



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: State Board of Health

- Preproposal Statement of Inquiry was filed as WSR 15-16-053 ; or
- Expedited Rule Making--Proposed notice was filed as WSR ; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR
- Continuance of WSR

**Title of rule and other identifying information:** (Describe Subject)

WAC 246-290-460, Fluoridation of drinking water. The proposed rule adopts a single optimal fluoridation concentration level, reduces the operating range tolerance; requires water systems that fluoridate to notify the Department of Health (department) before they stop fluoridating; and makes clarifying changes.

**Hearing location(s):** Department of Health  
Point Plaza East, Room 152/153  
310 Israel Road SE  
Tumwater, Washington 98501

Date: March 9, 2016 Time: 1:00 p.m.

**Submit written comments to:**

Name: Theresa Phillips  
Address: Department of Health  
PO Box 47820  
Olympia, Washington 98504-7820  
e-mail: <http://www3.doh.wa.gov/policyreview/>  
fax (360) 236-2250 by (date) 02/23/2016

**Assistance for persons with disabilities:** Contact

Melanie Hisaw by 02/24/2016

TTY (800) 833-6388 or () 711

**Date of intended adoption:** 03/09/2016

(Note: This is NOT the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

This proposal: 1) Adds the new U.S. Department of Health and Human Services (HHS) recommendation for an optimal fluoride level of 0.7 milligrams per liter (mg/L) for Group A public water systems that choose to fluoridate; 2) Reduces the operating range for water systems that fluoridate from 0.8 to 1.3 mg/L down to 0.5 to 0.9 mg/L; 3) Adds a requirement for water systems that fluoridate to notify the department before permanently stopping fluoridation; and 4) Makes clarifications to existing requirements concerning monitoring and reporting results to the department.

**Reasons supporting proposal:**

HHS set the new recommended single concentration of 0.7 mg/L based on recent studies that indicate water intake no longer varies by climate fluctuations across the nation. In addition, the increased use of fluoridated products such as toothpaste, mouthwash, drops or tablets, and professionally applied varnish or gel. These changes mean that the higher fluoride concentration in drinking water is no longer necessary. The new optimal fluoride level is intended to continue to improve dental health and reduce the potential for dental fluorosis.

**Statutory authority for adoption:**

RCW 43.20.050(2)

**Statute being implemented:**

RCW 70.119A.080 and RCW 43.20.050(2)

**Is rule necessary because of a:**

- Federal Law?  Yes  No
  - Federal Court Decision?  Yes  No
  - State Court Decision?  Yes  No
- If yes, CITATION:

DATE 01/20/16

NAME (type or print)  
Michelle A. Davis

**SIGNATURE**

TITLE  
Executive Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: **January 20, 2016**

TIME: **10:33 AM**

WSR **16-03-084**

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None.

**Name of proponent:** (person or organization) Washington State Board of Health

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Theresa Phillips	243 Israel Road SE, Tumwater, WA 98501	(360) 236-3147
Implementation.... Clark Halvorson	243 Israel Rd SE, Tumwater, WA 98501	(360) 236-3100
Enforcement..... Clark Halvorson	243 Israel Road SE, Tumwater, WA 98501	(360) 236-3100

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone

fax

e-mail

No. Explain why no statement was prepared.

A small business economic impact statement was not prepared. The proposed rule would not impose more than minor costs on businesses in an industry.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Theresa Phillips

Address: Department of Health

PO Box 47820

Olympia, Washington 98504-7820

phone (360) 236-3147

fax (360) 236-2250

e-mail [theresa.phillips@doh.wa.gov](mailto:theresa.phillips@doh.wa.gov)

No: Please explain:

**WAC 246-290-460 Fluoridation of drinking water.** (1) Purveyors shall obtain written department approval of fluoridation treatment facilities before placing them in service and shall notify the department before discontinuing fluoridation.

(2) Where fluoridation is practiced, ~~((purveyors shall maintain fluoride concentrations in the range 0.8 through 1.3 mg/L throughout the distribution system))~~ the optimal fluoride concentration is 0.7 mg/L.

(3) ~~((Where fluoridation is practiced))~~ To ensure concentrations remain as close as possible to the optimal fluoride concentration throughout the entire distribution system and fluoridation facilities and monitoring equipment are operating properly, purveyors shall take the following actions ((to ensure that concentrations remain at optimal levels and that fluoridation facilities and monitoring equipment are operating properly)):

(a) ~~((Daily))~~ Monitoring.

(i) ~~((Take daily))~~ Each business day, collect routine monitoring samples ((for each point of fluoride addition and analyze the fluoride concentration. Samples must be taken downstream from each fluoride injection point at the first sample tap where adequate mixing has occurred.

~~(ii) Record the results of daily analyses in a monthly report format acceptable to the department. A report must be made for each point of fluoride addition.~~

~~(iii))~~ downstream from each fluoride injection point at the first sample tap where adequate mixing has occurred.

(ii) Analyze samples in accordance with procedures identified in the 22nd edition of *Standard Methods for the Examination of Water and Wastewater*, January 2012, or other department-approved procedures.

(iii) Once per month, collect a split sample at the same location routine monitoring samples are collected and process as follows:

(A) Analyze half the sample and record the results on the chain of custody document; and

(B) Submit the other half of the sample for analysis to a drinking water certified laboratory with the chain of custody document.

(b) Reporting.

(i) Record routine analysis results on a monthly report form provided by the department.

(ii) If more than one routine monitoring sample is collected on any given day, average sample results and record the average.

(iii) Submit monthly monitoring reports to the department within the first ten days of the month following the month in which the samples were collected.

~~((b) Monthly split sampling.~~

~~(i) Take a monthly split sample at the same location where routine daily monitoring samples are taken. A monthly split sample must be taken for each point of fluoride addition.~~

~~(ii) Analyze a portion of the sample and record the results on the lab sample submittal form and on the monthly report form.~~

~~(iii) Forward the remainder of the sample, along with the completed sample form to the state public health laboratory, or other state-certified laboratory, for fluoride analysis.~~

~~(iv) If a split sample is found by the certified lab to be:~~

~~(A) Not within the range of 0.8 to 1.3 mg/l, the purveyor's fluoridation process shall be considered out of compliance.~~

~~(B) Differing by more than 0.30 mg/l from the purveyor's analytical result, the purveyor's fluoride testing shall be considered out of control.~~

~~(4) Purveyors shall conduct analyses prescribed in subsection (3) of this section in accordance with procedures listed in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*.~~

~~(5) The purveyor may be required by the department))~~ (4) If any sample or measurement in subsection (3) of this section is found to be out of operating tolerance or off measure, the purveyor shall take appropriate action to meet the requirements of this section.

(a) Operating tolerance means within the range of 0.5 to 0.9 mg/L.

(b) Off measure means the drinking water certified laboratory result differs by more than 0.2 mg/L from the purveyor's analytical result.

(5) The department may require the purveyor to increase the frequency, ((and/)) or change the location of sampling prescribed in subsection (3) of this section to ensure ((the)) adequacy and consistency of fluoridation.