



STATE OF WASHINGTON
— OFFICE OF GOVERNOR JAY INSLEE —

July 3, 2024

William Osmunson, DDS, MPH
Washington Action for Safe Water
Via email: bill@teachingsmiles.com

Re: APA Appeal – Washington Administrative Code (WAC) 246-290-220

Dear Dr. Osmunson:

On May 22, 2024, the Governor's Office received the appeal you filed in response to the Washington State Board of Health's (Board) decision to deny your petition to amend WAC 246-390-220. You petitioned the Board to add new language recommending specific parameters for the ingestion of fluoride from drinking water and toothpaste for pregnant mothers, infants, and children. Under RCW 34.05.330(3), I may consider appeals of an agency's denial of a petition to amend an existing rule.

Specifically, you requested that the Board add a subsection to WAC 246-390-220 that would establish a "minimum label to protect the development of the most vulnerable" that would name the potential risks of fluoride ingestion. You stated that the Board has failed to comply with its obligation under RCW 43.20.050(2)(a) to "adopt rules for group A public water systems, as defined in RCW 70.119A.020, necessary to assure safe and reliable public drinking water and to protect the public health." You also stated that the Board considers and publicly cites the benefit of fluoridation in public drinking water but does not fully consider the data that you believe demonstrates the harm caused by fluoride. You believe that the addition of this new subsection, providing specific limits for the ingestion of fluoride in drinking water, is necessary for the Board to fulfill its obligation under state law.

Since 2015, the Board has considered the topic of community water fluoridation seven times, including this most recent petition, as a stand-alone topic or part of broader discussions related to oral health. Each time, the Board examined the topic carefully. Additionally, between 2010 and 2015, the Board received and considered 15 petitions for rulemaking related to community water fluoridation. At its March 13, 2024, meeting, while discussing your petition, Board members clarified that decisions regarding whether or not a water supply is to be fluoridated are made locally, as the state does not require fluoridation in public water systems. Rather than it being the Board's role to set parameters for fluoride ingestion via drinking water, Board members stated that medical and dental providers are better positioned to provide individualized guidance related to fluoride ingestion.

William Osmunson, DDS, MPH

July 3, 2024

Page 2

The Board has previously considered evidence of fluoride's possible negative effects, evidence similar to that which is cited in your petition and attached to your current appeal. The Board has repeatedly determined that its current approach regarding fluoridation is sound, and that no additional rules are needed for it to ensure safe and reliable public drinking water.

Under RCW 34.05.330, an individual may appeal an agency's decision within 30 days of its receipt. In this case, your appeal to the Governor was not received until May 22, 2024, even though the Board's decision was dated "March 2024." While the denial date is imprecise, it was issued at least 52 days prior to the receipt of your appeal to the Governor, rendering your appeal more than three weeks late. However, if your appeal were timely filed, I would not be persuaded that the Board erred in denying your petition to amend WAC 246-290-220. For all the reasons stated above, I affirm the Board's decision and deny your petition.

Sincerely,



Jay Inslee
Governor of Washington