



STATE OF WASHINGTON
WASHINGTON STATE BOARD OF HEALTH

PO Box 47990 • Olympia, Washington 98504-7990

March 17, 2022

Kersandra Puderbaugh
535 Beebe Road
Castle Rock, WA 98611

Sent Via Email

Dear Kersandra Puderbaugh:

Thank you for the rulemaking petition you submitted to the State Board of Health (Board) on February 22, 2022, 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 March 9, 2022 and after reviewing and discussing your petition, voted to deny your request for the following reasons. The Board concluded that rules prohibiting certain categories of products could reduce its ability to respond to future emergencies. It discussed the fact that this type of rule could inhibit a future Board from responding to emergencies and noted that the product approval process may not move at the same pace as biology does. The Board reflected on the precedent for use of products that have an emergency use authorization. The Board also referred to the fact that it uses a rigorous, evidence-based and open 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.

Sincerely,

Keith Grellner, Chair