



**Draft Minutes of the State Board of Health
August 10, 2016**

John L. O'Brien Building (JLOB), House Hearing Room E (HHRE), 504 15th Avenue SW, Olympia, WA 98501

State Board of Health members present:

Keith Grellner, RS, Chair
James Sledge, DDS, FACD, FICD
Diana T. Yu, MD, MSPH
The Honorable Jim Jeffords
Fran Bessermin
Stephen Kutz, BSN, MPH
Thomas Pendergrass, MD, MSPH

Clark Halvorson, Assistant Secretary of
Environmental Public Health, Secretary's
Designee
The Honorable Donna Wright

State Board of Health members absent:

Angel Reyna

State Board of Health staff present:

Michelle Davis, Executive Director
Melanie Hisaw, Executive Assistant
Sierra Rotakhina, Health Policy Advisor
David DeLong, Health Policy Advisor

Kelie Kahler, Communications Manager
Christy Hoff, Health Policy Advisor
Alexandra Montañó, Health Policy Analyst
Megan Block, Intern
Kristen Mitchell, Assistant Attorney General

Guests and other participants:

Mike Means, Department of Health
Garin Schrieve, Department of Health
Ellen Silverman, Department of Health
Ellie McMillan, Department of Health
Cori Tarzwell, Department of Health
Kelly Cooper, Department of Health
Tami Thompson, Department of Health
Kristin Peterson, Department of Health
Jessica Wallace, University of Washington
Rachael Ranes, University of Washington
Fedel Harness, University of Washington
Michelle Austin, Department of Health
Theresa Phillips, Department of Health

Peter Beaton, Department of Health
Megan Elliott, School Health
Bill Lundin, Northwest Lions Foundation
Janet Boyett, School Nurse
Craig Smith, Neurologist & Ophthalmologist
Lorrell Noahr, Office of Superintendent of
Public Instruction (OSPI)
Kathy O'Toole, WA Education Association
(WEA)
Joanna Haws, OPW/Children's Vision
Jason McGill, Governor's Office

Keith Grellner, Board Chair, called the public meeting to order at 9:01 a.m. and read from a prepared statement (on file). He announced that the Board would have a strategic planning session in the basement in Room B15 at 1:00pm.

1. APPROVAL OF AGENDA

Motion: Approve August 10, 2016 agenda

Motion/Second: Diana Yu/Tom Pendergrass. Approved unanimously.

2. ADOPTION OF JUNE 6, 2016 MEETING MINUTES

Motion: Approve the June 6, 2016 minutes

Motion/Second: Tom Pendergrass/Diana Yu. Approved unanimously.

3. BOARD ANNOUNCEMENTS AND OTHER BUSINESS

Michelle Davis, Executive Director, welcomed the Board to the capitol campus. She introduced Alexandra Montañó, the Board's new Health Impact Review Analyst, and Kristen Mitchell who is attending for Assistant Attorney General, Lilia Lopez. Ms. Davis noted that Sierra Rotakhina had returned from maternity leave and that the Board was participating in the DOH infants at work program. Ms. Davis announced that Governor Inslee reappointed members Sledge, Grellner and Kutz to the Board. Ms. Davis described correspondence received from Ms. Jean Mendoza regarding the impact of Confined Animal Feeding Operations on drinking water and the people in Yakima County. She also noted Ms. Mendoza had sent information expressing concern about Ecology's draft Non-pollution Discharge Elimination System (NPDES) permit. Ms. Davis directed the Board to a letter in support of increasing the age of sale for tobacco products, including electronic products to 21 years old in Washington (on file). The Chair signed this letter of support under Board policy 2001-004. Ms. Davis said she had received an email from Maia Bellon Director of the Department of Ecology. Director Bellon is inviting state agencies to have an informal conversation with leaders of communities of color to learn about what is happening in these communities including impacts on public health food, and natural resources. Ms. Davis and Chair Grellner will attend the October meeting. Ms. Davis reminded Board members that the October 12 meeting is in SeaTac. Chair Grellner affirmed the benefits of the infants at work policy.

4. DEPARTMENT OF HEALTH UPDATE

Clark Halvorson, Assistant Secretary of Environmental Public Health, Secretary's Designee, shared information about Dr. Lee's suspension and impacts on patients of the Seattle Pain Center. The state closed eight clinic locations, and more than 1,000 patients were without pain management care. Department of Health has activated an incident command center to facilitate communication with other agencies and is working to mitigate impacts on the system and patients. The Department is updating the public through a new web page. Member Halvorson mentioned the Department's focus on the opioid epidemic. It is helping implement the state's 2015 Interagency Guideline on Prescribing Opioids for Pain. The U.S. Department of Health and Human Services awarded Washington supplemental funding to support activities to combat the ongoing overdose epidemic. The Department is working with other state agencies and the BREE Collaborative to coordinate efforts to implement the grant. Member Halvorson reported that there are currently 22 travel-associated Zika cases in Washington, and that 17 of these cases acquired Zika in Florida. The mosquito species that carries Zika is not in our state, and there has been no local transmission of the disease. CDC has issued a travel advisory for pregnant women. Member Halvorson noted that Washington had its first human death from West Nile Virus this year. Mosquitos have tested positive in several counties in the state.

5. BRIEFING: CHAPTER 246-290 WAC GROUP A PUBLIC WATER SUPPLIES

David DeLong, Board Staff, introduced Mike Means and Garin Schrieve, Department of Health Office of Drinking Water, who briefed the Board on the Department's work to update portions of Chapter 246-290 WAC, Group A Public Water Supplies (presentation on file). The presentation included an overview of why the Department is revising the rule, the process for developing the draft rule, information on the public comment period, and next steps. Adopting the revised total coliform rule is necessary for the Department to maintain primacy under the Safe Drinking Water Act (SDWA). The Department does not anticipate that the rule change will be controversial due to Washington State's water systems support of the Department's retaining primacy under the SDWA. In addition to required federal changes, the Department conducted a LEAN process review to identify these additional areas of update to the rule: water system planning, disinfection, and emergency sources. Mr. Means shared information about the concerns they heard during the 60-day public comment period and explained how they addressed those concerns in the rule.

Stephen Kutz, Board Member asked questions about emergency water, and the implications for those served by military versus the public water systems. Mr. Means noted that the state rules apply on Washington State bases. Member Kutz also asked about trucked water systems in emergencies and water potability. Mr. Means said that the rule establishes the expectation that emergency water supplies maintain records documenting disinfection, source and delivery area.

Tom Pendergrass, Vice Chair, asked if the rule revisions included requirements for contaminants such as heavy metals. Mr. Means said there are existing requirements in the rule related to many contaminants. They discussed requirements during emergencies. Vice Chair Pendergrass asked if we are creating new detail or work that removes the benefits of a longer reporting interval. Mr. Means answered that the rule would not require ongoing updates to address minor changes. Member Halvorson said that they had been working hard to create a plan that is useful and ties in to other planning timelines at the local level.

Diana Yu, Board Member, asked how much of the population in Washington get their water from Group A water systems. Mr. Means said that Group A water systems have 15 connections or serve 25 people a day for more than 60 days a year; these systems may serve 60-80% of the population.

Chair Grellner and Member Kutz inquired about the number of systems that use desalinization, and the when desalinization is used. Mr. Means indicated that few systems used desalinization for saltwater intrusion.

Chair Grellner moved Agenda item 8, UPDATE: GOVERNOR'S DIRECTIVE 16-06 SCHOOL RULES REVIEW up on the agenda.

The Board took a break at 10:40 a.m. and reconvened at 10:52a.m.

6. PUBLIC TESTIMONY

Bill Lundin, Chair of the Northwest Lions Foundation, asked the Board to consider adding objective digital vision screening technology to the Vision Screening rule. He described the testing efforts his organization does statewide, screening over 33,000 children each year. He testified that the new screening technology meets 99% of goals in the draft Board rules. The new objective screening vision devices are especially beneficial for screening children that do not speak English, have special

education needs, or are unable read. He noted that Oregon Health Sciences stated that these devices are the next best thing to the “gold standard” eye exam. He described Oregon’s experience with these devices, screening 180,000 children in a year (compared to 40,000 screened with older methods), with lower referral rates.

Janet Boyett, school nurse for Seattle public schools, recommended that the Board approve the use of new digital objective screening vision devices rather than the historic eye chart (dated from 1862). The current eye chart is challenging to use with children who are non-verbal or have special learning needs. She said Seattle screens children aged 3 to 21, and the device enables them to screen children that they have been unable to screen in the past. She spoke of the time it takes for nurses to give referrals and follow-up with children who need glasses, and said that these devices are more efficient and give school nurses more time for referral activities. She said that some studies show 60% of children have never had a vision exam, the school nurse is the only resource available. She described some of the limitations acuity charts such as Snellen, and invited Board members to examine one of the devices.

Lorell Noahr, Office of Superintendent of Instruction’s Director of School Facilities and Organization, expressed the Superintendent’s appreciation for the Board’s interest in school environmental health and safety. She noted that the Superintendent supports the drinking water testing requirement for schools in the Board’s suspended rules and indicated that funding is necessary for to schools to carry out this work, and for remediation of water fixtures. School districts have been using local levy dollars to do this work and that is not a regular, dependable or uniform funding source. She said that the Superintendent hopes the Board recognizes that we need state funding to pay for these mandates, and that they cannot be paid through local levy funds.

Kathy O’Toole, Washington Education Association, comprised of 8,000 school employees. She expressed concern about the wellbeing of students, and the lack of implementation of the school health and safety rule. She noted that this has put teachers and students at risk. She said that environmental health problems in schools have not gone away and provided an example of a Snohomish school with high levels of PCBs. She noted that WEA understands the funding challenges but we need to push forward to provide funding for full implementation of all the rules.

Joanna Hass, Optometrist and Chair of the Optometric Physicians Task Force on Children’s Vision, discussed vision conditions Optometrists encounter. She noted that as eye care practitioners, their first goal is to prevent blindness and that vision acuity testing will help with this goal. Their second goal is to prevent children from falling behind in school. Eye teaming or eye focusing issues will affect a student’s ability to read. She suggests that the vision screening rules require the notice that goes home to clearly state that the screening is just a screening and further recommend that children get a full eye exam. She noted that screenings do not catch all eye issues. She indicated that schools should conduct more than just near acuity screening as new evidence based screening tools are developed.

7. BRIEFING: CHAPTER 246-760 WAC VISION SCREENING

Vice Chair Pendergrass provided a brief history of the vision-screening rule and invited Sierra Rotakhina, Board Staff and Ellen Silverman, Department of Health to present. Ms. Rotakhina noted that the Board partnered with the Department of Health on this rule revision and introduced Ellie McMillan and Cori Tarzwell from the Department who also worked on the revision. Ms. Silverman and Ms. Rotakhina described the rule-update process, provided an outline of the preliminary draft of

the rule, and summarized stakeholder feedback on this preliminary draft (presentation and summary of stakeholder feedback on file).

Board Members discussed components of the draft rule as well as public comments that the Board had heard in person or received in writing. The Board discussed the pros and cons of instrument-based vision screening devices, the need for age-appropriate screening tools, allowing schools to waive a screening for a student who has recently had a comprehensive eye examination, and follow-up processes for students who meet the referral criteria. Member Yu noted that the rule needs language indicating that schools should refer students who are unable to complete the screening.

8. UPDATE: GOVERNOR'S DIRECTIVE 16-06 SCHOOL RULES REVIEW

Ms. Davis provided background on the Board's school environmental health rules (presentation on file). She said the Board updated the rules in 2009, and that same year, the legislature included a proviso in the Department of Health's budget that prohibits the Board and Department from implementing or amending the school rules until the Legislature funds them. Member Yu asked if the current rules require drinking water testing in schools and noted that few health departments have school safety programs. Ms. Davis responded that the current rule does not require drinking water testing and about nine local health jurisdictions have school programs.

Ms. Davis reported that the Governor's Directive 16-06 required the Board and Department to review the rule, and described that work, which included identifying sections related to lead, areas needing update, and potential costs associated with each section. She said that the Department was working to identify costs for local health and schools. She highlighted alternative approaches the workgroup suggested for meeting the rules' goals. Ms. Davis reviewed the Board's 2016 State Health Report recommendations and identified some of the budgetary challenges that the state will face in the upcoming legislative session.

The Board discussed water testing protocols and emphasized that the suspended rules address more than just lead. Vice Chair Pendergrass asked the Board to continue to pay attention to operation and maintenance and to prioritize revising the rules to 2016 standards. Member Halvorson noted that this is a priority for the Secretary and said they hope to move forward with creating school programs in all jurisdictions. Member Kutz asked about parental involvement in the process. Ms. Davis said parental involvement varies by school district. Chair Grellner noted that if the rules had gone into effect in 2009, they would reach full implementation this year. He highlighted the good work schools and local health jurisdictions are currently doing. The Board discussed private schools inclusion in the rule, noting that this was not new.

The Board recessed for lunch at 12:05 p.m. and reconvened at 1:00 p.m.

9. WORK SESSION: STRATEGIC PLANNING (this session held in JLOB B-15)

Ms. Davis indicated that the purpose of the work session was to identify activities for the 2016 strategic plan. She recapped typical Board activities and divided the Board members into two groups. The Board members went to two separate stations in the room. Board staff facilitated discussions, starting with goals 3 and 4. The groups traded stations after approximately 20 minutes. Members then reviewed Goals 1 and 2 using the same format and approach. Staff captured

comments on flip charts and will summarize and report the recommendations for the full board's consideration at the October meeting in SeaTac.

The Board took a break at 2:30 p.m. and reconvened at 2:40 p.m.

10. REVIEW AND REQUEST FOR DELEGATION: CHAPTER 246-271 WAC PUBLIC SEWAGE

Mr. DeLong shared the Department of Health's request to delegate authority for the repeal of Chapter 246-271 WAC Public Sewage. Department staff conducted a review and concluded that: Department of Ecology has more current and specific authority (RCW 90.48) to regulate public sewage systems; WAC 246-271 is outdated and redundant; and Ecology adequately regulates public sewer systems. These conclusions meet the requirements for delegation in Board policy number 2000-001. Mr. DeLong introduced Kelly Cooper and Jerrod Davis for questions.

Vice Chair Pendergrass and Member Kutz asked for clarification about systems covered under this new rule and who has the ultimate authority. Chair Grellner explained that the EPA and the Legislature grants Ecology its authority and repealing this rule will not reduce protection.

***Motion:** The Board delegates to the Department of Health authority to repeal Chapter 246-271 WAC, Public Sewage for the purposes of eliminating redundant and outdated rules.*

***Motion/Second:** Diana Yu/Jim Jeffords. Approved unanimously.*

11. REQUEST FOR DELEGATION: CHAPTER 246-282 WAC SANITARY CONTROL OF SHELLFISH (NSSP UPDATE)

Mr. DeLong read the staff memo requesting rule delegation for the adoption of NSSP model ordinance in WAC 246-282-005, Sanitary Control of Shellfish. This request for delegation is compliant with the Board's policy on rule delegation, Policy Number 200-001. Mr. DeLong introduced Laura Johnson, Shellfish Certification and Licensing Section Manager to the Board for questions.

***Motion:** The Board delegates to the Department of Health authority to revise WAC 246-282-005 to reference the most current version of the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish, the 2015 edition.*

***Motion/Second:** Tom Pendergrass/Jim Sledge. Approved unanimously*

12. RESOLUTION 2016-01 TOBACCO TO 21

Chair Grellner asked Ms. Davis to present this item. She described the Board's long-standing support of efforts to reduce tobacco usage among adults and youth. She described the Attorney General's 2015 Tobacco to 21 legislation, and the Board's Health Impact Review findings related to the legislation. She reported that Chair Grellner had signed a letter urging the legislature to increase the age of sale for tobacco products to 21 and asked for the Board to further memorialize its support through Resolution 2016-01 (on file). Chair Grellner then read the resolution.

Members Yu and Sledge asked for clarification about the age 21 in the wording of the motion. Motion to be amended to reflection age 21 and tobacco and vaping products. Fran Besserman,

Board Member seconded the amended motion. Vice Chair Pendergrass spoke in favor of the motion. Member Kutz suggested looking at other unregulated products for Board consideration in the future.

***Motion:** The Board adopts Resolution 2016-01 urging the legislature to raise the age of sale for tobacco and vaping products to age 21.*

***Motion/Second:** Stephen Kutz/Fran Besserman. Approved unanimously*

13. BOARD MEMBER COMMENTS

Vice Chair Pendergrass expressed concern of the aging physician workforce population. He also spoke of the growing research linking adverse childhood experiences and reduced health.

Member Yu announced that August is vaccine awareness month, and that September is aging month.

Member Kutz expressed concern about the growing opioid overuse epidemic in Washington State. Members Yu, Halvorson, and Chair Grellner spoke of work currently being done in Washington about this growing public health concern.

ADJOURNMENT

Keith Grellner, Board Chair, adjourned the meeting at 3:15 p.m.

WASHINGTON STATE BOARD OF HEALTH

, Chair