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**SENATE BILL 5968**

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**State of Washington**

**57th Legislature**

**2001 Regular Session**

**By** Senators McCaslin and Swecker

Read first time 02/12/2001. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to the fluoridation of public water systems;  
2 and adding new sections to chapter 70.119A RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.119A  
5 RCW to read as follows:

6 Public water systems must comply with all of the following  
7 requirements in conducting fluoridation of a public water supply:

8 (1) Fluoridation is limited to the use of fluorine-bearing  
9 chemicals that, at the optimum concentration for addition to the  
10 public water supply, release the total fluorine component as free  
11 fluoride anion.

12 (2) For the purposes of this section, the total release of the  
13 fluorine component must be determined by testing actual potable  
14 water, including the configuration of chemicals, additives,  
15 contaminants, and pH balance with first stage and second stage  
16 disinfectants, rather than with distilled water, produced  
17 following injection of the fluorine-bearing chemical. The  
18 determination of total release must be by analysis without the use

1 of supplemental agents or methods employed to influence the  
2 release of fluoride from any fluorine-bearing chemical in which it  
3 still may be chemically bound, following procedures for the normal  
4 administration of the chemical in a fluoridation program.

5 (3) The testing of actual potable water for the purposes of  
6 this section must identify all compounds that are formed in the  
7 resulting water. The injected fluorine-bearing chemical must be  
8 determined not to qualify as totally released as required if the  
9 analysis finds: (a) A residual fraction of the injected  
10 fluorine-bearing chemical; (b) a partially dissociated residue of  
11 the injected fluorine-bearing chemical; or (c) a product of a  
12 reaction of the injected fluorine-bearing chemical or its  
13 dissociation products with some other substance in the water,  
14 whether naturally occurring or added, that does not meet all  
15 acceptable standards for human exposure according to state and  
16 federal standards.

17 (4) The analysis of the fluorine-bearing chemical must be  
18 performed by an independent certified laboratory capable of  
19 providing detection for the fluorine-bearing species and any  
20 product of a reaction of the fluorine-bearing chemical or its  
21 dissociation products at parts per billion.

22 (5) The costs of the analysis may not be borne by the public  
23 water system. An entity or person that distributes the  
24 fluorine-bearing chemical to a public water system is responsible  
25 for ensuring that an analysis of the fluorine-bearing chemical has  
26 been performed in accordance with this section.

27 (6) No fluorine-containing substance that meets any one of the  
28 following criteria may be added to the public water supply:

29 (a) The substance is classified as a pesticide by a state or  
30 federal agency;

31 (b) The substance is classified as a hazardous or toxic waste  
32 by a state or federal authority; or

33 (c) The substance could be classified as a hazardous or toxic  
34 waste under criteria specified in 40 C.F.R. Sec. 261.20 through  
35 261.24 (1980).

36 (7) No substance that is derived from a substance specified in  
37 subsection (6) of this section may be added to the public water  
38 supply.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 70.119A  
2    RCW to read as follows:

3        A product, substance, device, element, medicine, or preventive  
4    agent may not be added to any public water supply for the specific  
5    intent of human consumption or for the purpose of affecting the  
6    physical or mental functions of the body of any person consuming  
7    the water, rather than for the purpose of making water more  
8    potable, unless it has been tested and approved as safe and  
9    effective for the purpose for which it is to be added by the  
10   United States food and drug administration.

11       NEW SECTION.    **Sec. 3.**    If any provision of this act or its  
12   application to any person or circumstance is held invalid, the  
13   remainder of the act or the application of the provision to other  
14   persons or circumstances is not affected.

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