

CHRISTINE O. GREGOIRE
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

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June 27, 2011

Bill Osmunson, DDS, MPH, President
Washington Action for Safe Water
1418 - 112th Avenue, No. 200
Bellevue, WA 98004
Via email: bill@teachingsmiles.com

RE: Administrative Rule Appeal -- WAC 246-290-460

Dear Dr. Osmunson:

The Board of Health (Board) has denied your "Petition for Rule Making" submitted to the Board on February 27, 2011. Your petition asked the Board to amend WAC 246-290-460 to require:

Where fluoride concentrations in group A water systems average above 10 ppb (parts per billion) of fluoride or if the system is without the ability to measure low concentrations of fluoride, water suppliers shall include the following notice with each customer's water bill, "This water contains fluoride which may contribute to cancer and tumors for at risk persons."

Your appeal of the Board's denial of your petition was received by the Governor's Office on May 13, 2011. After careful review, I have determined to deny your appeal of the Board's decision.

On January 7, 2011, the U.S. Environmental Protection Agency (EPA) and Department of Health and Human Services (HHS) announced that the agencies would review the standards and guidelines based on the most up to date scientific data for fluoride from the National Academies of Science in an effort to "continue to provide the maximum protection to the American people to support good dental health, especially in children." I understand HHS proposes that community water systems adjust the amount of fluoride to 0.7 milligrams of fluoride per liter of water to achieve an optimal fluoride level that provides the best balance of protection from tooth decay while limiting the risk of dental fluorosis that may result in discoloration or pits in the tooth enamel.

Currently WAC 246-290-460 requires that public water systems choosing to fluoridate shall maintain fluoride concentrations in the range 0.8 through 1.3 milligrams of fluoride per liter of water throughout the distribution system. The Board has indicated it will consider revising this

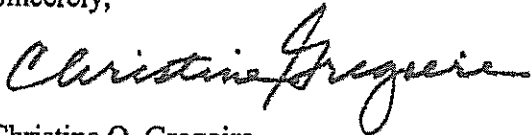
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rule if changes are necessary to ensure the allowed fluoridation level set in WAC 246-290-260 is under the maximum level allowed by EPA, or if HHS changes the recommended optimal fluoride level. The Board looks to the federal agencies for standards and recommendations regarding the safety of drinking water. To this end, the Board has filed a Preproposal Statement of Inquiry for rule making, awaiting the final rule from HHS and the EPA. *See* Washington State Register 11-11-046.

After review, I agree with the Board that the rule language you propose is not supported by the majority scientific opinion, including reports from the Centers for Disease Control (CDC) and National Academies of Science. According to the CDC, "[t]he weight of the peer-reviewed scientific evidence does not support an association between water fluoridation and any adverse health effect or systemic disorder, including an increased risk for cancer." The National Research Council described the evidence on any link between fluoride and cancer as tentative and recommended that EPA await the results of ongoing research before determining if an update of a cancer risk assessment for fluoride is necessary.

For these reasons, I am denying your appeal and declining to recommend that the Board initiate further rule-making proceedings.

Sincerely,



Christine O. Gregoire
Governor