

WASHINGTON STATE BOARD OF HEALTH

Final Minutes of the State Board of Health

January 12, 2022

Electronic meeting via ZOOM Webinar

State Board of Health members present:

Keith Grellner, RS, Chair

Tom Pendergrass, MD, MSPH, Vice Chair

Fran Bessermin

Bob Lutz, MD, MPH

Elisabeth Crawford

Temple Lentz, MOL

Stephen Kutz, BSN, MPH

Umair A. Shah, MD, MPH

Tao Sheng Kwan-Gett, MD, MPH, Secretary's Designee

State Board of Health members absent:

Vazaskia Crockrell

Elisabeth Crawford

State Board of Health staff present:

Michelle Davis, Executive Director

Melanie Hisaw, Executive Assistant

Kelie Kahler, Communication Manager

Stuart Glasoe, Health Policy Advisor

Samantha Pskowski, Health Policy Advisor

Nathaniel Thai, Communications
Coordinator

Christy Hoff, Health Disparities Council
Manager

Lilia Lopez, Assistant Attorney General

Guests and other participants:

Michele Roberts, Department of Health

LinhPhung Huynh, Department of Health

Dani Toepelt, Department of Health

Michele Roberts, Department of Health

Keith Grellner, Board Chair, called the public meeting to order at 9:18 a.m. and read from a prepared statement (on file). He then detailed operating procedure and ground rules for conducting a virtual meeting, and asked board members to introduce themselves.

1. APPROVAL OF AGENDA

Motion: Approve January 12, 2022 agenda

Motion/Second: Vice Chair Pendergrass/Member Bessermin. Approved unanimously

2. ADOPTION OF NOVEMBER 11, 2021 MEETING MINUTES

Motion: Approve the November 11, 2021 minutes

Motion/Second: Vice Chair Pendergrass/Member Kutz. Approved unanimously

3. BOARD ANNOUNCEMENTS AND OTHER BUSINESS

Michelle Davis, Board Executive Director greeted the Board and directed Board members to materials in their packets under tab 3 (see materials on file).

Ms. Davis announced that Members Crockrell and Crawford would be unable to attend today's meeting, and that Member Lentz will be joining later in the day. Ms. Davis updated the Board on the recruitment for the Governor's Interagency Council on Health Disparities Manager. She commended Christy Hoff, who served as the manager of the Council for the last 15 years. Ms. Davis said Ms. Hoff has been incredibly impactful in her time as Council Manager. Ms. Davis referenced the materials and said they included notes from the December policy committee meetings, as well as rulemaking materials for Notifiable Conditions, COVID 19 lab reporting emergency rule, and PFAS in drinking water rules.

Ms. Davis said that the 2022 legislative session started on Monday and she updated the Board on current Health Impact Review (HIR) work. She said the HIR team continues to work on several pieces of legislation including 2SHB 1412, concerning legal financial obligations and SB 5551, concerning Medicaid coverage of HIV antiviral drugs. She said board members would receive notifications of the HIR work and she encouraged members to reach out to the team with any questions.

Ms. Davis acknowledged the large volume of public comments that the Board has received. She said the team was continuing to sort and post these comments. She announced to the viewing audience that the Board is not considering changing isolation and quarantine rules. She said there is no proposed change or update to the isolation and quarantine rules, and that the Board has not discussed and has no plans of requiring isolation and quarantine of people who are unvaccinated. Ms. Davis said the Board is updating communicable disease rules to align with ESHB 1551, and that law passed in 2020. She said the legislation made numerous changes focused on communicable disease laws, namely those focused on HIV/AIDS. She said the law required the Board to update the Communicable Disease rules, and the Board held its first rules hearing on this issue in November. She said the Board was continuing the discussion today, and the discussion is focused on what is required by state law.

Ms. Davis reflected on the high degree of public concern and opposition COVID-19 vaccines, mask mandates and the Technical Advisory Group (TAG) that the Board requested begin reviewing research and literature about COVID 19 immunizations. Ms. Davis said that today's meeting will include an update about the TAG work that's been done so far and anticipated next steps. She emphasized that the Board would not be making a decision or voting on this work today. She said the exemption allowances currently listed in the state's immunizations law would be available for families and their children who choose not to get vaccinated against COVID-19. She said these exemptions include medical, religious, philosophical or personal exemptions.

Chair Grellner restated awareness of misinformation. He said the Board is not considering isolation and quarantine camps for people that test positive for Covid. He said this was a false rumor and emphasized that the Board is not considering this. He

said there was no consideration of isolation and quarantine camps, and no action requiring vaccination of children for school entry.

4. DEPARTMENT OF HEALTH NOVEL CORONAVIRUS (COVID-19) UPDATE AND OTHER UPDATES (note: this item switched to after Agenda Item 5)

Umair A. Shah, Secretary of Health and Board Member, shared the department's update (see materials on file, Tab4A). He shared the differences between the Department of Health and Board of Health. He shared his gratitude with all Washingtonians' and community members across the state in facing the pandemic challenges. He talked the Equity, Innovation and Engagement (EIE) cornerstone and how they intersect. He talked about Omicron across the globe.

Tao Sheng Kwan-Gett, Chief Science Officer, talked about Omicron variant trends across the state.

Michele Roberts, Assistant Secretary, Prevention and Community Health, talked about Washington's COVID-19 vaccination rates. She said as of January 9, more than 12 million doses of COVID-19 vaccine have been given out to more than 5.5 million people. Ms. Roberts said that is 4 times the amount of work in 1 year, based on rates of vaccine pre-covid (which was 3 million individuals per year). As of January 9, nearly 200,000 kids have received their first dose and nearly 150,000 are fully vaccinated. Ms. Roberts shared resources for vaccines in the state; VaccineLocator.doh.wa.gov or Vaccines.gov or a phone number, 8-VAX-HELP. Ms. Roberts shared slides showing higher hospitalization rates for unvaccinated; 10 times higher for those 12-34, 14 times higher for 36-64, 13 times higher for those 65+. Ms. Roberts stated this work is about protecting citizens and maintaining health care capacity.

Member Shah talked about providing good information to help the public make decisions. He said a number of programs and initiatives across the state in 2021 that have led to successes to protect Washingtonians' include; the Care-A-Van, Vaccine Action Command and Coordination System, Vaccine Implementation Collaborative, WA Notify App, WA Verify App and Power of Providers (POP). He talked about 2022 state action to battle Omicron; expanding testing availability, increasing vaccination ability and 10 million free masks for k-12 and communities. Member Shah also gave guidance when to get a test if exposed, to both the vaccinated and unvaccinated. He closed by sharing the 2022 focus areas.

Chair Grellner opened the floor for questions. Vice Chair Pendergrass commented on reporting about COVID and vaccines as Ms. Roberts had said, that not every vaccine will stop COVID, but the vaccine will mitigate COVID to prevent increased hospitalizations and death. He said one challenge of Omicron is the hospital rates going up since so many people are being infected. He said we need to work on the impacts of the disease and the impacts on society and the fact that folks are isolating themselves voluntarily has an impact on jobs in society.

Member Shah agreed, saying society is stressed right now and all of the regular reasons why folks go to hospital are now compacted with COVID admissions. He said folks were thinking they needed to go to ER with no symptoms or mild symptoms. He said one challenge is trying to work on messaging to empower people. He said the vaccine prevents, but not 100%; 90-95% vaccinations prevent folks from severe illness,

and if folks do get infected, serious adverse outcome is reduced. Folks need the booster for this variant or those variants coming down the road. Chair Grellner said it's good to know there's increased testing supplies coming into the state.

Chair Grellner gave information and instructions on the upcoming public comment.

5. BRIEFING – LOCAL BOARD OF HEALTH COMPOSITION, CHAPTER 246-90 WAC

(note: this item switched to before Agenda Item 4, the DOH update)

Samantha Pskowski, Board Staff, gave a brief overview and update on Engrossed Second Substitute House Bill 1152 (E2SHB 1152), that directs the State Board of Health (Board) to adopt rules to establish the appointment process of non-elected members (see materials on file). She explained there will be no vote taken on this item today. She said the legislation that passed in 2021 (E2SHB 1152) creates new requirements for local board of health membership, requiring equal representation by elected and non-elected members and requires the Board to adopt rules for the selection and appointment of these new members. Ms. Pskowski provided an update on the rulemaking work, including the recent informal draft that was circulated for comment. She further stated that the Board's rules must go into effect no later than July 25, 2022.

Hannah Haag, Board Staff, talked about public engagement and feedback regarding this work.

Chair Grellner called for questions from board members, there were no questions.

The Board took a break at 11:06 a.m. and reconvened at 11:20 a.m.

6. PUBLIC COMMENT (Note: Public Testimony on Item 9, Rules Hearing for Communicable and Other Certain Diseases, Chapter 246-100 WAC, will begin at 1:30 p.m.)

Debra Baril, commented on the vaccine protection of COVID symptoms, and she asked about the symptoms from the vaccinations and referred to VAERS. She asked how to get information regarding the new health district board and commented on the job creating increased symptoms of COVID.

Laurie Layne, commented that she was a concerned citizen from Buckley. She talked about choice and natural immunity, saying this needs due consideration by the Board.

Beth Rohr, commented that she is a concerned grandparent and retired public school teacher. She talked about the TAG, consideration to add the vaccination to the schedule and concern that WAC 246-145-060 allows health officers the authority to remove kids. She stated that she feels the Board and unelected officials have the power to enact rules that have not gone before the legislature.

Amy Hoelzel, asked the Board if they aren't discussing detainment camps or job mandates likely coming down the pike, then when? She knows that camps exist and it's not a good idea to not discuss and bury under the carpet. She stated it will create an uprising that we won't be able to believe.

Charles Kinsey, said this country and state was founded on the ability to choose for ourselves and if we can't choose what is right for our families and children, then we have no right calling ourselves a free society and free democracy. He said we have the right in the bill of rights, that's why we broke from England.

Megon Reck, parent, said this vaccine mandate is not acceptable and infringes on our rights as citizens given to us in 1776. It is ruining lives and our children, saying the Board should be ashamed, how dare they belittle the people. She said to stop, and that they are disgusting humans.

Bernadette Pajer, public policy director for Informed Choice WA (ICW), spoke to Item 11, asking the Board to adopt the petition to prevent from mandating any EUA product that has not been properly tested. She asked members to look within themselves and feel humanity and courage. She said she knows members are facing large entities and said please do the right thing for your own soul, saying we are at a crossroads in America.

Ernest Quinn, said no one knows long term risk of the vaccine and he commented on heart attacks and over 900,00 side effects to this vaccine. He said we're talking about how wonderful this vaccine is, but not covering the problems and people deserve to know.

Damian Hare, concerned citizen from Port Angeles WA said they're being discriminated against by health officers and they cannot dine at restaurants. Mr. Hare said it's clear the efficacy of reducing infection and transmission has been a failure and it's pointless for those under the age of 50 and those not at risk, the vaccine should be made available but not mandated.

Michelle van der Merwe, citizen of Quincy, said they homeschool. She said we should show the percentage of people who died with, of any cause. She said we don't get to see that it's actually a low number of people who are dying of coronavirus. She said she's not for a vaccine mandate, but for the ability to choose.

Kelley Palomino, said stats for non-COVID deaths are going up 40% compared to 2018 and before. She questioned if DOH have this information and if they have contacted funeral homes to verify numbers? She stated VAERS is reporting uptick in long-term injury that correlates with the time the vaccine came out. She further asked why are we pushing something injurious?

Terry Larson, a concerned parent and citizen from Rosalia, said these government mandates have destroyed our economies and create division. She said they are stealing parts of kids' lives that cannot be taken back. She said the board created the shortages in staffing and fear. She said to do the right thing to fix this.

Deborah Cummings, mother, grandmother, has lived most of her life in Washington state., said several family members are teachers and she's concerned about several things. She said in any other time in history, this vaccine would have been considered failure due to the deaths reported to VAERS in 2020 and this is wrong.

Francis Mounce, said everyone's complaints are all the same. She said this country was founded on godly principles, not from any country or anything else. She said what we're experiencing is ridiculous and against the law. She said 400 athletes got sick, and some died. She asked what is it that the board is doing to the real people

Jeremy Hines, said his contribution was diminished from the rare disease community and his concerns should not be ignored for getting a vaccine exemption. He said this should be with his doctor and a regular exemption process.

Zana Carver, said she supports the ICW petition that limits what can be mandated to treatments that aren't under EUA. She said these vaccines have not undergone rigorous long-term tests and we do not know long term effects. She said most vaccines take years to get authorization and when one takes a few months, there should be red flags and in no way mandated to attend public school. She said to just look at VAERS data.

Cindy Tucker, asked if the Board is concerned with the increased number of injuries and deaths in countries that are more highly vaccinated. She asked to please listen and take to task, and believes we woke a sleeping giant.

Terry Hodges, said whatever happened to my body my choice and said under EUA statutes and codes, everyone is entitled to informed consent. She said the mandate and losing jobs disqualifies the informed consent aspect.

Beth Kirk, talked about taking away consent from the American people. She stated she teaches first grade and children should not be mandated to take a vaccine that hasn't been proven. She concluded It's unconstitutional and unacceptable that parents are told to vaccinate their children.

Dawn Olmstead, from Medical Lake, WA, said no one has discussed other viable treatments available to prevent or treat the virus such as Ivermectin, Vitamin D, and Vitamin C. Ms. Olmstead said no one is speaking to the VAERS system and the injuries/deaths. She said it appears the Board is only using one avenue and should use other scientifically approved therapies to navigate this virus.

Kevyn Miller, born in Toppenish, now resides closer to the Gorge, said he sees both WA and Oregon sides. He said he agrees with other public comments and these mandates are atrocious, draconian policies and an uprising is not far out of scope.

Jason Miller, thanked the board for public comments. He said he's a father of 2, has been in education for many years, and said children's immune systems can handle the virus without the vaccine. He said he thinks a mandate is a terrible idea and there needs to be more research on long term effects.

Desiree Gerou, WA taxpayer, said WAC 246-100 and 246-105 is appalling to her. She said to hold people away is disgusting. She said schools are paid by tax dollars, in no way should a child be denied, and people should have bodily autonomy.

Alan Hoffer, sent an email and posted in Q&A and said disturbing information is circulated. He said the vaccine doesn't work well due to it being an animal reservoir virus with no cure.

Joan Steichen, said we've learned many ways we've been lied to. She said the numbers are wrong and exaggerated, there are high false positives, and A-symptomatic transmission is a fabrication. She said safe, effective, inexpensive treatment is available.

Karli Reed, said she is astonished at the information on the presentations and no comments on people that have recovered from COVID by natural immunity. She said we are treated as 2nd class citizens, losing jobs and everything we have and now you want to vaccinate children or eliminate their education. She said there will be a tsunami of kids being pulled out of school if you push the mandate.

Michael Schenck, said removing local control is not acceptable. He referenced WAC 246-100, saying it leaves detainment open indefinitely. Regarding new definition for HIV, he said "curable" is inaccurate, but rather it is survivable. He asked the board to go on record to not make a law that forcibly administers vaccine.

Lesco Brandon, said these vaccines don't work and don't meet requirements for a vaccine by the state's guidelines. He said absolute risk reduction is not the same as relative risk reduction. He said kids have negligible risk for this virus and many kids will leave schools and the state with a mandate. He said to look at the actual data, not a sales slogan of safe and effective.

Russell Reavely, said his complaint is simply the paradigm that we've moved away from the rights of citizens, the science of your playbook sucks, step back and look at real science, it might open your eyes.

Diane Swingler, said she is concerned about the vaccine mandate kids, trials not been done, and the poor effects on kids such as myocarditis. Said kids have low transmission, no reason to mandate vaccine. She said parents need to decide on medical issues for kids, not schools.

Lori Cook, said mandating the vaccine is wrong. She said those receiving private insurance are not able to choose. She said you will see a mass exodus if you try to mandate that all children get a vaccine that is not fully tested.

Julie Britt, said what you're doing sounds like what happened in Nazi Germany. She said her physician told her she should not get the vaccine. She said my body my choice. She further added, the government should not have the ability to mandate, and that choice should also apply to all medications and treatment. She said what you're doing is wrong, unconstitutional, and immoral.

Chair Grellner closed public comment 12:29 p.m.

7. BRIEFING – KEEPING OF ANIMALS, CHAPTER 246-203-130 WAC (tabled for a future meeting)

8. BRIEFING – IMMUNIZATION TECHNICAL ADVISORY GROUP

Tom Pendergrass, Vice Chair, said in 2006, the Board created a set of vaccine requirements that the Board uses to assess a given vaccine against before adding to the requirements for school entry. He said in October 2021, the Board voted to convene a Technical Advisory Group (TAG) to assess the COVID-19 vaccine for inclusion in the school entry requirements. Vice Chair Pendergrass said it takes a long time to move through the process and introduced Samantha Pskowski, Board staff to provide an update on this work.

Ms. Pskowski provided background on the Board's authority and rules and reviewed the three exemptions allowed – medical, religious, philosophical or personal. She provided information on the Board process. She said the TAG will meet to consider the evidence and make a recommendation about whether to add the immunization to the current rule. She said the TAG is only advisory and ultimately the Board will make the determination. She said, to date staff have worked with TAG Co-Chairs to finalize TAG membership (on file). She added that they held an orientation meeting on 12/29 to meet each other and for staff to provide an overview of process and criteria. She said the Board contracted with a facilitator to guide the discussion. She mentioned that staff are currently working with TAG members to identify availability for future meetings and continue to work to compile information related to the criteria. She indicated there will be multiple meetings between now and March (anticipated) and final recommendations will be brought to the Board at a regularly scheduled future meeting of the Board.

Tao Sheng Kwan-Gett, Secretary's Designee thanked staff. He said it is an important question to consider. He said the TAG is focused on the science and it is advisory only. He thanked TAG members for sharing their time and expertise. Vice Chair Pendergrass said the criteria involve whether the vaccine works and the how a new requirement for school entry would be implemented. He added that there are representatives from health care, public health, education, tribes, and the community on the TAG. He shared that there have been instances where a TAG did not recommend a vaccine, for example meningococcal vaccine. Chair Grellner asked about the difference between an approved versus a vaccine with an emergency use authorization. Vice Chair Pendergrass reflected that since this is a long process, the Board wanted to get a start moving the process along while waiting for data about the use of the COVID-19 vaccines in K-12 age group. He said that currently, FDA has done rolling approvals by age group, but this is something the TAG and Board will need to consider.

The Board recessed for lunch at 12:47 p.m. and reconvened at 1:30 p.m.

9. RULES HEARING CONTINUANCE – COMMUNICABLE AND OTHER CERTAIN DISEASES, CHAPTER 246-100 WAC

Bob Lutz, Board Member, introduced the background and process of the rulemaking (see materials on file). He shared that in 2020, the Legislature passed Engrossed Substitute House Bill (ESHB) 1551, Modernizing the control of certain communicable diseases, and providing the Board with updated rulemaking duties under chapter 70.24

RCW, which required the Board to undertake rulemaking to align with the new law. Member Lutz shared that the Board initiated rulemaking in July 2020 and described the scope of the revisions in WAC 246-101. He invited board staff to provide an overview.

Samantha Pskowski, Board Staff and Caitlin Lang-Perez, Board Staff introduced themselves and shared the proposed rule revisions, interested party engagement, formal public comment and recommended revisions. (see materials on file, Tab 9).

Member Kutz asked if the proposed changes in the PowerPoint were included in the proposed rules. Ms. Pskowski said the additional recommended changes are not included in the CR-102 that was filed but are additional revisions recommended by staff that are also available in Tab 9i.

Chair Grellner asked for clarification if WAC 246-100-040 had been placed in code since about 2003. Ms. Pskowski said that is correct WAC 246-100-040 was adopted in 2003 and have not been amended since then and is not open for consideration today.

Chair Grellner said WAC 246-100-040 says that if a Local Health Officer (LHO) issues an order for isolation or quarantine, this must go before a superior court judge and have a hearing. He asked if that means the local health officer and person facing the order can plead their case in front of a superior court judge. Member Lutz said that due process applies, and the statute lays it out clearly.

Chair Grellner asked if WAC 246-100-040 has been used outside of diseases like tuberculosis. Member Lutz said to the best of his knowledge, no. Chair Grellner said he's not aware of any instances either.

Member Kwan-Gett thanked Member Lutz and Board staff on their work on this important issue. He noted the intent of ESHB 1551 was to remove stigma for people with HIV and to heal inequities; the misinformation spread around this rule causes division. He said that this distracts from the intent of HB 1551 and that he feels bad for the people who unnecessarily suffered stress from the misinformation on this item and he hopes we can see less divisiveness.

Chair Grellner read a prepared statement and opened the rules hearing at 1:52 pm.

Mark Garrett, part-time Peer Navigator at Spokane Regional Health District (SRHD) and HIV advocate said it's taken 7 years to get to this point. The language is one thousand percent better than before. He asked the Board to consider additional guidance on when those who are HIV positive need to disclose their status.

Claire Brossmann said it seems the outcome of this meeting has been pretty positive and she hopes the Board will not create strict rules or mandates around vaccine for children.

Dale Briese, Spokane County resident, a 36-year advocate and peer navigator at SRHD, said challenging norms included in these rules is if undetectable status is considered infectious status. He said he realizes the Office of Infectious Disease (OID) has a limited budget for medications on the prescription formulary.

Scott Bertani, Director of Advocacy for Health HIV and member of the HIV Justice Alliance said he appreciates staff for incorporating community input on the rules. He submitted written comments to the Board's email so others can have more time to comment.

Debra Baril, said she spoke earlier about the COVID vaccine mandate and she wasn't thinking anything about HIV/AIDS. She would like to get rid of the executive order that is stifling Washingtonians. She concluded that the experimental vaccine has an ingredient that is industrial poison.

Ernest Quinn, asked why we haven't released information about the vaccine and said we should know what we're putting into our bodies. He stated the government has done a lot to prevent HIV for people, but they haven't been transparent with other things and the public needs to see the facts.

Chair Grellner, asked commenters to scope their comments to the topic of the Rules Hearing.

Aaron Nelson, said he's hearing a clear lack of trust between DOH and the state of Washington. Mr. Nelson said it doesn't matter what the issue is, it's how we treat those people and we should learn from our mistakes, including the HIV response in the 1980s. Mr. Nelson said to spend some time and develop trust with the people, so that work can be done and these meetings are effective.

David Hall said adding immunizations to childcare and schools should not be approved. He asked why is the Board considering adding vaccines when there is no FDA-approved vaccine available? He said that children have a high chance of fighting off COVID themselves.

Jodi Wilke, expressed her support for the HIV community and appreciates the destigmatizing of HIV. She wished the same thing for those who are COVID-19 positive. She said the laws to not be tested for AIDS to get a job, then there shouldn't be testing for COVID either.

Terri Cooper, said WACs being discussed make it clear that the Board is only talking about the house bill and said while we're de-stigmatizing HIV, we're stigmatizing other things. She said WAC 246-100-040 is alarming to her, and the Legislature should look at it. She mentioned a situation in Spokane that occurred regarding enforcement by a health officer that created public outcry.

Price Paramore, a professional in the medical industry and parent of 5. He commented on risk vs reward. He said COVID is a risk, but it's not a risk for our young children as it is for older adults. He said the reward is not satisfactory. He added that according to VAERS, there were 599,000 reports, out of that 5,000 deaths. He is concerned about giving authority to detain individuals, saying let the police do the policing, and let the public health officials do public health. He asked the board to consider other angles.

Chair Grellner, stated again that formal public comment should be related to this rule update only, Chapter 246-100, pursuant to HB 1551, specific to HIV.

Megon Reck, said there should be less stigmatization for HIV. Vaccines will be stigmatizing, and it should be your personal right to choose to tell people what you have and what you don't have. Ms. Reck said personal authority has been overtaken by officials.

Kathleen Fitzpatrick, said words like "internment" make people panic and perhaps before meetings we should post more information. She said we never find out how many people survived COVID.

Brian Truman, said stigmatizing of anyone, HIV or COVID or "vaxxed/unvaxxed," is not your business. He added that taking someone away and putting them in a camp is not your place and said those WAC codes should not even be on the books.

Jennifer Adriatica, Doctor of Psychology living in Pierce County, said Operation Adam calls into question the proposals on this agenda. She said without informed consent, it is medical tyranny and that there is evidence showing the gene editing nature of the vaccine.

J.E. Calderon, said HIV and SARS-Co-V-2 have one thing in common: Anthony Fauci. Interventions for man-made things cannot be patented.

Lara Gabriel, Registered nurse, said DOH should never have the ability to require vaccination and authority for children under 18 for all medical treatment should only be with parents.

Gordon Haggerty, said deleting WAC 246-100-040, concerning enforced detention and quarantine would alleviate much concern. He said he sent written comments earlier.

Teresa Huffer, said there is a stigma with unvaccinated people. She said unvaccinated lives matter and people are losing their jobs over this. She added that insurance companies are no longer paying for people's testing and that we've fired half of our health care workers, firefighters and policeman. She stated this is my body, my choice.

Dana Nelson said she doesn't agree with the ruling to give health authorities the ability to take people from their homes because they feel they are not quarantining. Her biggest question is if COVID-19 gets added to the list of diseases and noted that there is already division in schools.

Chair Grellner, said testimony should address the Rules hearing topic, and gave time for two more comments.

Linda Redman, said our state constitution, the preamble, has God in it, she's thankful for supreme power, and we're not ruled by a state church. She said to use "birth gender" and not other terms to be more in alignment with God and the constitution. She said there are powerful economic forces related to hospitals and pharmaceuticals and that DOH should set up a holistic department to do research and educate.

Chair Grellner closed the Public Testimony for the Rules Hearing at 2:35pm.

Vice Chair Pendergrass said he supports adopting the rule as the language was presented today.

Member Kutz said there were some recommended changes that staff presented and asked if the board needs to address those before taking any action. Chair Grellner said Ms. Pskowski went over those recommended revisions and she clarified that the overview of those additional revisions was provided and the Board can direct staff to include those when the final rule is filed.

Member Kutz agreed on the motion to adopt changes that were recommended by staff.

Recommended Board Actions:

The Board may wish to consider, amend if necessary, and adopt the following motion:

Motion: The Board adopts the proposed revisions to chapter 246-100 WAC, Communicable and Certain Other Diseases, as published in WSR 21-20-127, along with any revisions agreed upon at today's meeting. Furthermore, the Board directs staff to file a CR-103, Order of Adoption, and establish an effective date.

Motion/Second: Vice Chair Pendergrass/Member Kutz. Approved unanimously

Temple Lentz, Board Member joined the meeting and introduced herself.

10. CR-101 FILING FOR CHAPTER 246-282, SANITARY CONTROL OF SHELLFISH (tabled for a future meeting)

11. RULEMAKING PETITION – CHAPTER 246-105 WAC, IMMUNIZATION CRITERIA, CHILD CARE AND SCHOOL ENTRY

Tom Pendergrass, Vice Chair, introduced the petition to initiate rulemaking to prohibit certain products from inclusion in chapter 246-105 WAC (see materials on file).

Chair Grellner, asked if the board has ever adopted a vaccine under EUA for inclusion on the school schedule? Samantha Pskowski, Board Staff, said to her knowledge, no. Vice Chair Pendergrass said maybe it happened a long time ago as the board has been around since the late 1800's. Vice Chair Pendergrass talked about vaccines in the 1950's, so he said yes, it's been done in the past. He said a number of diseases took the lives of children during those years. He said he remembers every summer parents were afraid of their kids swimming for fear of polio.

Vice Chair Pendergrass said he does not support adopting this proposal, saying he does not support some future event from occurring. He shared the concern to be thoughtful, studious and strict in our engagement in considering any requirement for school entry. He said this petition asks us to make decisions for future board's that he does not support.

Fran Bessermin, Board Member, agreed and said we can't logically support something that is the unknown. Member Kutz said he still has memories of suffering from diseases before vaccines came out and he said the advisory group in their due diligence will take the EUA into consideration. He said with that knowledge, he is not in favor of this petition request. Vice Chair Pendergrass expressed his concern regarding some perception that the TAG, with its variety of members, is not a thoughtful body. He said he has worked with TAGs before and members are committed to doing the best job possible, saying they won't bring a recommendation back to board without a careful review. He said on occasions, these TAGs come back with a do not recommend. Additionally, he added that they will review the data and the science to determine if a COVID vaccine should be added.

Chair Grellner, said the testimony today is compelling. He said the emotion and opinions of the public have been heard. He said he agrees with the concern raised by the petitioner, but he doesn't want to put another rule on the books when we don't know what the future holds. Chair Grellner recalled when a previous TAG did not recommend adding a vaccine to the school requirement, saying the TAG will have thoughtful conversations. He said he speaks in favor to deny the petition based on where we are in time.

Member Kutz: said he had access to the Zoom Q&A, and he thanked the public for telling us what they think. He said he wants them to know he read all the comments.

Member Kwan-Gett spoke in support of denying the petition, saying the TAG will objectively review the data available with an objective mind and develop recommendation for the best interest of children.

Member Lentz, shared support for statements made, including the reasons given by Vice Chair Pendergrass in regard to not tying to hands of future boards. Regarding questions raised today, Member Lentz said the TAG is the process to address this topic. We haven't been presented with the information yet and this is the process.

Chair Grellner said when the TAG has a recommendation, we will have another board meeting. He acknowledged the importance of this topic to the public. He said we'll have a limited agenda when we do address this issue at a future board meeting to ensure plenty of time for input from the community. He concluded that we don't know yet when that will be, the TAG still has the work to do.

Recommended Board Actions:

The Board may wish to consider, amend if necessary, and adopt the following motion:

Motion: The Board declines the petition to initiate rulemaking to prohibit certain products from inclusion in chapter 246-105 WAC for the reasons articulated by Board members and directs staff to notify the requestor of the Board's decision.

Motion/Second: Member Kutz/Vice Chair Pendergrass. Approved unanimously

Member Kutz, mentioned the public comment about quarantine camps. He said to his knowledge, there has been no forced quarantine. He added that there have been camps set up, such for homeless or in situations where folks can't quarantine at home can go. He said he doesn't even know where this is coming from. He said he remembers when folks were forced to stay in sanitariums for TB. He said this seems to be a theme through the comments today and suggested the Board address it.

Chair Grellner agreed, saying he is not aware of any mandatory quarantine and isolation center. He said most counties have set up voluntary ones so people can have a place to stay if needed to not infect those they live with. He added that individuals can choose to isolate on their own. He said we barely can fund staffing for those now who want it and we certainly don't have the staffing or facilities, they don't exist.

Chair Grellner said people will choose to believe us or not believe us, not sure what to say that will change their mind. He said the Washington State Board of Health has not issued a single mandate for COVID, other than rulemaking to report it as a Notifiable Condition. He said he hears the concerns, but that the accusations are not true.

Member Kutz reflected on the public comments regarding the quarantine locations. He said people are concerned seeing what's happening in other places around the world like Australia and forced quarantine camps. He said folks are expressing concern about quarantine camps in Washington and the law around health officials and isolation.

12. UPDATE – LEGISLATIVE STATEMENT

Michelle Davis, Board Executive Director, directed board members to Tab 12 (see materials on file). Ms. Davis reviewed the changes to the legislative statement that include: updates reflecting last year's legislation, revisions to reflect current Health Impact Review (HIR) staffing; and expanding and clarifying information used to complete related to HIRs. She said staff included updates regarding smoking prevention and vaping to reflect the emergence of additives compounds that may adversely impact health. She said the statements included updates on equity in state government to reflect funding for the office of equity, editorial changes to the section on data disaggregation. She said other amendments to the school section include the need for adequate funding for school inspections, assessment and updates for ventilation systems. She said the statement included updates to reflect the State's Updated Opioid Overdose and Response Plan; and a refinement of the food safety section. She indicated that in addition to minor editorial changes there were updates to the access to health care section and the addition of shellfish sanitation. She said the new statement included a section related to mental health services, with a focus on diversifying workforce and assuring access to services for youth.

Vice Chair Pendergrass addressed the vaping topic, saying it's important for consumers to know what is in the vaping products. He commented on the school environmental health rules and the need to communicate to the legislature that school health, air quality, etc. is an important part of our environment.

Recommended Board Actions:

The Board may wish to consider, amend if necessary, and adopt the following motion:

Motion: The Board adopts the Statement of Policy on Possible 2022 Legislative Issues as submitted on January 12, 2022.

Motion/Second: Member Bessermin/Member Lentz. Approved unanimously

Member Kutz asked about other roles he has when it comes to testifying at the legislature. Ms. Davis asked Board members to only identify themselves as a State Board of Health Member when speaking to issues pertaining to the Board. She acknowledged that many Board members have other roles and interests.

13. BOARD MEMBER COMMENTS

Keith Grellner, Board Chair called for any comments.

Vice Chair Pendergrass expressed how indebted the board is to staff and the hard work they do from work around local boards of health to advisory groups. He commented on Ms. Hoff's extraordinary work and how she'll be missed. Chair Grellner agreed.

Chair Grellner, said he is pleased the public wants to express their thoughts and said he regrets that we couldn't give 7,500 people the opportunity to speak today due to time. He said the Board heard public commenters loud and clear and said the Board will do their best regarding this work. The Board can't always give the answer folks want as there's different points of view and opinions. The TAG immunization consideration is still a work in progress and when the TAG makes their recommendations to the Board, it will be done in a public forum. Chair Grellner said the Board will plan to keep the agenda limited when considering the TAG recommendation so to best suit the public concerns.

Motion: The Board moves to Adjourn.

Motion/Second: Member Bessermin/Member Lentz. Approved unanimously

ADJOURNMENT

Keith Grellner, Board Chair, adjourned the meeting at 3:18 p.m.

WASHINGTON STATE BOARD OF HEALTH

Keith Grellner, Chair

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