



STATE OF WASHINGTON
WASHINGTON STATE BOARD OF HEALTH

PO Box 47990 • Olympia, Washington 98504-7990

April 25, 2022

Julie Barrett and Emily Ling
P.O. Box 12181
Mill Creek, WA 98082

Sent Via Email

Dear Julie Barrett and Emily Ling:

Thank you for the rulemaking petition you submitted to the State Board of Health (Board) on March 18, 2022 requesting amendment to chapter 246-105 WAC. Specifically, you requested the Board adopt new rules to prohibit the inclusion of any product in the school immunization rules that has an emergency use authorization or has not completed Phase 3 clinical trials unless pediatric hospital capacity is below 50% and the pediatric death rate from the condition is greater than 1%. The Board has authority under RCW 28A.210.140 to adopt the substantive and procedural requirements for full immunization of child care and school aged children. These rules are established in chapter 246-105 WAC.

The Board met on April 13, 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 there exists a rigorous process for reviewing candidate antigens for inclusion in chapter 246-105 WAC. The Board referred to the need to allow the technical advisory group and subject matter experts to review all the information and not rely on a small number of surveillance indicators. For these reasons, the Board denied your petition.

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