

# WASHINGTON STATE BOARD OF HEALTH

## ENVIRONMENTAL HEALTH COMMITTEE SPECIAL MEETING SUMMARY NOTES

**What:** Environmental Health Committee

**When:** May 19, 2023

**Participating via Zoom:** Board of Health (Board) members Keith Grellner, Chair, Patty Hayes, Kate Dean, and Dimyana Abdelmalek; Board staff Stuart Glasoe, Michelle Davis, Melanie Hisaw, Andrew Kamali, Michelle Larson, and Molly Dinardo; Department of Health (Department) staff Mike Means, David Delong, Juan Gamez Briceño, Peter Beaton, Holly Myers, Jocelyn Jones, Joe Laxson, Jeremy Simmons, Todd Phillips, Leah Wood, Tami Thompson, Anna Hidle, Brad Burnham, Nina Helping, Trace Warner, Theresa Sanders and Erin Brewster. Approximately 15 members of the public attended and TVW livestreamed the meeting.

### Summary Notes:

#### General Updates

- Joe Laxson and Stuart Glasoe summarized highlights of environmental health bills in the 2023 legislative session:
  - E2SHB 1181 sets a new climate change planning framework across multiple state laws, including provisions requiring Group A public water systems serving 1,000 or more connections to include a climate resilience element in water system plans. The bill will require revisions to the Group A drinking water rules, chapter 246-290 WAC.
  - ESHB 1251 requires public water systems that are considering starting or stopping drinking water fluoridation to give 90-day notice to customers prior to making a decision. The Department will implement the requirement and educate water utilities directly from the statute. The Department and Board will monitor the issue to determine if future rulemaking is needed.
  - The Department received about \$800,000 in each of the next two fiscal years to support access to safe drinking water for homes and businesses on individual wells or small water systems (Group B) that are contaminated.
  - Bills that didn't pass and will likely receive attention in the interim include (1) HB 1010 which would authorize Board rulemaking to develop a shellfish sanitation program for commercial crab and marine biotoxins, and (2) HB 1706 which continued to explore a regulatory model for retail sale of home foods, commonly called microenterprise home kitchens.

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- Stuart Glasoe shared a public comment the Board received requesting a public forum, hearing, or committee to review the science behind fluoridation. Stuart shared a separate request from the same person for the Board to post notice on its website that mothers should not drink fluoridated water and caregivers should not use fluoridated water to make infant formula. Chair Grellner said the Board did a lot of work on fluoride in the past and pointed people to the [Board's oral health recommendations](#). He noted that the topic of fluoridated water and infant formula isn't reflected in the oral health recommendations, said the Board doesn't need a public forum on the topic, and recommended putting the issue before Board's Health Promotion (HP) subcommittee. Patty Hayes agreed that the Board should not hold a forum or hearing and that the HP committee should consider the request. Michelle Davis mentioned that the Board does not typically issue health advisories and reminded Board members that the Department has programs that work directly with parents regarding infant and child health and development in addition to folks connecting directly with their care providers.

### **Preview June Board Meeting**

- Mike Means shared a high-level overview of the June update on per- and polyfluoroalkyl substances (PFAS) which will include background on PFAS, evolving health science and guidance from EPA, and potential pathways for Board rulemaking if the U.S. Environmental Protection Agency (EPA) adopts national PFAS drinking water standards. (EPA's proposed PFAS drinking water standards were released for public comment in March and both the Board and Department planned to comment in support.) Mike previewed a slide of the Department's new [PFAS testing results dashboard](#). Kate Dean inquired about water supply funding, referenced earlier in the EH legislative update, and how it might intersect this work. Mike shared that funding is limited and there are several gaps needing attention, including treatment for private wells and Group B water systems.
- Leah Wood previewed several slides from her June presentation on the HEAL Act, including requirements placed on the Department and other implementing agencies to identify significant actions and develop environmental justice (EJ) assessments. She added context regarding the Board's role as a listen-and-learn agency and likely development of EJ assessments for significant Board rulemaking.
- Andrew Kamali said the Board will again need to take action at the June meeting to extend the effective date of the suspended school rules (chapter 246-366A WAC) that are blocked by a legislative budget proviso. Andrew and Juan Gamez Briceño briefly recounted the proviso's history and indicated they will ask to extend the rule's effective date to August 2024. The rules need to be updated. Work on the K-12 health and safety guide will likely happen this summer.
- Andrew Kamali shared that staff have been working on the water recreation rules (chapters 246-260 and 262 WAC) since 2016 and touched on reasons for the

delay. Dave DeLong briefly previewed the June update which will cover background, purpose and scope of the rulemaking including consideration of the Model Aquatic Health Code, work completed to date, and next steps with the rulemaking and the project's technical advisory committee.

### **Preview August Board Meeting**

- Jeremy Simmons, briefly previewed the upcoming briefing on the on-site sewage system (OSS) rulemaking (chapter 246-272A WAC) that's been underway since 2018, noting that the briefing will cover essentially the same material as the Board update in January. Jeremy said the Department will also request a fifth OSS emergency rule in August and showed a timeline graphic of the series of adopted emergency rules. Stuart Glasoe noted that new members continue to join the Board and said staff would gladly provide one-on-one briefings to any Board member on this rulemaking and other agenda items.
- Jocelyn Jones previewed the August update on the shellfish sanitation rulemaking (chapter 246-282 WAC) providing background and an overview of the rulemaking. She explained that the Board recently filed an emergency rule for the *Vibrio parahaemolyticus* (Vp) Control plan (WAC 246-282-006) to address a gap related to early summer heat waves that is being addressed in the permanent rulemaking. Jocelyn and Stuart Glasoe reminded members that the Board delegated authority to the Department in early 2022 to file such an emergency rule if early summer heat wave conditions were to occur prior to completion of the permanent rulemaking. The permanent rulemaking is scheduled to be completed by 2024.
- Theresa Sanders highlighted several issues that will be addressed in the upcoming overview of lead prevention programs, which will likely include a local health co-presenter. Issues include testing and remediation of lead in school and childcare drinking water (lead and copper rules for public water systems will be a separate agenda item), improving testing rates and connecting families with elevated blood lead levels to appropriate services and resources, and the impact of foundational public health services (FPHS) funding on elevated blood lead level work by local health jurisdictions. Member Hayes asked how the Board can better support some of the challenging program work and expressed interest in discussions around blood lead level testing in an HP subcommittee meeting.

### **Other EH Items on Board Planning Calendar**

- Mike Means said EPA adopted a revised lead and copper rule and has issued guidance to support water system compliance. The Department is exploring approaches on how best to manage and regulate this work. Originally planned for consideration by the Board at a later date, this topic is now tentatively scheduled for the Board's August meeting and will likely take the form of a department request for delegated rulemaking authority.

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- Andrew Kamali said that he has connected with Patty Hayes and started initial discussion of ideas around an upcoming briefing on indoor air quality and measures to mitigate respiratory illness.
- Andrew Kamali said staff have had discussions on the shared Board/Department clandestine drug lab (CDL) rules (chapter 246-205 WAC) trying to identify the scope of questions and issues related to cleanup of drug contaminated properties in different settings and transient locations. Juan Gamez Briceño shared that staff are connecting with local health jurisdictions, Washington State Patrol, Department behavioral health programs, and other partners to discuss a path forward and possible rulemaking to modernize the drug decontamination rules and program.

**Committee Membership and Chair Selection**

- The EH Committee decided to delay the selection of a Committee Chair and indicated they would bring up the topic at the Board's June meeting.

**Committee Member Comments, Questions, and Next Steps**

- Michelle Davis let members know that at the upcoming June meeting she will suggest cancelling the tentatively scheduled July Board meeting.
- Molly Dinardo encouraged members to participate in the Board member comments section of full Board meetings to share recent experiences, meetings they've attended, or other topics they'd like to discuss.

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