

WASHINGTON STATE BOARD OF HEALTH

Final Minutes of the State Board of Health

June 4, 2025

Hybrid Meeting

ASL and Spanish interpretation available

Virtual meeting: ZOOM Webinar

Physical location: Washington State Department of Health

111 Israel Road S.E., Tumwater, WA 98501

Building: Town Center Two (TC2, Rooms 166 & 167)

State Board of Health Members present:

Patty Hayes, RN, MSN, Chair

Kelly Oshiro, JD, Vice Chair

Stephen Kutz, BSN, MPH

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

Paj Nandi, MPH

Peter Browning, MA

Mindy Flores, MHCM

State Board of Health Members absent:

Socia Love, MD

State Board of Health staff present:

Michelle Davis, Executive Director

Lilia Lopez, Assistant Attorney General

Melanie Hisaw, Executive Assistant

Ashley Bell, Deputy Director

Michelle Larson, Communications

Manager

Anna Burns, Communications Consultant

Marcus DeHart, Communications

Consultant

Molly Dinardo, Health Policy Advisor

Ash Noble, Health Policy Advisor

Hannah Haag, Community Engagement
Coordinator

Crystal Ogle, Administrative Assistant

Nina Helpling, School Rules Project Policy
Advisor

Mary Baechler, School Rules Project
Community Engagement Coordinator

Kelly Kramer, Newborn Screening Project
Policy Advisor

Guests and other participants:

Lauren Jenks, Department of Health

Michael Ellsworth, Department of Health

Kelly Cooper, Department of Health

Kseniya Efremova, Department of Health

Annie Hetzel, Office of the Superintendent of Public Instruction

Lisa Mancl, University of Washington

Mike McNickle, Director, Grays Harbor County Public Health

Patty Hayes, Board Chair, called the public meeting to order at 9:01 a.m. and read from a prepared statement (on file). Michelle Davis, Board Executive Director, provided a Land Acknowledgement.

1. APPROVAL OF AGENDA

Motion: Approve June 4, 2025, agenda

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

2. ADOPTION OF APRIL 9, 2025 MEETING MINUTES

Motion: Approve the April 9, 2025, minutes

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

3. PUBLIC COMMENT

Patty Hayes, Board Chair, opened the meeting for public comment and read from a prepared statement (on file).

Bill Osmunson discussed opposing community water fluoridation for the last twenty years. B. Osmunson encouraged people to look at historical data, research, and studies. B. Osmunson said that children are dying due to fluoridated water.

Bob Runnells referenced recent changes on the Health and Human Services (HHS) website for COVID-19 vaccines for children and pregnant women. B. Runnells said the COVID-19 vaccination page on the Department of Health website, updated May 29, does not correlate with the current HHS recommendation, and is looking for clarity.

Derek Kemppainen discussed fluoride being a poison and shared reasons to oppose water fluoridation, comparing it to the Nuremberg Trials, illegal medical experiments, and violation of human rights.

Mary Long spoke in opposition to community water fluoridation, and the emerging science challenges the safety and efficacy of this practice. M. Long discussed the harmful effects to children, such as the rise in dental fluorosis and skeletal concerns. M. Long suggested the Board follow Utah and Florida's lead.

Mariah Kunz spoke in support of community water fluoridation and said it reduces health inequities, reduces dental decay, and has no evidence of harm. M. Kunz referenced a study from the Journal of the American Medical Association that additional cavities would cost billions of dollars and investing in prevention early on saves community members on costs and other chronic diseases. M. Kunz said many organizations firmly support this community health practice such as the American Academy of Pediatrics, American Dental Association, American Medical Association, and the World Health Organization.

Laurie Layne spoke in support of the repeal of the Environmental Health and Safety Rule for schools. L. Layne said that the public is taxed enough. More programs and increased taxes are not sustainable for citizens.

Lisa Templeton discussed the mRNA vaccine, COVID-19 studies, and the lack of safety data. L. Templeton said the public deserves full disclosure and that the data confirm

myocarditis risk. L. Templeton urged the Board to insist on rigorous trials and oppose promotion of the vaccine(s).

Grace Yuan discussed the School Rule Project (SRP). G. Yuan said that Chair Hayes and the diverse technical advisory committee membership did an incredible job. G. Yuan asked to keep the phases separate moving forward and that the fiscal analysis needs to be updated and more robust. G. Yuan said the Legislature needs to prioritize and fund the SRP and looks forward to working together.

Natalie Chavez said the measles update at the April 10 Vaccine Advisory Committee meeting regarding the death of two children was disturbing, offensive, and disrespectful. L. Templeton said no one should discuss the deaths of children without thoroughly reviewing the records. N. Chavez said the children reported had numerous risk factors, such as hospital pneumonia, E. coli bacteria in the lungs, lack of proper antibiotics, and were very sick. N. Chavez expressed concerns about the misreports and the measles death narrative.

4. BOARD ANNOUNCEMENTS AND OTHER BUSINESS

Michelle Davis, Board Executive Director, provided updates on staff and Board activities. Executive Director Davis thanked staff for their work on two year-long, legislatively funded projects, the School Rule Project and the Newborn Screening Project. Both projects will end on July 1.

Executive Director Davis shared that the Board signed onto a Congressional letter of support regarding potential impacts of the proposed federal budget on Medicaid and food access programs. Executive Director Davis mentioned upcoming meetings related to the 2026 State Health Report, Newborn Screening on Wilson Disease, and the Washington State Association of Local Public Health Officials annual meeting.

Executive Director Davis discussed the work of the Foundational Public Health Services (FPHS) Steering Committee and how reductions to FPHS funding may impact the state's governmental public health system. Ashley Bell, Board staff, and Executive Director Davis will share more about FPHS spending and discuss the Board's budget outlook for the upcoming biennium at the August 20 Board meeting. The Board's budget will be tighter and may limit the number of projects the Board can take on.

Executive Director Davis provided an update on the Health Impact Review (HIR) team. The HIR team completed seven HIRs this legislative session. The HIR team is currently working on an HIR request from Representative Thomas for Substitute House Bill 1816, concerning civilian-staffed crisis response teams. The HIR team will provide its annual update at a Board meeting this fall.

Executive Director Davis shared an update about the Governor's Interagency Council on Health Disparities (Council). There are two vacancies on the Council, including a vacancy for a representative from the Department of Health (Department) and a vacancy for a Health Care Consumer Representative. In 2024, the Legislature approved a funding increase for the Council for the first time since the Council was created in 2006. In this year's budget, the 2024 funding increase was cut in half, which is a significant amount of funding for the Council. State law requires the Board to assist the

Governor in convening the Council. Executive Director Davis stated the Board will receive an update about Council funding at the August meeting as well.

To support the Council's May 20 meeting, staff developed a baseline overview of social drivers of health and conditions in Washington State. Executive Director Davis will share a link to the report, as it may provide a helpful backdrop to the Board's work on the State Health Report.

5. DEPARTMENT OF HEALTH FLUORIDE SCIENCE REVIEW UPDATE

Kelly Oshiro, Vice Chair, provided background on the Department of Health (Department) Science Review Panel (Panel) and the Board's work on this topic. Vice Chair Oshiro noted that the Panel is not yet ready to provide recommendations to the Board and would instead provide a status update on their work. As such, no Board action or public comment would be taken on this agenda item.

Lauren Jenks, Department of Health, Assistant Secretary for Environmental Public Health, gave an overview of the Department Science Review Panel, co-chaired with Secretary's Designee Tao Sheng Kwan-Gett. The Panel, which includes Board staff, was created to review scientific evidence on community water fluoridation to help inform Board policy, Department initiatives, and public messaging. Between January and June 2025, the Panel met ten times and reviewed recent studies, including the 2024 National Toxicology Program monograph, Cochrane review, Environmental Protection Agency court judgment, and research on fluoride's health effects and benefits.

Lauren shared that the Panel discussed both the benefits of fluoridation, especially for children's oral health, and potential risks, such as possible links between high fluoride exposure and lower IQ. Lauren noted the issue remains controversial, rooted more in values than science, and that scientific uncertainty remains around health equity and neurodevelopment. The Panel is drafting recommendations for the Board, which will be reviewed by the Secretary of Health, the Governor's Office, and partners before being shared at the August 20 Board meeting (see presentation on file).

Peter Browning, Board Member, noted the challenge of isolating confounding variables in decisions about community water fluoridation and shared an example from Anacortes, Washington. Member Browning emphasized that reaching consensus and issuing a recommendation may be difficult and reminded the Board that it does not have the authority to mandate fluoridation.

Lauren shared that the Panel had also discussed confounding variables. Lauren noted that the evidence supporting the benefits of community water fluoridation was clearer before fluoride toothpaste became widely used in 1970. While earlier research demonstrated its effectiveness, current analysis must consider whether the additional benefit today justifies potential risks.

Member Browning added that this evolving context may require conversations with parents about whether to provide fluoridated drinking water for their children.

Paj Nandi, Board Member, thanked the Panel for its thoughtful and thorough approach and acknowledged the complexity of its work. Member Nandi asked what the Panel is

hearing from other states. For example, some states have already moved on to policy recommendations. Member Nandi asked if the Panel is hearing from colleagues in other states since this topic will likely become a national discussion, which may impact recommendations and understandings in Washington State.

Lauren responded that the staff are in communication with colleagues in other states. Lauren noted that while some states are experiencing statewide debates on the issue, Washington's context is more localized, with varying community perspectives and values. As a result, Washington will need to support local jurisdictions in making their own decisions, and its approach may differ from those of other states.

Steve Kutz, Board Member, provided comment on fluoride in bottled drinking water.

Lauren stated that the Panel has not discussed bottled water, but that the Department will likely need to provide specific recommendations for reconstituting infant formula.

Patty Hayes, Board Chair, expressed appreciation for the Panel's balanced and clear discussion. Chair Hayes acknowledged the ongoing challenge of aligning emerging science with policy and emphasized the importance of highlighting issues the Board should consider related to community water fluoridation. Chair Hayes then requested that before the August 20 Board meeting, Lauren provide an overview of relevant federal and state legal authorities for Board Members to review, have the Panel comment on the Board's 2015 Oral Health Recommendations, and review public comments received by the Board on community water fluoridation.

Lauren confirmed that the Panel has received the written public comments, will add the 2015 Oral Health Recommendations to an upcoming meeting agenda, and plans to address legal authority during the August 20 presentation.

Mindy Flores, Board Member, stated that the Board is looking forward to hearing the Panel's recommendations in August.

Molly Dinardo, Board staff, provided a high-level overview of federal and state authorities related to community water fluoridation. Molly explained that the federal government is responsible for evaluating the safety of fluoridation and issuing public health recommendations. But the federal government does not regulate fluoridation in water systems beyond the scope of the Safe Drinking Water Act. Molly then outlined the specific roles that the U.S. Food and Drug Administration (FDA), the Centers for Disease Control (CDC), and the U.S. Environmental Protection Agency (EPA) play in community water fluoridation. Molly noted that the only enforceable standards are through the EPA, which sets a maximum contaminant level (MCL) for fluoride at 4.0 mg/L and a non-enforceable secondary level of 2.0 mg/L.

Molly discussed state authority related to community water fluoridation and noted that in Washington State, decisions about community water fluoridation are made at the local level by local governments or water systems. Molly emphasized that while state law establishes standards for safe drinking water, the Board does not require or prohibit fluoridation. Molly stated that for systems that choose to fluoridate, state regulations require fluoride levels of 0.7 mg/L, consistent with the U.S. Public Health Service

(PHS)/CDC recommendations. This standard was last updated by the Board in 2016. Washington's drinking water regulations also align with the EPA's maximum contaminant level (MCL) for fluoride.

Molly also provided a brief overview of the Board's 2015 Oral Health Recommendations, which were developed through a series of workshops aimed at improving oral health outcomes in Washington State. Molly noted that the recommendations are available on the Board's website. The recommendations cover a range of topics, including community water fluoridation, access to dental sealants for school-aged children, provider scope of practice, oral health literacy, statewide monitoring, and workforce development to better serve underserved communities.

Molly added that these recommendations were not part of a rulemaking process, as they fall outside the Board's regulatory authority. The recommendations have not been reviewed or updated since 2015.

Member Kutz asked whether any water systems in Washington have naturally occurring fluoride levels that exceed drinking water standards. What actions can be taken locally?

Lauren responded that some areas, primarily in Central and Southeastern Washington, do have naturally occurring fluoride levels above the EPA's MCL. In those areas, public water systems remove fluoride to stay below the standard, generally reducing levels to below 1.5 mg/L. Private well owners may test their water and consider filtration if necessary.

Member Kutz asked what types of filters remove fluoride if a homeowner would like to do that.

Tao Sheng Kwan-Gett, Secretary's Designee, stated homeowners would need to use a reverse osmosis type of filter. Member Kwan-Gett also clarified that the Panel was not evaluating whether fluoride is inherently toxic but rather focused on whether there is a safe level at which the benefits outweigh the risks. Member Kwan-Gett emphasized that in toxicology, "the dose makes the poison," and the Panel's goal is to interpret the science, acknowledging both its strengths and uncertainties, in plain language to support informed, community-based decisions.

6. UPDATE FROM THE DEPARTMENT OF HEALTH – DELEGATED PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS) EXCEPTION RULEMAKING

Paj, Nandi, Board Member, introduced the topic and asked Board and Department of Health (Department) staff to provide an update on delegated rulemaking for per- and polyfluoroalkyl substances (PFAS).

Brad Burnham, Department staff, reviewed the history of the Environmental Protection Agency's (EPA) PFAS rulemaking for required monitoring, reporting, maximum contaminant levels, and public notification. Brad shared that at the May 28 Department hearing, there was no public testimony and only two written comments. The Department anticipates filing the CR-103 by June 11, 2025, with an effective date 31 days later.

The Board took a break at 10:47 a.m. and reconvened at 11:01 a.m.

7. PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS) EMERGENCY RULE, CHAPTER 246-290-315 WAC

Paj Nandi, Board Member, introduced the topic and asked Board staff to present an update on per- and polyfluoroalkyl substances (PFAS) rulemakings and a recommendation to update the PFAS emergency rule. Department of Health (Department) staff Brad Burnham and Lauren Jenks were available for questions.

Ash Noble, Board staff, provided an overview of PFAS chemicals and past emergency rulemakings to implement federal Environmental Protection Agency (EPA) PFAS rules adopted in April 2024. Ash noted the current emergency rule expires on June 19, 2025, and requested Board approval of a fourth emergency rule. This would continue to amend Chapter 246-290-315 WAC so that the criteria of EPA's new regulations would apply on the effective date of the maximum contaminant levels (MCLs) as set in the federal standard, not the adoption date for another 120 days. Ash also stated that a CR-101 was filed in September 2024 to make permanent rule changes and expects that the CR-102 will be filed in September 2025 (see presentation on file).

Steve Kutz, Board Member, asked if the current rules contain requirements for MCLs that are stricter than what the EPA is proposing.

Brad Burnham, Department staff, explained that while the state adopted State Action Levels (SALs), the new EPA MCLs are more stringent.

Lauren Jenks, Department staff, Assistant Secretary for Environmental Public Health, said that Chapter 246-290-315 WAC currently states that more stringent federal rules take effect upon adoption rather than their effective date. This removes the Department's requirement for water systems to notify customers of PFAS exceedances. The emergency rule updates that language.

Kelly Oshiro, Board Vice Chair, asked if the Board can expect another emergency rule request in October and when the permanent rule might move forward.

Ash stated that another emergency rule request will likely happen in October and hopes to have the CR-102 filed for the permanent rule in September and expects to hold a hearing in November.

Motion: Moves that the Board direct staff to file a CR 103E to initiate emergency rulemaking for WAC 246-290-315 to continue to clearly maintain the associated requirements until the federal standards are effective.

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

8. APPROVAL OF THE DRAFT REPORT ON BRANCHED-CHAIN KETOACID DEHYDROGENASE KINASE (BCKDK)

Kelly Oshiro, Vice Chair, provided background information on this condition review.

Kelly Kramer, Board staff, summarized the report and shared that the Newborn Screening (NBS) Technical Advisory Committee (TAC) recommended not adding Branched-Chain Ketoacid Dehydrogenase Kinase (BCKDK) deficiency to the NBS

panel. Staff will send the report to the Office of Financial Management for review. Kelly asked for the Board's approval of the draft.

Peter Browning, Board Member, noted the potential for the condition to be passed on in families with a history of it. Member Browning asked whether there are efforts to educate families and recommended testing for those with a known history.

Kelly responded Yes.

Patty Hayes, Board Chair, clarified that the Department of Health (Department) doesn't have a genetic testing program. The recommendations regarding testing rely on the connection between the provider and parent.

Kelly affirmed Chair Hayes's clarification and reiterated that any testing would be between the patient and provider. The Board and the Department do not have a role in that.

Chair Hayes asked whether the report clearly states that testing for BCKDK deficiency should not be included in the newborn screening panel and instead be a decision made by the provider and parent.

Kelly responded that the team will review the report's language to ensure that it is clear. Kelly noted BCKDK deficiency is rare, with no identified cases in the U.S., and limited data makes it difficult to recommend screening at this time.

Chair Hayes clarified that they want the report to be clear and to emphasize the main point. This is an issue between the provider and the family.

Vice Chair Oshiro suggested including a sentence from page four of the report in the executive summary to highlight how there are only 21 cases worldwide.

Motion: The Board approves the BCKDK deficiency legislative report and directs staff to finalize the report in consultation with the Chair and submit it to the Governor and appropriate legislative committees by June 30, 2025. The Board directs staff to send copies of the final report to TAC Members.

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

9. LOCAL HEALTH AND COMMUNITY FOCUS

Kelly Oshiro, Vice Chair, gave a brief overview of Grays Harbor County, including its population, school districts, and economic landscape. Vice Chair Oshiro then introduced Mike McNickle, Director of Grays Harbor County Public Health (GHCPH) (see presentation and biography on file).

Director Mike McNickle gave an overview of GHCPH's recent efforts and challenges. After the pandemic, GHCPH prioritized a community health assessment and identified behavioral health and substance misuse as key concerns. A behavioral health gaps analysis led to ongoing work on a crisis triage system.

GHCPH launched several programs, including youth “third spaces,” mobile medical services, school-based health centers, diabetes screenings and education, a Homeless Housing Program, and expanded childcare support. GHCPH also partnered with Pacific Medical Center, restarted in-person WIC, and added environmental health services and a diaper bank.

Ongoing challenges include provider shortages, transportation barriers, lack of culturally appropriate care, affordable housing needs, and limited indoor recreation during winter. GHCPH is exploring crisis care models like EmPATH units and behavioral urgent care (see presentation on file).

Patty Hayes, Chair, complimented Director McNickle’s work and the emphasis on public health’s role. Chair Hayes expressed support for school-based health centers and likes the mobile medical van being local. Chair Hayes asked for Director McNickle’s perspective on the role between public health and the local community health. GHCPH work could be a wonderful example of how to rebuild trust in the community. Chair Hayes also mentioned that many of the GHCPH programs and activities make public health visible in a way that meets what the community has stated that it needs.

Director McNickle responded that rebuilding trust after the COVID-19 pandemic is a key goal, especially given the changing recommendations early in the pandemic. GHCPH now focuses on community priorities and works closely with partners, including Tribal representatives, to ensure broad community involvement.

Paj Nandi, Board Member, complimented the presentation and expressed interest in connecting offline about the Health Care Authority (HCA) efforts in addressing opioids in Tribal and Native communities. Member Nandi mentioned past collaboration with Grays Harbor leadership and asked what GHCPH's approach to influencing county-wide policies.

Director McNickle responded that while “Health in All Things” is ideal, “Health in Most Things” is more realistic. GHCPH holds convenings at the health summit, discusses social determinants of health, and involves providers. The goal is to improve service availability and remain persistent, recognizing that without good health, everything else suffers, especially housing and transportation.

Mindy Flores, Board Member, commended the growth of GHCPH. Member Flores asked about health in all things and whether the county has a dental care plan.

Director McNickle said that dental issues are expected to grow after one of Grays Harbor County's systems stopped fluoridating its water, especially given the limited providers. Children ages two to five already have low dental care rates. The county is using ads, social media, and the Access to Baby and Child Dentistry program to raise awareness and connect families to care. Some Federal Public Health Services (FPHS) funds were used for dental care provision; hopefully the funding continues despite upcoming cuts.

Tao Sheng Kwan-Gett, Secretary’s Designee, complimented Director McNickle’s work.

Peter Browning, Board Member, complimented Director McNickle's energy and suggested exploring partnerships with transit authorities for low-cost transportation options. Member Browning noted that this is how Skagit County recently acquired vehicles.

Steve Kutz, Board Member, thanked Director McNickle for their presentation and asked whether fentanyl misuse is a big issue in Grays Harbor County.

Director McNickle responded that Grays Harbor County has one of the highest fentanyl use and overdose rates in the state. The county's wellness center serves about 250 clients and is expanding due to rapid growth. Director McNickle noted the need for upstream preventive strategies, like the youth third places strategy. The county has just received \$1 million grant from the federal government to do opioid programming in jails.

Member Kutz thanked Director McNickle for the response.

10. 2025 SCHEDULE UPDATE – CANCEL JULY 9 BOARD MEETING

Michelle Davis, Board Executive Director, presented an update to the 2025 meeting schedule and recommended canceling the July 9, 2025, Board meeting.

Motion: The Board approves canceling the July 9, 2025, Board Meeting.

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

The Board recessed for lunch at 12:30 p.m. and reconvened at 1:30 p.m.

11. RULES HEARING, AUDITORY SCREENING, CHAPTER 246-760 WAC

Kelly Oshiro, Vice Chair, provided an overview of the Board's authority to adopt rules related to auditory screening and gave background on the rulemaking project.

Molly Dinardo, Board staff, and Annie Hetzel, Office of the Superintendent of Public Instruction, introduced themselves to the Board.

Molly reviewed the rulemaking process, timeline, and engagement work. Molly presented staff-recommended changes based on public comments received during the formal comment period, focusing on clarifying language and ensuring feasibility for schools and families (see presentation on file).

Vice Chair Oshiro announced the public hearing, directed attendees to related materials on the Board's website, read a statement with hearing instructions, and formally opened the hearing for public testimony. Each speaker was allotted three minutes. Testimony was accepted in person and via Zoom.

Michelle Larson, Board staff, called on public commenters who registered for verbal testimony via Zoom. Of the thirteen registered, only one was present and provided testimony.

Laurie Layne, public commenter, expressed some support for the proposed rule changes but urged caution due to taxpayers' limited budgets. L. Layne recommended making the school hearing screening programs optional to accommodate financial

constraints. L. Layne also suggested involving doctors, such as ear, nose, and throat specialists, to conduct the screenings instead of schools.

Vice Chair Oshiro closed the public testimony portion of the rules hearing and asked if Board Members had any questions.

Tao Sheng Kwan-Gett, Secretary's Designee, thanked the presenters and expressed support for the proposed revisions. Member Kwan-Gett then requested clarification on the proposed language regarding the use of otoacoustic emission (OAE) technology in the rule. Member Kwan-Gett noted their understanding that pure tone audiometry is the preferred gold standard, while OAEs are used for students unable to complete pure tone testing.

Molly directed Board Members to page 222 of the meeting materials and read the proposed addition to WAC 246-760-030 regarding required and alternative hearing screening tools. Molly explained that the rule allows the use of OAE testing for students unable to participate in pure tone screening, including those with special health care needs, developmental delays or disabilities, non-English speakers, and younger students or those who have difficulty understanding instructions. Molly added that the rule also clarifies that OAE testing is not intended to replace pure tone screening except in these specified cases.

Vice Chair Oshiro asked about the accuracy of OAE devices relative to pure tone audiometry.

Molly responded that studies comparing pure tone audiometry and otoacoustic OAE screening, mostly in clinical settings, suggest pure tone may be slightly more sensitive. However, no recent studies indicate significant differences in accuracy rates. Molly mentioned that the most recent study comparing the use of these devices in a community setting was from 2015. Molly added that both the American Academy of Audiology and the American Speech-Language-Hearing Association support the use of OAE as outlined in the proposed rules.

Michelle Davis, Executive Director, reminded Board Members that while schools may use OAE testing, it is not required—pure tone screening remains the standard. Executive Director Davis emphasized that school screening programs have been in place for decades. Addressing concerns about testing in physicians' offices, Executive Director Davis noted that school programs provide universal screening, especially for children who may lack regular access to healthcare or a medical home. Executive Director Davis noted that this context may not have been fully covered in the materials, but it is important given the public comments received.

Molly thanked Executive Director Davis for these comments and highlighted the significant legislative rule analysis (cost-benefit analysis) on page 251, required under state law for significant rules. Molly shared that the analysis concluded that the benefits of the proposed updates outweigh the costs and noted no anticipated additional costs to schools, since hearing screenings are already mandated and the new technology is optional.

Steve Kutz, Board Member, commented that this screening is the most basic thing that can happen to help kids who are struggling and may not know why. Member Kutz shared their own experience with vision and hearing screenings in school.

Patty Hayes, Board Chair, thanked the public commenter for addressing the cost concerns of rule implementation. Chair Hayes noted that the rule provides flexibility and responds to the petition from the Lake Chelan Lion's Club. Citing the clear cost-benefit analysis, Chair Hayes expressed confidence that the system can effectively integrate the new technology to support children and youth within existing budgets. Chair Hayes voiced support for the rule and its amendments.

Member Kwan-Gett agreed with Chair Hayes and shared from their primary care pediatrics experience that OAE devices frequently malfunction and incur costly maintenance. They recommended schools consider these reliability and upkeep challenges, noting that pure tone audiometry equipment tends to be more dependable.

Vice Chair Oshiro asked Molly if staff had reconnected with the petitioner during the rulemaking process.

Molly confirmed that staff did reconnect with the petitioner. Molly shared that while the petitioner appreciated the inclusion of OAE devices, they had hoped for OAE to be used as the primary screening tool. However, pure tone screening remains the standard across national screening guidelines. Molly added that the updated rules now allow OAE use to provide more equitable screenings for students unable to respond to pure tone tests. Molly added that although the outcome fell short of the petitioner's expectations, the Board will continue to monitor screening guidelines for potential future updates.

Motion: The Board adopts the proposed rules establishing chapter 246-760 WAC as published in WSR 25-09-146, with revisions agreed upon at today's meeting, if any. The Board directs staff to file a CR-103 and establish an effective date.

Motion/Second: Member Kutz motioned/Member Flores seconded. Approved unanimously

12. RULES HEARING, REPEAL OF CHAPTER 246-366A WAC, ENVIRONMENTAL HEALTH AND SAFETY STANDARDS FOR PRIMARY AND SECONDARY SCHOOLS

Patty Hayes, Board Chair, introduced the presentation of the repeal process and the proposed changes to Chapter 246-366 WAC. Chair Hayes provided a brief background on the work of the School Rule Project (SRP) Technical Advisory Committee (TAC) and noted that the presentation includes a summary of written public comments and staff recommendations. A public hearing and Board discussion will follow the presentation.

Nina Helpling, Board staff, and Ash Noble, Board staff, introduced themselves and their role. Nina will depart on July 1 when the SRP ends, and Ash will take over the project moving forward.

Nina reviewed the history and background of the school environmental health and safety rule, the written comments received during the formal public comment period, and the next steps. Nina also discussed that the SRP TAC has met seventeen times

since August 2024 to draft the proposed Chapter 246-370 WAC. At the April 2025 Board meeting, the Board approved the SRP TAC recommendations of the proposed chapter and directed Board staff to start the repeal process for Chapter 246-366A. Board staff are also proposing to amend chapter 246-366-005 to remove a reference to Chapter 246-366A. On April 21, 2025, the CR-102 for the rules hearing was filed, and the public comments are included in the Board packets (see presentation and materials on file). Nina turned it back to Vice Chair Oshiro to start the rule hearing public comment period.

Vice Chair Oshiro announced the public hearing, directed attendees to related materials on the Board's website, read a statement with hearing instructions, and formally opened the hearing for public testimony. Each speaker was allotted three minutes. Testimony was accepted in person and via Zoom.

Michelle Larson, Board staff, called on public commenters who registered for verbal testimony via Zoom.

Laurie Layne, public commenter, supports the repeal of the rule. L. Layne said taxpayers are taxed enough, and we need to tighten our belts, and it would be nice if others would do the same. L. Layne said these projects sound wonderful, but they are unsustainable, and do them if there are no cost increases.

Michelle noted that no additional people signed up for public testimony, but 14 individuals from the public indicated their support.

Vice Chair Oshiro noted that no individuals had signed up in the room to make public comments. Vice Chair Oshiro concluded the public testimony and moved forward to the Board discussion.

Steve Kutz, Board Member, discussed the educational process during the COVID-19 pandemic. Member Kutz emphasized the importance of safe schools, making it necessary to review school environmental and safety rules. Member Kutz praised the staff and advisory committee for effectively meeting the legislative intent to protect students. Member Kutz stated that this is the core of what is needed and expressed support for their efforts, saying the team did an excellent job.

Vice Chair Oshiro thanked Chair Hayes for tireless and fearless dedication and devotion to this project that has been years in the making. Vice Chair Oshiro also thanked the SRP team, the TAC, and leadership for all their time and efforts on this project to get to the finish line.

Chair Hayes appreciated the comments and said that the timing of repealing 366A at this Board meeting is well planned and very important for several reasons. First, we know the Legislature has the proviso that has prevented the implementation of 366A. Second, it's important that the Board strongly signals to the Legislature that we understand 366A is no longer relevant. This message, along with our report, is a strong statement to send. Chair Hayes mentioned working with Executive Director Davis to brief with Senator Robinson, and it is fair to say that Senator Robinson is pleased with the current steps and shaping the next steps. Chair Hayes personally thanked the TAC

members, and said they were outstanding in truly listening and participating so the team could move forward.

Motion: The Board adopts the proposed repeal of Chapter 246-366A WAC and the amendments to chapter 246-366 WAC, as published in WSR 25-09-121 with the revisions agreed upon at today's meeting, if any, and directs staff to file a CR-103, Order of Adoption, and establish an effective date for the repeal and amendments.

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

Member Kutz noted that we should let former Chair Keith Greller know about this momentous action.

13. SCHOOL RULE PROJECT REPORT

Patty Hayes, Board Chair, highlighted the importance of the School Rule Project (SRP) Technical Advisory Committee (TAC) recommendations, ongoing collaboration with organizations, the Legislature, and the phased rule implementation. Chair Hayes noted the TAC included a section addressing issues like budget and the differences in school size and private schools. The Board ensured TAC members had a voice in the report. Board staff will share an overview of the draft legislative report and the Environmental Justice Assessment.

Nina Helpling, Board staff, introduced themselves and the SRP team, recognizing Chair Hayes, Project Manager Andrew Kamali, Marcus Dehart (Communications), Mary Baechle (Community Outreach), and Crystal Ogle (Administrative Coordinator). Ash Noble will take over as the policy advisor for this project after the original project team departs in July.

Ash Noble, Board staff, briefly introduced themselves and shared their background as a policy advisor to the Board.

Nina provided an overview of the proviso and its requirements for the Board, the composition of the SRP TAC, community engagement conducted, the Environmental Justice Assessment, a summary of changes, and the draft legislative report (see presentation on file). The legislative report is due on June 30, 2025.

Ash shared that they will be on a panel with Nina at the Washington State Association of Local Public Health Officials (WSALPHO) conference to discuss the SRP and its outcomes.

Nina shared that before they leave, they will have built the CR-101 packet for all three phases. Nina will also create a detailed roadmap of how the Board got here and what discussions are moving forward.

Chair Hayes said the next step is to submit the report to the Governor and Senator Robinson. We will then follow up with Senator Robinson to work on the visibility of the report either before or during the next legislative session. The Board cannot begin to implement any of these rules until the legislature releases the budget proviso. We will need communications support, including one-pagers for partners. Chair Hayes noted they will present at the upcoming Washington Association of Maintenance (WAMOA)

and WSALPHO conferences to help inform partners of this process and to answer questions or concerns.

Michelle Davis, Executive Director, said we need educational materials to explain the work and the next steps. The focus so far has been on the budget, but now we need to engage policy committees. The next steps are to contact committee chairs who discuss education policy and reconnect with the many groups engaged early in the process to share updates and offer support.

Chair Hayes emphasized the importance of engaging key TAC members and their organizations to help explain and support the phased approach. Their continued involvement is critical to moving forward, and the Board must clearly communicate how the phased implementation will work.

Ash shared that the Board's communication team is developing videos featuring TAC member testimony. Ash noted that it's important to emphasize to policymakers and the public that this will be a long process. Ash praised Nina and Andrew for their work.

Executive Director Davis said we have submitted the draft report to the Office of Financial Management. The initial feedback was supportive, but they had some questions about the state's obligation that are beyond the proviso's scope. In an ideal world, we would have a full inventory of those costs, but that is not possible within the 12 months of the proviso. Executive Director Davis shared gratitude and discussed the importance of the TAC's work, the team's efforts, and TAC members' willingness to have hard conversations.

Steve Kutz, Board Member, said the work so far has exceeded all expectations. Member Kutz praised the TAC members for coming together as a team and noted their hard discussions and compromises. Member Kutz expressed gratitude for the work completed and what is to come.

Mindy Flores, Board Member, appreciated that Nina and Andrew called each Board Member to explain the plan in detail. Member Flores asked if we have a narrative or roadmap to use for outreach to parent associations, school boards, and superintendents. Could we have that so that the key message is there for us to share?

Nina said they will work on that for Board Members, TAC members, school educators, and local health jurisdictions.

Tao Sheng Kwan-Gett, Secretary's Designee, agreed that talking points would be very helpful.

Paj Nandi, Board Member, thanked the team for their work and noted the combined TAC meeting in April was a key moment that brought everything together. Member Nandi offered to help with communications and stressed the importance of culturally and linguistically diverse materials. Member Nandi offered support for reviewing the language to ensure accessibility.

Member Kutz emphasized the need for a small team of legislators to work together and advance efforts to make schools safer for children.

Vice Chair Oshiro reflected on this past year, updates from Andrew and Nina, the extensive engagement throughout the process, and the Board team's ongoing efforts. Vice Chair Oshiro highlighted the importance of TAC members returning to their communities and the active role of parents and guardians.

Motion: The Board approves the draft report and directs staff to finalize the report in consultation with the Chair and submit it to the Office of the Governor and the appropriate committees of the Legislature.

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

14. BOARD MEMBER COMMENTS AND UPDATES

Steve Kutz, Board Member, thanked Executive Director Davis for bringing the team together.

Mindy Flores, Board Member, commended Board staff for their dedicated effort and contribution.

Member Kutz highlighted the dedication of Board staff.

Vice Chair Oshiro thanked everyone and adjourned the meeting.

ADJOURNMENT

Vice Chair Oshiro adjourned the meeting at 3:46 p.m.

WASHINGTON STATE BOARD OF HEALTH

Patty Hayes, Chair

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