advisor, will provide more detail on this petition and answer questions.

Recommended Board Action:

I recommend for the Board’s consideration, the following motion:

The Board denies the petition for rule-making to amend WAC 246-290-460 and directs the Executive Director to draft a response to the petitioner advising of the Board’s decision.

Staff Contact: David DeLong
