



STATE OF WASHINGTON  
Office of the Governor

January 7, 2016

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

RE: Appeal from Petition Related to Fluoride in Drinking Water

Dear Mr. Deal:

I am writing in response to your appeal of the Board of Health's (Board) denial of your petition, which asked that the Board adopt a new rule section at WAC 246-290-460. The Board characterized your petition as a petition to amend an existing rule and reviewed your petition on October 14, 2015. The Board denied your petition in writing on November 2, 2015. You filed an appeal with the Governor's Office on December 1, 2015.

I have carefully reviewed your appeal. RCW 34.05.330(3) grants me the legal authority to only consider appeals from agency action denying a petition to repeal or amend a rule; accordingly, I assume, without deciding, that your petition is properly characterized as a petition to amend WAC 246-290-460 rather than a petition for a new rule. Generally, I will only reverse an agency decision if I find that the agency abused its discretion or misapplied state law.

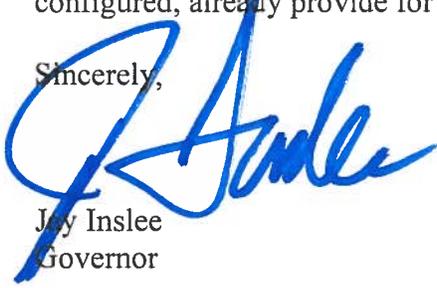
Here, I am affirming the Board's decision. Essentially, your proposed amendment would prohibit the use of fluoridation additives in community water systems until the Board conducts a quantitative risk assessment of the type conducted or obtained by NSF—an international product testing, inspection, and certification organization—and reasonably determines that fluoride additives comply with NSF/ANSI Standard 60, an internationally recognized drinking water health standard. But as the Board stated in its denial of your petition, NSF/ANSI Standard 60 provides that when the U.S. Environmental Protection Agency has finalized a Maximum Contaminant Level or other means of regulation, "no additional collection of toxicological data shall be required." Fluoride, which has its own MCL, falls under this part of the standard, and thus is not subject to further collection of toxicological data. And, the toxicology studies that you reference in your petition are designed for other, non-regulated substances. Your petition misconstrues the NSF/ANSI Standard 60 requirements and errs in concluding that fluoride additives do not meet the standard. For these reasons, I see no reason to overturn the Board's decision.



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Ultimately, Washington State is committed to assuring that citizens have access to a safe, clean supply of drinking water. I believe that our current laws and regulations, as configured, already provide for the concerns that you raise in your petition.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jay Inslee", is written over the word "Sincerely,". The signature is fluid and cursive, with a large initial "J" and "I".

Jay Inslee  
Governor