

# WASHINGTON STATE BOARD OF HEALTH

## Final Minutes of the State Board of Health

June 14, 2023

Hybrid Meeting

Physical meeting at:

Senate Rules Room #220, Legislative Building

416 Sid Snyder Ave. SW, Olympia, WA 98504

Virtual meeting via ZOOM Webinar

### State Board of Health members present:

Keith Grellner, RS, Chair

Kelly Oshiro, JD, Vice Chair

Dimyana Abdelmalek, MD, MPH

Kate Dean, MPA

Stephen Kutz, BSN, MPH

Socia Love-Thurman, MD

Umair A. Shah, MD, MPH

Michael Ellsworth, JD, MPA, Secretary's Designee

### State Board of Health members absent:

Patty Hayes, RN MN

Melinda Flores

### State Board of Health staff present:

Michelle Davis, Executive Director

Melanie Hisaw, Executive Assistant

Michelle Larson, Communications

Manager

Anna Burns, Communications Consultant

Stuart Glasoe, Health Policy Advisor

Molly Dinardo, Health Policy Advisor

Andrew Kamali, Health Policy Advisor

Jo-Ann Huynh, Administrative Assistant

Grace Cohen, Department of Health

Hannah Haag, Community Outreach

Coordinator

Lilia Lopez, Assistant Attorney General

### Guests and other participants:

Tao Sheng Kwan-Gett, Chief Science  
Officer

Juan Gamez Briceño, Department of  
Health

Mike Means, Department of Health

Barbara Morrissey, Department of Health

Shawn Magee, Department of Health

David DeLong, Department of Health

Leah Wood, Department of Health

Gerald Braude

Melissa Leady

William Leady

Bob Runnells

Lisa Templeton

Bill Osmunson

Natalie Chavez

Valerie Tung

Sarah Baker

Keith Grellner, Chair, called the public meeting to order at 9:36 a.m. and read from a prepared statement (on file).

### 1. APPROVAL OF AGENDA

**Motion:** Approve June 14, 2023 agenda

**Motion/Second:** Member Dean/Vice Chair Oshiro. Approved unanimously

### 2. ADOPTION OF APRIL 12, 2023 MEETING MINUTES

**Motion:** Approve the April 12, 2023 minutes

**Motion/Second:** Vice Chair Oshiro/Member Kutz. Approved unanimously

### 3. PUBLIC COMMENT

Chair Grellner opened the meeting for public comment and read from a prepared statement (on file).

Melissa Leady, private citizen, spoke in opposition to the COVID-19 shot. She talked about data, hospitalizations, and mortality rates, and said the Department of Health's mortality data doesn't add up for 2021-2023. She asked for the Department to share vaccination mortality data by status. She shared concern about Department officials talking about misinformation. She asked if Washington has information that non-vaccinated Washingtonians are not as likely to die, then the Department should share the information. She asked the Department not to dismiss their questions.

Bill Leady, resident of Clark County, talked about misinformation and American's mistrust of public health, 41 percent federally and 44 percent locally. He said the public was told that COVID-19 vaccinations are safe and effective. He said that history shows scapegoats, and once data was found on COVID-19, the public health narrative changed. He said don't state things as facts when little is known, do not attack and try to destroy anyone who questions the science (firing, education, etc.), and trust must be earned.

Lisa Templeton, private citizen read an op ed. She said the scientific community misled the public, made mistakes, and it cost lives. She said leaders created policy on their preference and proposed other views as wrong, systematically minimizing the downsides of consequences. She said large parts of the population were alienated and the government conspired with big tech. She said the pandemic policy came from a small group of the elite imposing on the rest of society. She said elitism and classism must end and people are realizing the public was misled.

Gerald Braude, Jefferson County, talked about the Department's \$35 million budget request to combat misinformation campaigns. He said he took the request personally since he is not from the government but testifies about the 219 deaths that he has researched and studied following COVID-19 shots in Washington. Mr. Braude talked about the 1700 percent increase in the Centers for Disease Control and Prevention (CDC) Vaccine Adverse Events Reporting System (VAERS) reports in 2021 after the release of the COVID-19 shot compared to just 400 percent increase in overall vaccine

administration over the same period. He talked about the quality of statisticians he's worked and said the Department has \$35 million to smear his comments.

Bob Runnels, Informed Choice Washington (ICW), also submitted written comment in the meeting materials and said he is glad to hear the Board and the Department are working on Per- and polyfluoroalkyl substances (PFAS) and polychlorinated biphenyls (PCB) rulemaking. He talked about the mistrust of public health and said that state and public health promoted a broad array of claims promoted that should be considered misinformation, issues including natural immunity, masks, school closures, myocarditis, benefits, vaccine mandates, conspiracy, doses, bivalent data, long covid and hospital capacity. He asked for the truth and for public health to not to let politics drive the narrative.

Bill Osmunson, submitted written comment and said there are over fifty reasons why not to fluoridate water. He said the Board website recommendations on fluoride are not scientific, and the evidence and recommendations were cherry picked. He said the Board ignored the Food and Drug Administration (FDA), U.S. Environmental Protection Agency (EPA) safe drinking water act and other regulatory agencies. He said the Board ignored the Washington State Board of Pharmacy that says fluoride is a drug.

Natalie Chavez, private citizen, commented on Dr. Kwan-Gett's comments at the vaccine advisory committee meeting regarding combating misinformation. She said his comment was unprofessional, dishonoring, and disrespectful to the public. She talked about the lost faith of the public towards public officials. She talked about her research and court ordered documents and clinical trials. She said words matter and putting links on websites shows transparency and accountability.

Valerie Tung, Seattle area, spoke to safety requirements of our state and messaging regarding masks. She said masking in healthcare spaces is a tool to keep people safe and any person who chooses to wear a mask should be greeted by mask wearers. She talked about reasons to require masking for the immunocompromised. She said this is more challenging than she realized.

Sarah Baker, Seattle area, talked about masks and healthcare, and urged universal masking. She said her child was not sick in three years thanks to the universal masking, but as clinics dropped the mandate overnight, her child became infected while receiving therapy services because of others unmasked. This prohibits her child from receiving care and said that healthcare should not make us sick. She asked that politics not interfere with mask wearing in settings of healthcare, long-term care, and prisons.

#### **4. BOARD ANNOUNCEMENTS AND OTHER BUSINESS**

Michelle Davis, Board Executive Director greeted the Board and said that Members Hayes and Flores were unable to attend the day's meeting. She introduced and welcomed new team members Andrew Kamali, policy advisor, who started May 1 and Michelle Larson, communications manager, who started on May 16. She described upcoming recruitments for an additional communications consultant and for a Social

Equity and Justice Manager. She said the new positions are funded by Federal Public Health Services (FPHS) dollars, and she hoped to post them in August.

Ms. Davis said both Environmental Health (EH) and Health Promotion (HP) policy committees met in May and said meeting notes were in the meeting materials. She said the committees would meet again in September and need to select their chairs. She shared that Member Dean had expressed interest in chairing the Environmental Health Committee and Member Abdelmalek had expressed an interest in chairing the Health Promotion Committee.

Ms. Davis directed Board Members to other items in the meeting materials packet including an CR-103 emergency rule on *Vibrio Parahaemolyticus* and two letters to the federal government, one focused on race and ethnicity standards the other on the Environmental Protection Agency's (EPA) proposed Per- and polyfluoroalkyl substances (PFAS) standards. She referenced the petition denial response letter on Arginase deficiency, reminding Board Members that the Board had denied the petition at the April meeting.

Ms. Davis said the health impact review team was reaching out to legislators and would be reporting on fiscal year 2023 activities at the August Board meeting. Ms. Davis recognized and thanked Theresa Phillips, Department of Health employee, for her over 43 years of public service.

Kate Dean, Board Member, inquired about the *Vibrio* emergency rule, and Ms. Davis asked staff to respond to her questions.

## **5. COMMUNITY ENGAGEMENT**

Hannah Haag, Community Outreach Coordinator provided the Board with a community engagement update. She noted along with former intern Mikayla Leezy, Hannah completed a landscape analysis of health across the state, pulling publicly available preexisting information from sources across Washington. Ms. Haag stated that while not comprehensive, the analysis of 56 distinct agencies and organizations provided 294 priority health areas. High level public health themes included: Health Care, Health Equity, Increased Resources, Environmental Health and Safety, Data Equity, Workforce Development, Policy and Advocacy, Housing, and Behavioral Health.

Ms. Haag offered a few ways the Board can use this data moving forward: information about community priority, a respectful model of collecting information from groups without the capacity or interest to speak with government, a communication strategy to understand and use the language of communities when speaking about health. She also invited Board Members to share their thoughts on how to best use this data.

Chair Grellner invited Board Members for discussions and questions.

Dimyana Abdelmalek, Board Member asked how Board Members can help provide more information for their individual counties who might be underrepresented in this analysis. Ms. Haag stated that she is always open to hearing from Board Members

about what groups or communities the Board should be listening to and invited Board Members to contact her with ideas or suggestions.

Kate Dean, Board Member asked for clarification about the created themes. She also asked if Ms. Haag was able to speak with communities or underserved groups that the organizations themselves are not meeting with. Ms. Haag explained that within the scope of this project, there were limitations as she was not speaking with individuals but pulling preexisting data already on their websites or otherwise publicly available. She stated that they did try to focus on organizations that specifically served underrepresented groups. Member Dean commented that in local health jurisdictions programs reflect funding opportunities, and while there may be identified underserved groups they want to support, they are limited by the funding. Ms. Haag agreed and stated it's an area she's interested in diving deeper into.

Stephen Kutz, Board Member commented that he was not surprised that access to healthcare and health equity remain top priorities. While it's not something the Board wrestles with, health insurance and the ability to quickly access healthcare is an issue and it overshadows other priorities.

Kelly Oshiro, Board Vice Chair, recalled the update from Ms. Davis about the Board hiring a second communications consultant with the staff expansion. She asked what staff are envisioning the overlap between the new communications staff and community engagement will be. Ms. Davis stated the new person will be providing support with outreach and they are hoping this person will be able support improving language access efforts as well. Ms. Davis. stated they will also be hiring someone to focus specifically on equity and social justice, who will be able to support multiple pieces: working with Communications and Community Engagement team, developing and implementing the Board's individual Pro-Equity Anti-Racism (PEAR) plan, policy work, and supporting the Health Disparities Council. Ms. Davis also offered that she sees the information Ms. Haag has been collecting helping the Board build towards its next 5-year strategic plan as well as build towards community weighing in on future Board priorities.

Socia Love-Thurman, Board Member asked how the Board can think towards actions and wins, based on the data Ms. Haag had provided. She asked about what the Board priorities are, offering the maternal child health is one of her priorities. She offered her support in that area if the Board moves towards it. She also suggested taking a deeper dive into community groups to learn where the gaps are and how the Board can support groups who need to connect with government. Ms. Haag shared her willingness to connect Member Love-Thurman about her priorities.

Michael Ellsworth, Secretary's Designee asked if Ms. Haag planned to write a report with this information, as he thinks his colleagues at the Department of Health (Department) would be interested in it. Ms. Haag stated she is not planning any report at this time but would be happy to share information with others.

Chair Grellner stated that the Board has identified that communication to the public needs to improve, and that they've been unable to keep up with the technology changes over the past years. The Board is working on funding and will take time to build the

infrastructure but hear the intent from the Steering Committee. Ms. Davis offered that until 2019, there was only one designated communications staff, who oversaw media, website, and public records requests, while also acting as production manager for Board meetings.

Member Dean commented on her interest in the implementation of the Healthy Environment for All (HEAL) Act, specifically the role of the Board and the Department and how this could overlap with the community engagement work.

The Board took a break at 11:10 a.m. and reconvened at 11:30 a.m.

## **6. DEPARTMENT OF HEALTH UPDATE**

Umar A. Shah, Secretary of Health and Board Member, Tao Sheng Kwan-Gett, Chief Science Officer and Michael Ellsworth, Secretary's Designee, provided an update from the Department of Health (Department).

Tao Sheng Kwan-Gett, Chief Science Officer reviewed the 2022-23 flu/influenza season. He shared that the deaths and hospitalizations were highest in 5 years but in align with years prior to COVID-19 and COVID-19 prevention measures.

Secretary Shah shared an update on immunizations. The Department participated in an immunization summit in May 2023, where 405 attendees for health care providers, local health jurisdictions, tribal partners, community health workers, and other groups shared tools about being successful in improving vaccination rates for diverse communities. He also shared that the Department is partnering with the Seattle Storm, where game attendees will have access to a Care-a-Van team where they can receive information around immunizations as well as received childhood vaccines and the COVID-19 vaccines.

Secretary Shah presented on the opioid/fentanyl overdose and harm reduction programs. He reported a significant increase in overdose deaths involving synthetic opioids in all areas of Washington. The Department is currently working on a 2-month media campaign on opioids and accessing naloxone, focused on the website. [PreventOverdoesWA.org](https://www.preventoverdoeswa.org) (English); [NoMasSobredosis.org](https://www.nomasobredosis.org) (Spanish). He shared that the Overdose Education and Naloxone Distribution Program (ONED), in collaboration with Health Care Authority (HCA), shared 200,00 naloxone kits and reported 17,000 overdose referrals. He reported on the development of new programs with new allocated funding. In response the disparity gap for overdoses in the American Indians/Alaska Native/Native Hawaiian communities, Washington tribe recently brought together state agencies, elected officials, and others together to begin taking steps to closing those equity gaps. He also shared information on the National Tribal Opioid Summit in Tulalip, WA from August 22-24, 2023. The announcement of the new Office of Tribal Public Health & Relations (OTPHR) in collaboration with sovereign tribal nations and tribal organizations was also launched May 31, 2023.

Dr. Kwan-Gett talked about the Departments Data Modernization Initiative (DMI), 5-year modernization plan to align with the Centers for Disease Control and Prevention (CDC) data modernization. There will be a new center for data science as well as the development of a board of data governance, data modernization and cloud analytics which will include state, local, and tribal participations.

Secretary Shah briefly reviewed federal government updates. He stated that with the new Debt Limit capping non-defense discretionary spending, the \$28 Billion unobligated federal COVID-19 funding was rescinded. The Department is currently analyzing what that means for Washington and for state public health investments.

Chair Grellner invited Board Members to ask questions and discuss presentation.

Member Dean asked if the Department could use existing data to see if the trend of vaccine hesitancy is affecting flu and childhood vaccine rates. Secretary Shah shared that the politicizing of vaccines is a concern and challenge, the Department isn't sure of the overall impact at this time. Dr. Kwan-Gett shared that there currently isn't the data to make that analysis yet. He also shared that the issues of access to vaccines people experienced during the pandemic are still true. He stated that the stressed healthcare system increasing difficulty to receiving primary care may also affect the vaccination rates.

Member Dean commented that from a population health perspective, there is concern about reaching a low enough immunization rate will increase the likelihood of a measles outbreak. She stated her concern of whether the public health system can handle downstream effects. Secretary Shah said it is unclear whether the public health system is prepared for downstream effects and noted his concern.

Member Kutz asked if the Department is working with other agencies to address the fentanyl crisis, beyond just the Tribal Summit. Secretary Shah shared that there is work being done across all state agencies as well as the attorney general's system. He stated that while currently there's no discussion of a statewide conveying but that's not off the table. At the summit, there was discussion on how the public health system can be used to influence other agencies systems and understand barriers.

Member Love-Thurman asked where the health engagement hubs will be located and how will location be determined. She also asked with the focus on naloxone and reversed overdose rates, whether education be of the distribution program, as that is a common ask from the community. She commented that she's encouraged to hear about the lowering of licensing requirements for behavioral health professions but noted that gaps remain, especially with acute crisis situations with youth and young adults. Secretary Shah responded that he does not have information at this time about deciding locations of health engagement hubs but will keep the Board updated. He shared that a large portion of the Naloxone distribution program will include community engagement, as he agreed it's a critical portion of this program.

The Board took a lunch break at 12:25 p.m. and reconvened at 1:15 p.m.

## 7. RULES UPDATE – [PRIMARY AND SECONDARY SCHOOL ENVIRONMENTAL HEALTH & SAFETY, CHAPTER 246-366A WAC](#)

Keith Grellner, Board Chair, introduced the school rule agenda item, provided a brief history of this rulemaking, and reminded Board Members of the Board's authority in this work and prior Board action.

Andrew Kamali, Board staff, shared some additional background, introduced the Department of Health (Department) staff presenting on this topic and stated that the suspended school rules have been brought to the Board each year since the budget proviso was put in place prohibiting the implementation of the rules. Mr. Kamali said that following the Department's presentation, the Board may wish to consider extending the effective date of the suspended rules by directing staff to file a new CR-103.

Juan Gamez Briceño, Department of Health, gave a historical overview of the Board's school environmental health and safety rules (Chapter 246-366 WAC), including the content of the rules, the role of local health jurisdictions in this work, the Board's 2009 revised and suspended rules (Chapter 246-366A WA), and the multi-year process that went into developing the revised rules. Mr. Briceño reemphasized that due to a proviso in the state's 2009-2011 operating budget, the Board cannot implement new or amended school environmental health and safety rules until funding is provided. Mr. Briceño then highlighted the Department's School Environmental Health and Safety Program and provided examples of the technical support and training that the program provides to local health jurisdictions and schools. Mr. Briceño also showed a map of local health jurisdictions that currently have school environmental health and safety inspection programs, and jurisdictions that are starting the process of implementing a program and provided a summary of other ongoing work in Washington to improve school environmental health and safety. Mr. Briceño closed out the presentation by thanking Nancy Bernard, Julie Awbrey, Lori Karnes, and all local health jurisdictions in the state for all their efforts to support this work.

Chair Grellner extended kudos to Nancy, Julie, Lori, and local health jurisdictions.

**Motion:** The Board directs staff to amend the effective date of new sections of chapter 246-366 WAC and new chapter 246-366A WAC, as filed in WSR 22-14-021, by filing a new CR-103, Order of Adoption, to delay the effective date of the new rules to August 1, 2024.

**Motion/Second:** Member Kutz/Member Dean. Approved unanimously

Chair Grellner, shared that at the Washington State Association of Local Public Health Officials (WSALPHO) conference, he had the opportunity to meet with health officers and administrators across the state to meet with legislators to discuss this topic. Chair Grellner said that in this meeting, they asked what they could do to unsuspend the Board's school rules. One Senator said there's a school coalition with a very strong lobby that has been influential in keeping the proviso in place because they feel that the funding piece is unresolved. Chair Grellner said that this was a fair point but emphasized that the Board would work with schools to figure this out and could put in a funding proviso in the Board's rules. Chair Grellner said that holding this up in perpetuity



is not helping our students, it is not helping our teachers, it is not helping the public, or facilities, and creates a lot of hardship when people are trying to build new schools because people do not know which standards they are supposed to follow. In Chair Grellner's discussions with legislators, one Senator offered to meet with a group of the Board, Department, and local health jurisdiction staff to discuss a plan for the next session. Chair Grellner extended an invitation to other Board Members if they would like to be included in these conversations.

Member Kutz, commented that it has been many years since the Board developed its revised rules, and since then, the standards have changed, especially as it relates to lessons learned during the pandemic about indoor air quality and ventilation. Member Kutz suggested that in the conversations with legislators, people propose that the rules should be opened and updated even if the proviso is kept in place and implementation isn't an option.

Chair Grellner agreed that this was a fair point because the Board is precluded from even updating the rules while the proviso is in place and said that the Board made a similar suggestion years ago but has been held up by the current proviso language.

Michelle Davis, Executive Director, agreed with Member Kutz's point about the learnings about indoor air quality due to the pandemic. She commented there have been more studies and new recommendations, which creates challenges for the current rules. She said the proviso precludes the Board from updating the rules, even to reflect any new federal standards. Ms. Davis said an option could be for the Board to lean into this discussion and begin to explore the federal recommendations, and to connect with our local health partners to learn more about their work and the challenges they encounter in schools. Ms. Davis also mentioned that the Board had hoped that the recent University of Washington report on school environmental health and safety would include information regarding the inventory of schools in Washington state, but Michelle isn't sure that this information is readily available. Ms. Davis emphasized that understanding the state of schools is a really important place for the Board to focus, and maybe the Office of Superintendent of Public Instruction (OSPI) can assist the Board with this understanding as well.

Member Kutz commented that the study during the pandemic focused on ventilation, which Member Kutz found informative. Member Kutz mentioned that this study could be sent out to current Board Members to review, and reemphasized how outdated the rules. He said schools ought to have the best standards available to them when they are investing money into updating their facilities.

Chair Grellner, shared that in talking to some colleagues, although the Board's rules have been held up, there have been some updates to the building codes, and some health and environmental safety standards have been incorporated. Chair Grellner said that the challenge with this is that once building inspectors approve a building, they don't come back. It is local health that is charged with coming back for inspections. He said the maintenance and the upkeep and making sure systems are working are the key pieces of this work. Chair Grellner stated that the Board may need to get creative against the lobbying going on at the legislature and bring more attention to these issues.

Member Dean asked for clarification about what work would be updated considering the University of Washington report and suspended school rules.

Mr. Briceño responded that the Department is working with OSPI to update the K-12 Health and Safety Guide.

Member Dean asked a follow-up question regarding funding associated with the inspection programs for local health jurisdictions.

Mr. Briceño clarified that there is inconsistency in school environmental health and safety implementation in the state and that some local health jurisdictions have received funding from foundational public health services to increase their capacity, but not all jurisdictions across the state. Mr. Briceño emphasized that students that live in a district without a school health and safety program are not receiving the same level of health and safety oversight as jurisdictions with programs.

Member Dean commented that this would be a good project for an environmental justice assessment under the Healthy Environment for All (HEAL) Act or another assessment addressing these equity issues.

Mr. Briceño agreed that there are equity issues with this topic and mentioned that in the University of Washington study, of the local health jurisdictions surveyed, funding was noted as the key factor in implementing a successful school inspection program. Mr. Briceño also stated that the survey highlighted that local health jurisdictions and schools struggle to improve health and safety standards for students without the appropriate resources.

## 8. UPDATE ON PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS) RULE IMPLEMENTATION AND RELATED ISSUES – [GROUP A PUBLIC WATER SUPPLIES](#), CHAPTER 246-290 WAC

Stuart Glasoe, Board Staff introduced the update and presenters. Stuart reminded the Board that rulemaking completed in 2021 on the Group A and Laboratory drinking water rules adopted five Per- and polyfluoroalkyl substances (PFAS) as State Action Levels (SALs) along with requirements for monitoring, reporting, public notice, and more. The PFAS drinking water rules took effect January 1, 2022. He explained that the presentation would cover rule implementation and related issues, including newly proposed national PFAS drinking water standards by the U.S. Environmental Protection Agency (EPA) that would likely require further Board rulemaking. He also noted significant litigation occurring nationally pertaining to PFAS drinking water contamination, including a lawsuit filed by Washington state in May 2023.

Mike Means, Department of Health and Barb Morrissey, Department of Health provided background on PFAS sources and health effects, drinking water monitoring results across the state, related responses and resource needs, evolving health guidance, and implications of EPA's pending PFAS drinking water standards. Shawn Magee, Yakima Health District, complemented this discussion of public water systems and the Board's Group A rules by describing the experiences of a local health jurisdiction responding to

needs and questions of local residents who are dealing with PFAS contamination of private wells near the Yakima Training Center (see presentation on file).

Member Kutz commented on the PFAS map shown during Mr. Magee's portion of the presentation and asked if Yakima Health District has done any work to test the Yakima River for PFAS levels, and if they have, if Tribes were notified of the testing outcomes. Mr. Magee responded that at the local level, they have not tested the Yakima River or fisheries in the area, but this would likely be a topic of interest to the Department of Ecology.

Member Kutz also stated concerns about bottled water containing PFAS and asked if agencies are testing different types of bottled water for these contaminants. Mr. Magee said that a lot of bottled water companies indicate whether their water has been tested for PFAS. Ms. Morrissey added that PFAS has been found in some bottled water. The Department of Health (Department) advises people to look for bottled water labeled "purified" versus spring water brands, which are more likely to have PFAS in low levels. Returning to the previous question, Ms. Morrissey shared that the Department is in regular contact with the Department of Ecology regarding testing work around the Yakima River. Barb said Ecology was recently in the area gathering surface water samples from the river with the U.S. Environmental Protection Agency (EPA), and they have been working with the Tribes as well.

Vice Chair Oshiro asked if the Department has done any engagement with other agencies like the Department of Fish and Wildlife or the Department of Agriculture related to PFAS testing. Ms. Morrissey responded that they have done some work with the Department of Fish and Wildlife, which monitors Puget Sound organisms, and confirmed the agency has conducted testing in certain fish species for PFAS and has not found high levels to date. Ms. Morrissey noted that the Department of Health also conducted testing in markets for the ten most widely purchased fish types in Washington and did not find high levels of PFAS. PFAS contamination has been detected in freshwater fish in impacted streams, and this work is being conducted by the Department of Ecology.

Member Kutz inquired if agencies are testing differences between farm-raised fish and non-farm-raised fish. Ms. Morrissey mentioned that the Department did test some farm-raised Chinook from Canada, and PFAS levels were low. Ms. Morrissey also said the Department issued PFAS fish consumption advisories for three urban lakes in King County.

Member Dean inquired about the Infrastructure Investment and Jobs Act (IIJA) funding designated for Group A water systems and if the \$17 million referenced in the Department of Health's presentation is Washington's portion of the funding. Mr. Means confirmed yes, the \$17 million is Washington's portion of the funding, each year for the five years of authorization, if the funding is reauthorized.

**9. RULES UPDATE – [WATER RECREATION AND RECREATIONAL WATER CONTACT FACILITIES](#), CHAPTERS 246-260 AND 246-262 WAC**

Keith Grellner, Board Chair, introduced this briefing to the Board, outlined the differences between the two different rules chapters that comprise the Board's Water Recreation rules, and provided definitions for water recreation facilities, and recreational water contact facilities. Chair Grellner then turned it over to Andrew Kamali, Board Staff to continue the introduction to this topic.

Mr. Kamali mentioned that the Department of Health (Department) and Board are currently reviewing these two rules' chapters and are forming a technical advisory committee (TAC) to assist with developing draft rule language and revisions to present to the Board. Mr. Kamali introduced David DeLong, Department of Health Staff, to provide more details on the history of this rulemaking and a timeline for the rule revisions.

Mr. DeLong shared that this rulemaking work started in December of 2016 when the Board filed a CR-101 to formally initiate rulemaking. He said rulemaking was initiated to review the two rule chapters to keep pace with changes in technology, to consider the most recent version of the Model Aquatic Health Code (MAHC) per a recent amendment to the water recreation authorizing statute RCW 70.90.120, to further address designated swim areas and consolidate chapters for usability. Mr. DeLong noted the status of this work and shared a tentative timeline and plan for rule development. Mr. DeLong noted that their timeline is ambitious, but they hope to come back to the Board in the Spring of 2024 to give an additional update on this work, and to discuss proposed rule language.

Member Love-Thurman thanked the presenters and asked them to share more about the Model Aquatic Health Code, and what some of the most exciting parts of the code are that would be different from the Board's current rules.

Mr. DeLong provided some additional information on the Model Aquatic Health Code and shared that a large component of this rulemaking work will entail updating terminology in the rules to align with the federal code and to incorporate guidance that might be missing. He also shared that the most exciting part of the Model Aquatic Health Code, from a regulator's standpoint, is the logistical layout of the document and ease of use. Mr. DeLong stated that it is a comprehensive document and includes everything you need to know about certain issues within these topics. The current water recreation rules have gone through some changes that make it easier to use, but you need to know the code well to find the issue you are looking for.

Mr. Kamali added that the Model Aquatic Health Code is a several hundred-page document that provides details beyond the scope of our current rules. Reviewing the federal code will allow the Department and Board to develop rules that are more specific and allow individuals to better understand guidance and regulations around these topics.

Member Abdelmalek thanked Mr. DeLong and Mr. Kamali. She asked how this work might impact environmental health colleagues at local health jurisdictions, and whether the rule revisions will have an impact on workloads.

Mr. DeLong responded that this was a great question, and that how the Water Recreation program is administered across the state is interesting. The Department is tasked with administering the program and working with local health jurisdictions through contracts, joint plans, and responsibilities. Mr. DeLong stated that the impact on local health jurisdictions will vary based on factors like the size of the county but anticipates that for the most part the impacts should be relatively minimal, and that they will involve local health jurisdictions in the rule review process and development throughout the rulemaking process.

Member Dean asked if the Department is seeing increases in harmful algal blooms in natural and freshwater facilities and whether there will be guidance or regulations in the amended rules to monitor this work.

Mr. DeLong said they are fairly confident that this issue will be mentioned in the revised rules, and that although the current rules do not mention natural water areas, they cover topics related to water quality and other public health hazards. Mr. DeLong shared that there is a natural bathing beach/designated swim area guideline created through joint work between the Department and Seattle Children's Hospital as part of the drowning prevention network, and they may use guidelines such as these to help flesh out new rule language around natural bathing areas. Mr. DeLong added that this may be a challenging area to move into, but as mentioned in the presentation, this is where the Board and Department can have an impact on the number of children who drown in Washington each year, as drowning is the number one killer of children ages 1-4, so it's a very important thing to be looking at and is an issue they want to focus on.

## **10. IMPLEMENTATION OF THE HEALTHY ENVIRONMENT FOR ALL (HEAL) ACT**

Keith Grellner, Board Chair introduced the Healthy Environment for All (HEAL) Act. Andrew Kamali, Board Staff, said the HEAL Act focuses on eliminating environmental and health disparities, and today's presentation is for the Board to listen and learn, but no action will be taken. Mr. Kamali introduced Leah Wood, Department of Health, who oversees the HEAL Act implementation.

Ms. Wood talked about the history of environmental justice at the state and national level. She said the movement is led by low-income communities of color and tribal communities. She talked about the protests in rural North Dakota and toxic waste sites. She talked about agriculture pesticides, climate change, contaminated waters in Seattle and higher rates of cancer in communities living near SeaTac airport. She talked about the power of the communities leading initiatives and the HEAL Act comes from the decades of work from community organizing. She said environmental justice (EJ) is public health. The HEAL Act passed the legislature in 2021 as a fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, rules, and policies. Ms. Wood said there are five buckets of obligations within the HEAL Act for agencies. They include community engagement, tribal consultation, EJ in strategic planning, EJ assessments (go into implementation July 1), and EJ in budgeting and funding. She said eight agencies are opting into implement the HEAL Act: Puget Sound Partnership, Department of Health (Department), Seattle Department of

Transportation (SDOT), Department of Commerce, Department of Ecology, Attorney General, Department of Agriculture, and Department of Natural Resources. She continued to talk about the framework and timelines (see presentation on file).

Chair Grellner invited questions. Member Dean asked where this fits in within the rulemaking process. Ms. Davis said the EJ assessment tool is still being developed and that the Department serves as our rules coordinator and maintains our official rule making files. She said legislatively significant rules will need an EJ assessment and the EJ assessment tool will help answer questions. She said our team members will work in collaboration with Department staff who will be more practiced with the tool. She said in the fall of 2022, our team started working on scoping document for projects that asks the questions who will be impacted by the rules, such as PFAS. Ms. Davis asked Ms. Wood if she knows which rules might be piloted. Ms. Wood talked about a private detention center and disadvantaged communities re: drinking water, but they are still determining which one is the best. Ms. Davis said as the Department and others are working on this tool, our team including Lindsay Herendeen from the Health Impact Review team (HIR) and our policy advisors have been providing feedback. Ms. Wood said the feedback has been helpful.

#### **11. DISCUSSION OF 2023 MEETING SCHEDULE AND POSSIBLE JULY MEETING CANCELLATION** (moved after item 5 and before 6, at 11am)

Michelle Davis, Board Executive Director, asked Board members to cancel the July 12 Board meeting and asked for flexibility on location regarding the August 9 Board meeting, which is currently scheduled for the John A. Cherberg building on the Capital Campus. Since the room is currently undergoing renovations, Ms. Davis asked for approval to make last minute location back-up changes.

Ms. Davis talked about the Monday, October 9 Board meeting, planned for the Confluence Technology Center (CTC) in Wenatchee and the lodging nearby. She asked for approval to have the board meeting at the CTC.

**Motion:** [The Board approves the cancellation of the July 12 meeting, the flexibility and any last-minute location changes for the August 9 meeting, and approval for the October 9 meeting location at the CTC.](#)

**Motion/Second:** [Member Kutz/Vice Chair Oshiro.](#) Approved unanimously

Ms. Davis talked about committee meetings, special meetings, and tentative dates available on our website. She talked about hybrid meetings and plans to create space for the public to observe.

Member Dean asked about standard practice for committee meeting invites and said it is super helpful to have a physical address/location on the outlook calendar invite. Ms. Davis said she will make a note and update our process. Member Dean asked if Board Members typically attend the fall Washington State Public Health Association (WSPHA) conference. Ms. Davis said it is a learning conference, attended by public health professionals and academia, and the conference covers a broad range of public health topics and healthcare such as opioids, legislative upcoming priorities, local health, tribal

partnerships, and more. Ms. Davis said we intentionally made the October 9 Board meeting in Wenatchee so Board members and staff can attend.

## **12. BOARD MEMBER COMMENTS AND UPDATES**

Dimyana Abdemallek, Board Member, shared about the Washington State Association of Local Public Health (WSALPHO) meeting in Leavenworth that she and Chair Grellner just returned from. She talked about school rules and much interest in ventilation to make it a priority. She noted the discussions included the work around decontamination standards (clandestine methamphetamine labs), and how local jurisdictions can respond. There were also conversations about work regarding fentanyl. She is excited to look at the real impacts to folks to see if there's a space for us to be helpful.

Socia Love-Thurman, Board Member shared about a long-term care facility on Vashon Island that was just procured with a 92-bed in-patient capacity and a 10-bed capacity for pregnant women. Transportation has been a puzzle and some difficulty navigating the ferry system for transport. They are working with Senator Cantwell regarding the murder of indigenous people and Member Love-Thurman hopes to report more on this work. This interest in human traffic seems to be more on a national level.

Kate Dean, Board Member, spoke about recent trip to DC and their discussion on chemicals and toxicity to humans from salmon, tire manufacturers (tire dust) and alternatives to these chemicals. She said they've had a swift response from federal agencies and tire manufacturers.

## **ADJOURNMENT**

Keith Grellner, Board Chair, adjourned the meeting at 3:57 p.m.

## **WASHINGTON STATE BOARD OF HEALTH**

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Keith Grellner, Chair

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