



Petition for Rulemaking

WAC 246-290-220, Drinking Water Materials and Additives

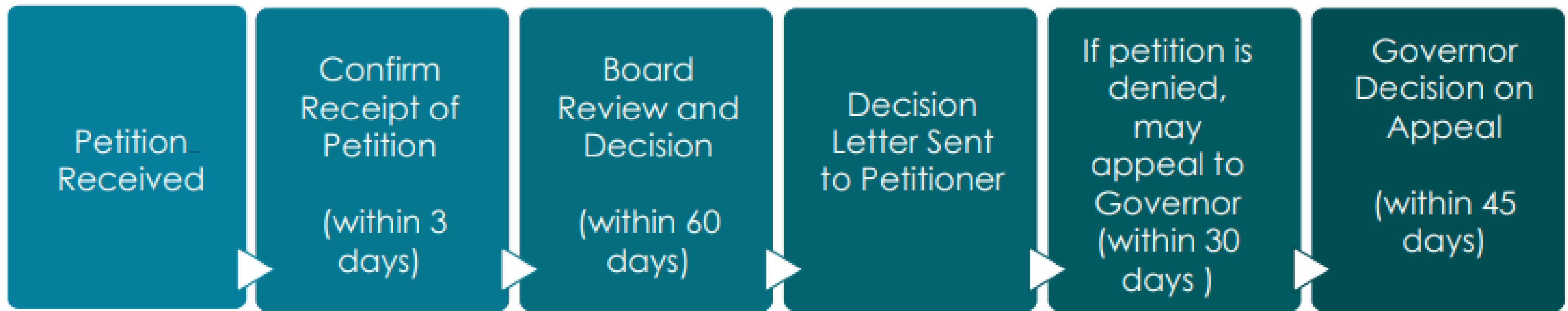
Shay Bauman, Policy Advisor – November 13, 2024

WASHINGTON STATE 
BOARD OF HEALTH

Background

Under the Administrative Procedures Act, RCW 34.05.330, any person may petition a state agency to adopt, repeal, or amend any rule within its authority.

Overview of the Board's Petition Process



RCW 43.20.050 grants the Board authority to adopt rules for Group A Public Water Systems necessary to assure safe and reliable drinking water and protect the public health. These rules are within Chapter 246-290 WAC.

Petition

The petition requests the Board add a new subsection to WAC 246-290-220 stating either of the following:

The Board of Health does not recommend adding fluoridation chemicals to water with the intent to treat humans or animals;

OR (alternate wording)

In keeping with the Federal Safe Drinking Water Standards, the Board of Health does not recommend chemicals, including fluoride compounds, be added to the water with the intent to treat or prevent disease in humans or animals.



WAC 246-290-220 – Drinking Water Materials and Additives

WAC 246-290-220 requires Group A public water systems to test and certify for conformance with NSF/ANSI Standards 60 and 61 for:

- treatment chemicals added to public drinking water supplies; and
- public water system components in substantial contact with potable water such as water pipes, tank coatings or liners, and treatment system media.



Additional Complaint

WAC 246-290-220(5)

(5) The department may accept continued use of, and proposals involving, certain noncertified chemicals or materials on a case-by-case basis, if all of the following criteria are met:

(a) The chemical or material has an acknowledged and demonstrable history of use in the state for drinking water applications;

(b) There exists no substantial evidence that the use of the chemical or material has caused consumers to register complaints about aesthetic issues, or health related concerns, that could be associated with leachable residues from the material; and

(c) The chemical or material has undergone testing through a protocol acceptable to the department and has been found to not contribute leachable compounds into drinking water at levels that would be of public health concern.

This subsection is not relevant to fluoride, as fluoride additives are required to be certified under NSF/ANSI 60



NTP Monograph

- Systematic review of the published scientific literature.
- **Higher levels of fluoride exposure, such as drinking water containing more than 1.5 milligrams of fluoride per liter, are associated with lower IQ in children (moderate confidence level).**
- Evaluates total fluoride exposure, not the health effects of fluoridated drinking water alone.
- Based primarily on epidemiology studies in non-U.S. countries.
- It notes many substances are healthy and beneficial when taken in small doses but may cause harm at high doses and that more research is needed to better understand if there are health risks associated with low fluoride exposures.



District Court Ruling

Food & Water Watch, Inc., et al, v. United States Environmental Protection Agency

- Food & Water Watch and other groups challenged the EPA in court after their petition to ban water fluoridation was denied by the EPA in 2017.
- A federal district court ordered the agency take action, heavily citing the NTP Monograph.
- Does not require the EPA to ban water fluoridation, nor specify what action they must take.
- The EPA may issue a new rule or appeal the decision.
- In addition to reviewing the Monograph, staff is monitoring what action the EPA will take.



Recommendation

The Board declines the petition for rulemaking to amend WAC 246-290-220 for the reasons articulated by Board Members. The Board directs staff to notify the petitioner of the Board's decision.

Petition Request: add a new subsection to WAC 246-290-220 stating either of the following:

The Board of Health does not recommend adding fluoridation chemicals to water with the intent to treat humans or animals;

OR (alternate wording)

In keeping with the Federal Safe Drinking Water Standards, the Board of Health does not recommend chemicals, including fluoride compounds, be added to the water with the intent to treat or prevent disease in humans or animals.

THANK YOU

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