



STATE OF WASHINGTON
WASHINGTON STATE BOARD OF HEALTH

PO Box 47990 • Olympia, Washington 98504-7990

October 14, 2010

Mr. William Osmunson, DDS, MPH, President
Washington Action for Safe Water
1418 – 112th Ave NE, Suite 200
Bellevue, WA 98004

Dear Dr. Osmunson:

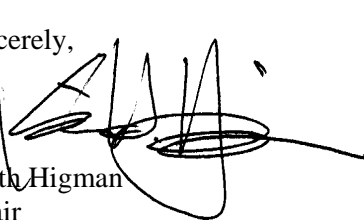
This letter provides formal notice that the Washington State Board of Health has denied your September 13, 2010 petition for rule making regarding lead in fluoridated water. You asked the Board to revise a section of its Group A water supplies rule, WAC 246-290-460, to require water system operators to inform customers about potential sources and adverse health effects of lead in drinking water. This was the third petition for rule making you submitted to the Board this year regarding this WAC chapter.

The Board's rules for drinking water are based on the U.S. Environmental Protection Agency (EPA) standards established for the safety of public drinking water. With one exception, Chapter 246-290 WAC reflects EPA's original and amended standards for lead monitoring and notification of water system customers about lead hazards in drinking water. The exception is EPA's 2007 revision of its lead and copper rules.

In June 2009, the Board delegated authority to the Department of Health to revise Chapter 246-290 WAC for the purpose of adopting this revision. The EPA lead and copper rules have extensive requirements for notifying the public about identified and potential exposure to lead in drinking water. The Department has already initiated rule making by filing a preproposal statement of inquiry (WSR 09-15-040) on July 8, 2009. Since rule making is underway regarding public notification about lead, it would be more appropriate for you to direct your concerns and input toward the Department's rule making effort, rather than to have the Board initiate a separate and duplicative rule making.

The Board handled your request as a petition for rule making under RCW 34.05.330 and Board Policy 2005-001, Responding to Petitions for Rule Making. The statute requires the Board to respond within 60 days of receipt. RCW 34.05.330(3) allows a person to appeal a petition's denial to the Governor within 30 days. The Board's policy allows the Board Chair to respond to a petition for rule making without the petition being placed on a meeting agenda for full Board consideration. If you have questions about this decision, please contact Craig McLaughlin, Executive Director of the Board, at 360-236-4106 or craig.mclaughlin@doh.wa.gov.

Sincerely,



Keith Higman
Chair

cc: State Board of Health Members
Michelle Davis, Department of Health
Gregg Grunenfelder, Department of Health