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September 3, 2015

Department of Health
Attention: Tami Thompson
P.O. Box 47890
Olympia, WA 98504-7890

Telephone 360-236-4044

Also sent by email to:

tami.thompson@doh.wa.gov;

FluoridationRuleComments@doh.wa.gov; and

DWINFO@DOH.WA.GOV

Dear Ms. Thompson,

I am submitting the attached Petition for Adoption, Amendment, or Repeal of a State Administrative Rule, including Addendum A and Addendum B, as a new petition to the Department of Health.

It contains a specific proposal that a new section 6 to be added to WAC 246-290-460. I ask that it be placed on the Docket as a separate petition.

I am also submitting this document plus Addendum A and Addendum B first as an update and amended comment to my submission sent to FluoridationRuleComments@doh.wa.gov on August 31, 2015.

This updated and amended comment relates to the proposed rule made by the Washington Department of Health which would set a new "optimal fluoridation concentration level of 0.7 mg/L." It includes specific wording which should be added to WAC 246-290-460.

Please acknowledge receipt of this document.

Sincerely,



James Robert Deal, Attorney
WSBA Number 8103



PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE

Print Form

In accordance with [RCW 34.05.330](#), the Office of Financial Management (OFM) created this form for individuals or groups who wish to petition a state agency or institution of higher education to adopt, amend, or repeal an administrative rule. You may use this form to submit your request. You also may contact agencies using other formats, such as a letter or email.

The agency or institution will give full consideration to your petition and will respond to you within 60 days of receiving your petition. For more information on the rule petition process, see Chapter 82-05 of the Washington Administrative Code (WAC) at <http://apps.leg.wa.gov/wac/default.aspx?cite=82-05>.

CONTACT INFORMATION *(please type or print)*

Petitioner's Name James Robert Deal, Attorney
Name of Organization www.Fluoride-Class-Action.com
Mailing Address 3715 196th St SW # 2276
City Lynnwood State WA Zip Code 98036-2276
Telephone 425-771-1110 Email James@JamesDeal.com

COMPLETING AND SENDING PETITION FORM

- Check all of the boxes that apply.
- Provide relevant examples.
- Include suggested language for a rule, if possible.
- Attach additional pages, if needed.
- Send your petition to the agency with authority to adopt or administer the rule. Here is a list of agencies and their rules coordinators: <http://www.leg.wa.gov/CodeReviser/Documents/RClst.htm>.

INFORMATION ON RULE PETITION

Agency responsible for adopting or administering the rule: Department of Health

1. NEW RULE - I am requesting the agency to adopt a new rule.

The subject (or purpose) of this rule is: See Addendum A and Addendum B

The rule is needed because: See Addendum A and Addendum B

The new rule would affect the following people or groups: See Addendum A and Addendum B

2. AMEND RULE - I am requesting the agency to change an existing rule.

List rule number (WAC), if known: _____

I am requesting the following change: _____

This change is needed because: _____

The effect of this rule change will be: _____

The rule is not clearly or simply stated: _____

3. REPEAL RULE - I am requesting the agency to eliminate an existing rule.

List rule number (WAC), if known: _____

(Check one or more boxes)

It does not do what it was intended to do.

It is no longer needed because: _____

It imposes unreasonable costs: _____

The agency has no authority to make this rule: _____

It is applied differently to public and private parties: _____

It conflicts with another federal, state, or local law or rule. List conflicting law or rule, if known: _____

It duplicates another federal, state or local law or rule. List duplicate law or rule, if known: _____

Other (please explain): _____

ADDENDUM A TO PETITION DATED SEPTEMBER 2, 2015

Section 6 shall be added to WAC 246-290-460. It shall state:

- (a) WAC 246-290-220 dealing with drinking water materials and additives requires that

“Any treatment chemicals, with the exception of commercially retailed hypochlorite compounds such as unscented Clorox, Purex, etc., added to water intended for potable use must comply with ANSI/NSF Standard 60.

- (b) ANSI/NSF Standard 60 provides as follows:

The purpose for which the American Water Works Association (AWWA) is formed is to promote public health, safety, and welfare through the improvement of the quality and quantity of water delivered to the public and ... advancing the knowledge of problems involved in the development of resources, production, and distribution of safe and adequate water supplies ... [and] conducting research to determine the causes of problems of providing a safe and adequate water supply and proposing solutions thereto in an effort to improve the quality and quantity of the water supply provided to the public.

- (c) ANSI/NSF Standard 60 makes the following requirements:

“For each substance requiring a new or updated risk assessment, toxicity data to be considered shall include but not be limited to, assays of genetic toxicity, acute toxicity ..., short term toxicity ..., subchronic toxicity ..., reproductive toxicity, developmental toxicity, immunotoxicity, neurotoxicity, chronic toxicity (including carcinogenicity), and human data (clinical, epidemiological, or occupational) when available. To more fully understand the toxic potential of the substance, supplemental studies shall be reviewed, including, but not limited to, mode or mechanism of action, pharmacokinetics, pharmacodynamics, sensitization, endocrine disruption, and other endpoints, as well as studies using routes of exposure other than ingestion. Structure activity relationships, physical and chemical properties, and any other chemical specific information relevant to the risk assessment shall also be reviewed. ...

“A weight-of-evidence approach shall be employed in evaluating the results of the available toxicity data. This approach shall include considering the likelihood of hazard to human health and the conditions under which such hazard may be expressed. ...

“Toxicity testing requirements for the quantitative risk assessment procedure are defined in annex A, table A2. A minimum data set consisting of gene mutation assay, a chromosomal aberration assay, and a subchronic toxicity study shall be required for the performance of a quantitative risk assessment. ...

“[T]he SPAC shall be calculated as 10% of the promulgated regulatory value. ...”

- (d) NSF does not do and has not yet done or obtained any of the above listed toxicity tests of any of the fluoridation materials currently in use in Washington, specifically fluorosilicic acid, sodium silicofluoride, and sodium fluoride.
- (e) Therefore, the fluoridation materials currently in use in Washington, specifically fluorosilicic acid, sodium silicofluoride, and sodium fluoride, do not comply with ANSI/NSF Standard 60.
- (f) And therefore fluorosilicic acid, sodium silicofluoride, and sodium fluoride are no longer approved for use as fluoridation materials in the state of Washington.
- (g) Water districts may resume the use of fluorosilicic acid, sodium silicofluoride, and sodium fluoride when and only when AWWI or NSF performs or obtains the above listed toxicology tests and delivers those test results to the Department of Health, and the Washington Department of Health reasonably determines that said tests show that fluoridation materials comply with ANSI/NSF Standard 60 and “... promote public health, safety, and welfare [and provide] ... a safe ... water supply”.

This petition is supported by the attached Exhibit B, which is entitled:

**NATIONAL SANITATION FOUNDATION
SHAM FDA – FRAUDELENT CERTIFIER OF FLUORIDATION MATERIALS**

by James Robert Deal, President, Fluoride Class Action

www.Fluoride-Class-Action.com/Sham

Submitted August 27, 2015, Revised August 31, 2015