



STATE OF WASHINGTON
WASHINGTON STATE BOARD OF HEALTH

PO Box 47990 • Olympia, Washington 98504-7990

April 14, 2011

Dr. 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 petition for rule making submitted on February 27, 2011. This was the tenth petition for rule making submitted since May 2010. This petition requested language be added to WAC 246-290-460 that would require group A water systems with average fluoride concentrations above 10 parts per billion (ppb) or without the ability to measure low concentrations of fluoride to include a notice in customers' bills stating: "This water contains fluoride which may contribute to cancer and tumors for at risk persons."

The many confounding factors in research on cancer causation make requiring a statement suggesting any definitive link to fluoride levels commonly found in drinking water problematic. The vast majority of water systems in this state have average fluoride concentrations above 10 ppb. The U.S. Environmental Protection Agency (EPA) sets national safety standards for drinking water, which allow fluoride concentrations more than one hundred times greater than 10 ppb without an advisory statement. When setting standards in state rule, this Board relies on existing federal standards and guidelines. On January 7, 2011, EPA and the Department of Health and Human Services (HHS) announced they are reviewing their standards and guidelines for fluoride. The Board will consider rule revisions as quickly as possible if federal standards or guidelines change.

We thank you for providing the large amount of data in support of your request. Once again, we urge you to submit your comments to EPA at FluorideScience@epa.gov. Your concerns that the U.S. Food and Drug Administration (FDA) have the leading role in regulating fluoride added to tap water should be directed to FDA. We remind you that the FDA claims a role in regulating fluoride only in bottled water (21 CFR 165.110) and not in tap water. In the December 21, 2000 letter to Representative Calvert from FDA Associate Commissioner Plaisier, which you submitted as part of Appendix F of this petition, there is a statement that "EPA regulates fluoride in the water supply."

Dr. William Osmunson

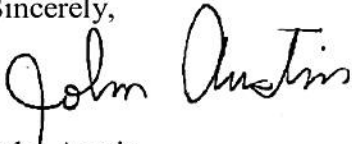
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We also remind you that the Board does not require fluoridation of tap water. That is determined by water system boards of commissioners or the electors of the water districts under the authority of RCW 57.08.012. The Board is concerned that without any standard in rule, there would be no requirement for water systems to maintain added fluoride within levels recommended by HHS.

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. The policy allows the Chair to respond to a petition on behalf of the full Board. RCW 34.05.330(3) allows a person to appeal a petition's denial to the Governor within 30 days. 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,

A handwritten signature in black ink that reads "John Austin". The signature is written in a cursive style with a large initial "J".

John Austin
Chair

cc: Michelle Davis, Department of Health
Maryanne Guichard, Department of Health
State Board of Health Members