
Local Government Committee

HB 1684

Brief Description: Concerning public health and fluoridation of drinking water.

Sponsors: Representatives Harris, Bateman, Fitzgibbon, Leavitt, Cody, Macri, Simmons, Pollet and Riccelli.

Brief Summary of Bill

- Requires water systems with 5,000 or more service connections or customers to undertake an analysis of the cost of implementing and maintaining fluoridation when planning.
- Requires the Department of Health to adopt rules to facilitate and support water systems to implement fluoridation.
- Requires the Office of Drinking Water to create a program to aid water systems with engineering assistance, as long as the water system includes engineering analysis to implement or upgrade fluoridation.
- Provides notice requirements that a water system considering discontinuing fluoridation must satisfy before fluoridation may be stopped.
- Requires the Department of Health to conduct an oral health equity assessment, and provide a report to the Legislature on the assessment and on recommendations for increasing access to fluoridated water by June 30, 2023.

Hearing Date: 1/25/22

Staff: Kellen Wright (786-7134).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

A public water system is any system providing water for human consumption through pipes or other means of transfer, except for a system which provides service to only one single-family residence or that provides fewer than four connections to residences on a single farm. Such a system includes any collection, treatment, and storage either under the control of the owner or operator of the public water system. It also includes collection and pretreatment storage facilities not under the control of the owner or operator but that are primarily used in connection with the system.

About 85 percent of Washington residents get their drinking water from public water systems.

There are two classes of water system: Group A and Group B. Group A water systems are those with 15 or more service connections; that service an average of 25 or more people for 60 or more days in a year; or that serve 1,000 or more people for at least two consecutive days. Group B systems include all other systems.

Both classes of water system are required to comply with all applicable federal, state, and local rules. Group A water systems are also required to, among other things, protect water sources; provide sufficient treatment to ensure public health is protected; provide and maintain the water system effectively; and plan for future growth and assure the availability of safe and reliable drinking water.

The Department of Health has promulgated rules requiring a water system plans from, among others, water systems serving more than one thousand service connections, municipal water systems, new water systems, and water systems experiencing problems related to system capacity. These plans must include information related to the water system such as the current population served and the number of water connections, a demand forecast, an analysis and evaluation of the system, a water resource analysis, and a financial program that demonstrates financial viability. A plan approved by the Department of Health is valid for 10 years, unless the Department requests an updated plan.

Fluoride is a naturally occurring mineral that can help protect teeth from decay. Some amount of fluoride can often be naturally found in water, particularly in eastern Washington, but many water systems also add fluoride to their drinking water. This fluoridation is not required in Washington, but, if a water system does wish to add fluoride, it must comply with rules from the Department of Health for doing so. These rules include the optimal concentration of fluoride, as well as testing requirements. Water system purveyors are also required to get Department of Health approval before adding fluoride and must notify the Department before discontinuing fluoridation.

The Office of Drinking Water is an office within the Department of Health. It regulates Group A water systems under state law and a formal agreement with the federal Environmental Protection Agency.

Summary of Bill:

The Legislature finds that oral health is a significant factor in health disparities, that fluoride in public water systems can improve oral health and prevent tooth decay, that fewer than 60 percent of public water systems in the state provide effective levels of fluoride, and that effective fluoridation can result in significant cost savings in healthcare and in a reduction in inequitable health outcomes.

When engaging in system planning, including planning for the future of the system or for expansions or upgrades to the system, a water system that has 5,000 or more service connections or customers must include an analysis of the cost of implementing and maintaining fluoridation. The Department of Health must adopt rules to facilitate and support water systems to implement fluoridation. These rules must include:

- The required concentrations of fluoride to be maintained;
- Standards for maintaining the required concentration, including equipment standards;
- The sufficiency of estimated start-up costs and of an offer to provide capital for these costs;
- Recordkeeping and reporting requirements; and
- Testing requirements and enforcement procedures.

Subject to appropriations, the Department of Health must create a program within the Office of Drinking Water to aid such water systems with engineering assistance for upgrades, modifications, or necessary expansions, as long as the water system includes engineering analysis to implement or upgrade fluoridation in its service area. Funds may be accepted from private sources to assist with the program.

Such a water system that considers discontinuing fluoridation must receive the most current information about the public health impacts of fluoridation from the Department of Health at least 90 days before a vote or decision on fluoridation. The water system must also notify its customers at the same time. The failure to notify customers will void a decision to discontinue fluoridation, and fluoridation must continue until the requisite notification has been provided.

The Department of Health must conduct an oral health equity assessment using available surveillance data and community needs assessments to identify unmet oral health needs. The Department must develop recommendations to advance oral health through increased access to fluoridated water in order to reduce oral health inequities. In conducting the assessment and developing the recommendations, the Department must consult with the Department of Equity and collaborate with public oral health care providers and community-based organizations. The Department of Health must submit a report to the Legislature with an oral health equity assessment and recommendations to increase access to fluoridated water by June 30, 2023.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is

passed.