



STATE OF WASHINGTON  
WASHINGTON STATE BOARD OF HEALTH

*PO Box 47990 • Olympia, Washington 98504-7990*

January 20, 2022

Xavier Figueroa, Ph.D.  
Informed Choice Washington  
11410 NE 124<sup>th</sup> St. #331  
Kirkland, WA 98034

Sent Via Email

Dear Mr. Figueroa:

Thank you for the rulemaking petition you submitted to the State Board of Health (Board) on December 28, 2021 requesting that a new section of rule be added to chapter 246-105 WAC – Immunization of Child Care and School Children Against Certain Vaccine Preventable Diseases. Specifically, you requested that the Board adopt a new section prohibiting the inclusion in the chapter of any “Emergency Use Authorization products or any licensed product formulation which has not yet completed Phase 3 clinical trials.” The Board has the authority under RCW 28A.210.140 to adopt rules describing the substantive and procedural requirements for full immunization of child care and school age children.

The Board met on January 12, 2022 and after reviewing and discussing your petition, voted to deny your request. The Board denied the petition for the following reasons. The Board concluded that rules prohibiting certain categories of products could reduce its ability to respond to future emergencies. The Board discussed the inability to fully know what type of emergencies might exist in the future and what kind of response they that might require. The Board also referred to the fact that it uses a rigorous, evidence-based technical advisory group process to consider adding new immunization requirements in chapter 246-105 WAC, and noted that the technical advisory group process allows it to make a decision about whether or not to include a particular product in the rules based on evidence-based information and expert input.

As you may be aware, under RCW 34.05.330, a petitioner may appeal an agency’s decision to deny a petition to repeal or amend a rule. An appeal must be made to the Governor within 30 days of the petition denial.

If you require further assistance, please don’t hesitate to contact Samantha Pskowski, Health Policy Advisor in our office, at (360) 789-2358, or at [Samantha.Pskowski@sboh.wa.gov](mailto:Samantha.Pskowski@sboh.wa.gov).

Sincerely,

Keith Grellner, Chair