



STATE OF WASHINGTON  
WASHINGTON STATE BOARD OF HEALTH

PO Box 47990 • Olympia, Washington 98504-7990

November 2, 2015

James Deal  
4130 166<sup>th</sup> Place SW  
Lynnwood, WA 98037

Dear Mr. Deal:

The Washington State Board of Health (Board) considered your petition for rule making at its last Board meeting on October 14, 2015. The Board denied your petition for rule making.

Your petition requested that the Board amend WAC 246-290-460 by adding language that would disallow the use of fluoridation additives in community water systems until the Department of Health conducted quantitative risk assessments of the type conducted or obtained by NSF (as described in NSF/ANSI Standard 60 annex A table A2) and reasonably determined that fluoride additives comply with NSF/ANSI Standard 60 (henceforth referred to as the standard). Your petition asserted that fluoridation additives do not meet the standard because NSF has not conducted or obtained the toxicology studies listed in the standard's Annex A.

The Board reviewed your petition and the information prepared by staff. Board staff informed the Board of the following: Annex A, Section A.3.2 of the standard clearly states: “[i]f a substance is regulated under the USEPA’s National Primary Drinking Water Regulations and USEPA has finalized a Maximum Contaminant Level (MCL) or other means of regulation such as a treatment technique (see Annex A, Section A.2.18) **no additional collection of toxicological data shall be required** ...” Fluoride and many other substances fall under this part of the standard. The toxicology studies that are listed in the petition are for substances not regulated as described and without published risk assessments. Your petition mischaracterized the requirements of the standard and incorrectly concluded that fluoridation additives do not meet the standard when, in fact, they do.

RCW 34.05.330 allows a petitioner to appeal any agency’s decision to deny a petition to repeal or amend a rule to the Governor within 30 days of the denial.

Sincerely,

Michelle Davis  
Executive Director