

WASHINGTON STATE BOARD OF HEALTH

Final Minutes of the State Board of Health

August 10, 2022

Electronic meeting via ZOOM Webinar

State Board of Health members present:

Keith Grellner, RS, Chair

Bob Lutz, MD, MPH

Elisabeth Crawford

Temple Lentz, MOL

Stephen Kutz, BSN, MPH

Patty Hayes, RN MN

Umair A. Shah, MD, MPH

Kelly Oshiro, JD

Melinda Flores

Socia Love-Thurman, MD

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

State Board of Health members absent:

State Board of Health staff present:

Michelle Davis, Executive Director

Melanie Hisaw, Executive Assistant

Kelie Kahler, Communication Manager

Stuart Glasoe, Health Policy Advisor

Kaitlyn Donahoe, Health Policy Advisor

Nathaniel Thai, Communications

Coordinator

LinhPhung Huynh, Manager, Health
Disparities Council

Cait Lang, Health Policy Analyst

Jo-Ann Huynh, Administrative Assistant

Hannah Haag, Community Outreach
Coordinator

Lilia Lopez, Assistant Attorney General

Guests and other participants:

Kristin Peterson, Chief of Policy, Department of Health

Lacy Fehrenbach, Chief of Prevention, Department of Health

Mike Means, Capacity Development & Policy Manager, Office of Drinking Water, Department of Health

Keith Grellner, Board Chair, called the public meeting to order at 9:31 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 August 10, 2022, agenda

Motion/Second: Member Kwan-Gett/Member Crawford. Approved unanimously

2. ADOPTION OF JUNE 8, 2022, MEETING MINUTES

Motion: Approve the June 8, 2022, minutes.

Motion/Second: Member Hayes/Member Crawford. 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 on page 25.

Ms. Davis began with staff updates. She welcomed Jo-Ann Huynh to the team. Ms. Huynh will offer administrative support, including a major archival project. Ms. Davis shared two staff vacancies; the policy advisor position formerly held by Sam Pskowski, and the HIR position formerly held by Tracy Schreiber. She thanked Board members for sharing the recruitments with their networks.

Ms. Davis directed Board members to the CR-103, order of adoption to extend the effective date of the school environmental health and safety rule. She said the Board took action to extend the school rule effective date at its June meeting.

Ms. Davis said the meeting packets also includes the CR-103E, emergency rule related to proprietary products under the on-site sewage rule. She reminded the Board of the adoption of this emergency rule at its June meeting to address supply chain shortage issues for proprietary treatment products.

Ms. Davis said the final item in the Board packets is a one pager about Board member sponsorship and includes a list of current rule projects and their sponsors. She said we are fortunate to have Stephen Kutz, Board Member and Chair Grellner, however their terms have expired. She noted they have agreed to continue to serve until their successors are appointed. Ms. Davis said that staff are looking for other Board members to let us know of their willingness to sponsor these important rule projects.

Ms. Davis said our office has received over 20 public records requests since January, and some of these requests are very broad and are seek information regarding Board actions over the last 10 years. She said this volume of requests is not typical and processing these requests will take time.

4. DEPARTMENT OF HEALTH UPDATE

Tao Sheng Kwan-Gett, Chief Science Officer and Secretary's Designee, provided an overview of MPV (monkeypox virus) in the U.S. and Washington. He reported as of August 8, 2022, the U.S. had over 8,900 confirmed MPV cases and no MPV deaths had been recorded in the nation. He shared that on August 4, 2022, the federal government declared a public health emergency, authorizing the U.S. Department of Health and Human Services (HHS) to take increased action to allocate resources to combat MPV. He noted that MPV cases were predominantly occurring among men who have sex with men, in people who have multiple sex partners, and people who practice unprotected sex. Member Kwan-Gett explained that despite the disproportionate impact to gay and bisexual men, MPV is not a sexually transmitted infection, and experts are emphasizing

that anyone is at risk of being infected with MPV. He further added that as of late July, the first two U.S. cases in children were confirmed and suspected to be caused by household transmission. Member Kwan-Gett said these cases highlight that transmission can also occur through shared items such as towels, clothing, or utensils.

Member Kwan-Gett reported that on August 9, 2022, the U.S. Food and Drug Administration issued an emergency use authorization (EUA) allowing healthcare providers to use an alternative dosing regimen of the Jynneos Vaccine. He said Jynneos is the only vaccine approved by HHS to prevent MPV and requires two doses for immunization. He further stated that the new dosing regimen will expand the total number of doses available for use by up to five-fold for individuals 18 years of age and older determined to be at high risk of MPV infection. He said the announcement means that vials in the U.S. Government's inventory hold the potential to provide up to 2 million doses, up from 400,000 doses. He outlined the federal government's plans to doses to local health departments and the Department's work with LHJs and tribal and community partners to develop equitable and need-driven distribution in phase II. Member Kwan-Gett said, to inform the response, representatives of Seattle's LGBTQ+ community met with state government officials in early August to address growing concerns about MPV and the harmful misinformation being spread about its transmission nationwide. He noted the Department is conscious of the threat of stigma for people who get infected with MPV. He explained that together, with the help of the LGBTQ+ community through listening sessions and other outreach events, the Department is working to ensure we've learned from the mistakes made during the early days of the HIV epidemic.

Member Kwan-Gett then provided a brief update on the state of COVID-19 cases nationwide. He reported that in Washington cases have begun to plateau and are hopefully starting to decrease. He noted that hospital systems are still strained due to decreased capacity and difficult to discharge patients who are healthy enough to leave the hospital but who have not found placements in long-term care or nursing home facilities. He explained that the Department has been working with DSHS, HCA, and hospital partners to understand and problem solve how best to meet the need of difficult to discharge patients. He also outlined the state's expanded telehealth capabilities providing free telehealth services for COVID-19 treatments. Previously, telehealth for COVID-19 was only available to insured individuals who receive care through a health care provider who offered telehealth visits. Member Kwan-Gett said the new program makes telehealth consultations for COVID-19 available to everyone, regardless of insurance status, with no out-of-pocket costs.

Finally, Member Kwan-Gett explained the Department is preparing for a fall rollout of a new bivalent COVID-19 vaccine that is variant specific for the original and Omicron strains.

Lacy Fehrenbach, Chief of Prevention, provided an update on the national 988 Suicide & Crisis Lifeline, adopted in 2020 as the national suicide crisis prevention lifeline to direct callers to resources in their local area. She noted that call volume was expected to increase following the public promotion and easy to remember number, and they've seen a 50% increase in calls, with some test calls. She said lines include options specifically for Veterans (1) and Spanish speakers (2). Ms. Fehrenbach added that

other language services are also available for 250 languages. Ms. Fehrenbach also discussed Engrossed Substitute Senate Bill 1477, which the Washington Legislature passed to enhance, expand, and coordinate crisis services in the state. Additionally, she said funding also supports the Native and Strong Lifeline, a service of the Washington Indian Behavioral Health Hub, which supports American Indian and Alaska Native people by providing culturally relevant telephone support. Ms. Fehrenbach said Washington is the first state in which a line tailored to indigenous communities' needs is available.

Ms. Fehrenbach also noted that the Department is working to address common concerns of communities of color, which are informed by historical racism and systems of marginalization. She stated the Department is proactively sending out information to address available misinformation and communities' questions and is broadly working to build trust and ensure equity.

Kristin Peterson, Chief of Policy, shared the Department's Strategic Plan or Transformational Plan vision for Health in Washington state. She explained the plan focuses on what the agency wants to achieve and how to achieve it—through the values of equity, innovation, and engagement. Ms. Peterson stated the Department is now in the phase of sharing the plan broadly for feedback, areas of collaboration, and areas to strengthen. Ms. Peterson described the five priority areas: 1) health and wellness; 2) health systems and workforce transformation; 3) environmental health; 4) emergency response and resilience; and 5) global and one health. She also provided an overview of the internal agency components to achieve these goals.

Elisabeth Crawford, Board Member thanked Ms. Peterson for presenting and asked how the plan may affect current services offered by Department. Ms. Peterson clarified that the plan does not represent all that the agency does or plans to do. She said rather than an interruption in services, the Department views the plan as roadmap for future expansion.

Chair Grellner thanked Department staff for their presentation.

5. PUBLIC COMMENT

Sue Coffman, WA state citizen and parent and grandparent, spoke in support of natural immunity. She said coercion is not consent, and the constitution protects the right to choose.

Bill Osmunson, general and cosmetic dentist in Bellevue, said he treats dental fluorosis. Dr. Osmunson said that dental fluorosis is caused by ingesting too much fluoride, he shared statistics, and he talked about the harm to the public more than the alleged benefit.

Nancy Callihan said there is great distrust with federal and medical institutions that began with the Covid rollout. She talked about the pharmaceutical industry profits, lies and fake news. She talked about Seattle parents withdrawing 50,000 children from the school system and she talked about the harm of the Covid vaccine.

Lisa Templeton said she credits Dr. Toby Rodgers with her comments today. Ms. Templeton talked about vaccines and variants and said there has not been proper safety or efficacy data available. She asked the agency to not be part of these liability free products.

Chair Grellner closed public comment at 10:53 a.m.

The Board took a break at 10:53 a.m. and reconvened at 11:20 a.m.

6. UPDATE—STRATEGIC PLAN STATUS REPORT

Keith Grellner, Chair, provided a brief overview of the Board's 2017-2022 Strategic Plan, adopted in 2016, and introduced Kaitlyn Donahoe, Board Staff, who gave an overview of the Board's goals, objectives, and activities over the last five years.

Ms. Donahoe outlined each goal and associated objectives and discussed the status of each activity and noted that many of the activities considered complete are ongoing work by the Board. She outlined factors that impacted the Board's ability to complete activities in the Strategic Plan, including routine rulemaking, legislative directives for the Board and Governor's Interagency Council on Health Disparities, and COVID-19 pandemic response. Ms. Donahoe noted that the Board completed significant work over the last five years in addition to accomplishing the majority of its strategic initiatives.

Ms. Donahoe proposed that the Board extend its current Strategic Plan through 2023 to address activities considered outstanding or underway and begin the process for developing the Board's next Strategic Plan. She noted that community engagement is critical to inform future strategic priorities, and staff can use the Board's existing committee structure to work closely with Board members to identify new objectives and goals.

Member Crawford thanked Board staff for their work and noted the amount of work accomplished in the face of a pandemic. She recommended the Board follow staff's recommendation to extend the Plan through 2023 and begin conversations for what the next iteration may look like.

Member Kwan-Gett suggested alignment between the state Department of Health's Transformational Plan and Board's Strategic Plan and suggested a crosswalk between the two to prevent duplication or gaps in the two agencies' efforts.

Member Hayes expressed her support for staff's recommendation for next steps, noting the number of new Board members prepared to shape the future strategic plan with that process. She commended staff on their hard work and dedication

Vice Chair Oshiro applauded staff on their work and agreed with the recommendation to extend the plan. She asked whether an extra year is feasible to accomplish outstanding tasks. Ms. Donahoe noted that the team would take a holistic approach in which the Board may not accomplish all activities as stated in the Strategic Plan but will find appropriate ways to address them.

Member Kutz thanked staff and noted that the goals within the Strategic Plan involve a lot of work and acknowledged that some items are better aligned with other agencies. He if the inability to accomplish all activities was due to insufficient staffing. Michelle Davis, Executive Director, noted the pandemic was quite disruptive for Board staff and narrowed the scope of the Board's work. She agreed that capacity is a challenge for the small team and acknowledged staff turnover and shared that staff are working on ways to better respond to team vacancies.

Member Love-Thurman agreed that additional time for new Board members would be helpful and asked for clarification regarding community engagement goals. Ms. Donahoe said community engagement would inform the next Strategic Plan and certain activities that are underway. Ms. Davis noted that funding for Ms. Haag's position was secured through the Legislature's funding of Engrossed Second Substitute House Bill 1152, but funding will end in 2023. She shared that the team is a stronger staff with Ms. Haag's community engagement and outreach work and expertise. Ms. Davis stated that she plans to submit a Foundational Public Health Services budget request to maintain the position to provide community engagement support to benefit the team's work.

Recommended Board Actions

The Board may wish to consider, amend if necessary, and adopt one of the following motions:

Motion: The Board extends its Strategic Plan to 2023 to address activities considered "underway" or "not started." The Board directs staff to draft a proposal and timeline for strategic planning, including a community engagement plan, in close consultation with the Chair for consideration by the Board at a future meeting.

Motion/Second: Member Crawford/Member Hayes. Approved unanimously

7. UPDATE—PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS) RULE IMPLEMENTATION AND RELATED ISSUES—GROUP A PUBLIC WATER SUPPLIES GROUP A PUBLIC WATER SUPPLIES, CHAPTER 246-290 WAC

Chair Grellner gave brief background and introduced the informational presentation. Mike Means, Department of Health, gave an update on PFAS in drinking water, covering uses/sources of PFAS and related health concerns; the Board's drinking water rulemaking completed in 2021; early results and responses to voluntary PFAS drinking water testing in Washington; new federal PFAS health advisory levels (HALs); and upcoming drinking water activities and issues for Board consideration. Mr. Means also briefly addressed PFAS contamination at the Yakima Training Center; a new state forum to discuss solutions to PFAS in surface and drinking water; and the Department of Ecology's PFAS groundwater cleanup levels. (see presentation on file)

Chair Grellner asked if there was an appeal of EPA's recent action (updated HALs) and, if accurate, what it means. Mr. Means said it's not surprising that the chemical industry appealed the interim HALs given knowledge that the numbers are likely to change. He added that the numbers might change a little, but not enough to effectively change our

work in Washington, even if the numbers rise to the detection limits. Mr. Means further added that HALs are a first step toward developing an MCL.

Member Kwan-Gett asked if the science/data is developed enough to express the health benefit (e.g., cancer or birth defects prevented) for a given drop in exposure when PFAS levels decrease—framing that would help in decision making. Mr. Means agreed it would help and why he suspects the determination for an MCL will be delayed. He said such information is key to cost-benefit analysis and added that he has not heard of information that correlates reduction and benefit. Mr. Means further stated there is discussion whether PFOA will be pursued based on its chronic impact or its carcinogenic impact. If the latter then, by rule, the MCL goal is zero.

Member Lutz missed part of the presentation and asked a question after completion of the agenda item. After recessing for lunch, Mr. Means returned at 1:35 p.m. to resume discussion with the Board. Member Lutz mentioned a recently released report by the National Academy of Sciences on PFAS and recommendations to the CDC. He commended the Department for its work on community outreach and education. He mentioned a recent Supreme Court decision on *West Virginia v. EPA* where the court said EPA overreached in regulatory areas unless determined by Congress and connected it with EPA's slow action on PFAS and lawsuits by the chemical industry. Member Lutz asked if the agency had any concerns or saw any change in plans if PFAS regulation becomes a source of litigation. Mr. Means said the new HALs are interim and are expected to change, which seems to be the basis of the chemical industry's lawsuit. Mr. Means said he thinks the Safe Drinking Water Act provides clear authority for EPA to establish standards for chemical contaminants in drinking water based on rules and established law. He stated it's prescriptive regarding EPA's authority, including prescribed methods for cost-benefit analysis when adopting a new chemical contaminant rule, so he doesn't see any effect. Member Lutz said he wanted to put the hypothetical out there for consideration. Mr. Means said that any outcome on a standard will need consideration by the Board to adopt the standard or to take other action to protect public health.

Member Kutz asked what is being done in areas with groundwater contamination such as the area around Fairchild Air Force Base. Mr. Means said the Department of Defense is generally following the Superfund process, which may be under EPA oversight or not, to halt exposure and to determine options for remediation. Fairchild is under EPA oversight. He further stated that the Yakima Training Center is not yet and the Department of Ecology has asked for action under the Model Toxics Control Act (MTCA). Member Kutz said so the Board's PFAS standards only address when it's safe to drink the water but nothing else. Mr. Means clarified that those standards are now the basis for Ecology's proposed cleanup levels that can be applied under MTCA. Superfund and MTCA are the two legal processes to address chemical contamination in the environment.

The Board recessed for lunch at 12:38 p.m. and reconvened at 1:35 p.m.

8. EMERGENCY RULE—NOTIFIABLE CONDITIONS, [COVID-19 REPORTING](#), WAC 246-101-017

Chair Grellner introduced Kaitlyn Donahoe, Board Staff, who gave a brief overview of prior COVID-19 emergency rule adoption by the Board since July 2020. She discussed the changes in reporting requirements for COVID-19 test results since the first emergency rule and reminded Board members of the recent change in requirements in alignment with federal guidance. Ms. Donahoe stated there were no proposed changes to the language in the eighth emergency rule and reminded Board members of the differences in the Board's emergency rule and federal guidance. She reminded Board members that on January 1, 2023, COVID-19 will be a permanent notifiable condition as a result of prior rulemaking in this chapter.

Member Kwan-Gett thanked the Board for past filed emergency rules and said it has been important for obtaining COVID-19 data for the department's surveillance.

Chair Grellner, Member Kwan-Gett, and Member Kutz discussed missing surveillance data due to the prevalence and use of COVID-19 home tests. Member Kwan-Gett noted that the Department of Health likely only captures 12 to 18 percent of true infections due to home testing. Member Kutz followed up with a question regarding long-term requirements for COVID-19 reporting once the state of emergency expires. Member Kwan-Gett responded that the Department of Health may focus its attention on hospitalizations and deaths, as well as updating systems to better understand those data.

Motion: The Board adopts an eighth emergency rule to extend the designation of COVID-19 as a notifiable condition and the required reporting of essential testing and demographic data to maintain the necessary public health response to COVID-19. The Board directs staff to file a CR-103E to extend WAC 246-101-017 without lapse, effective August 18, 2022.

Motion/Second: Member Kutz/Member Love-Thurman. Approved unanimously

9. 2022 STATE HEALTH REPORT

Keith Grellner, Board Chair, introduced the purpose and scope of the report. Kaitlyn Donahoe, Board Staff, said staff worked very closely with Board members, community groups and public health partners to develop the 2022 report. Ms. Donahoe said she is pleased how the report has shaped up in its current form, and that staff will continue to work with the Chair and Executive Director to format and finalize the report prior to transmitting it to the Governor's Office.

Michelle Davis, Board Executive Director, said this is a longstanding report required in statute to provide recommendations to the Governor and legislature regarding public health priorities in Washington state. She acknowledged Ms. Donahoe for her leadership and to Hannah Haag, Board Staff, for her work in engaging with community.

Chair Grellner said it is an excellent report and he looks forward to sending it to the Governor's office and the state Legislature.

Stephen Kutz, Board Member, said Board members and contributors were given ample opportunity to comment and he feels comfortable with the final product.

Motion: The Board directs staff to finalize the 2022 State Health Report in close consultation with the Chair. The Chair is authorized to approve a final report with any further revisions based on today's conversation, and transmit the report to the Governor, Legislature, and appropriate state agencies by September 1, 2022.

Motion/Second: Member Kutz/Member Hayes. Approved unanimously

10. BOARD MEMBER COMMENTS

Keith Grellner, Board Chair called for any comments.

Tao Sheng Kwan-Gett, Board Member, shared an update regarding the Emergency Rule for On-Site Sewage Systems. He said this rule, adopted in June 2021, allowed sewage treatment machinery manufacturers to use substitute components for repairs and maintenance as supply-chain issues have created difficulties acquiring parts. Member Kwan-Gett shared that in July 2022, the state Department of Health (DOH) approved one application for substitute UV bulbs, which play a key role in killing pathogens in water, and whose adoption may affect hundreds of thousands of water systems. Member Kwan-Gett said that DOH expects more applications, which they will process as quickly as possible. He flagged that the Department will present a second emergency rule proposal at the next Board meeting in October 2022.

Chair Grellner stated his appreciation of DOH staff and acknowledged the positive impact the adoption of the substitute UV bulbs has made in his own county.

Stephen Kutz, Board Member, encouraged new Board members to participate in the Governor's Health Disparities Council (Council). He shared that he was invited to join the Council early on in his tenure on the Board and has remained on since for 11 years. He stated that the Council has been one of the most fulfilling parts of his work at the Board and clarified that his participation was not as a tribal liaison, but as a Board representative.

Chair Grellner seconded Member Kutz's comments and briefly discussed the Council's Health Promotion and Environmental Health subcommittees. He stated that joining the Council is a great way to increase topic knowledge on various issues and to get to know Board and Department staff.

Chair Grellner offered his thanks to Board members and staff for their work today.

Michelle Davis, Board Executive Director, announced that the next regularly scheduled meeting will be October 12. She informed Board members to let staff know if they are interested in any rules sponsorship or committees.

ADJOURNMENT

Keith Grellner, Board Chair, adjourned the meeting at 2:21 p.m.

WASHINGTON STATE BOARD OF HEALTH

Keith Grellner, Chair

To request this document in an alternate format or a different language, please contact Kelie Kahler, Washington State Board of Health Communication Manager, at 360-236-4102 or by email at kelie.kahler@sboh.wa.gov TTY users can dial 711.

PO Box 47990 • Olympia, Washington • 98504-7990
360-236-4110 • wsboh@sboh.wa.gov • sboh.wa.gov