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**SUBSTITUTE HOUSE BILL 1684**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** House Local Government (originally sponsored by Representatives Harris, Bateman, Fitzgibbon, Leavitt, Cody, Macri, Simmons, Pollet, and Riccelli)

READ FIRST TIME 01/31/22.

1 AN ACT Relating to public health and fluoridation of drinking  
2 water; and adding new sections to chapter 70A.125 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 70A.125  
5 RCW to read as follows:

6 (1) The legislature finds that public health is essential to  
7 Washington state residents of all ages and ethnicities and that  
8 balancing public water systems with an optimal level of fluoride is a  
9 proven mechanism for reducing health disparities affecting people at  
10 all stages of life.

11 (2) The legislature further finds that more than 70 years of  
12 practice has shown that fluoridated water promotes community oral  
13 health and prevents oral disease and dental cavities. When tap water  
14 is fluoridated, people experience 25 percent less tooth decay over a  
15 lifetime. Today, while roughly 75 percent of the people in the United  
16 States are served by public water systems that have effective levels  
17 of fluoride, only 56 percent of Washingtonians receive the same  
18 benefit, leaving 44 percent of our residents without a basic public  
19 health benefit tool to help prevent dental cavities and oral disease.

20 (3) The legislature further finds that providing effective levels  
21 of fluoride in public water is a meaningful way to bridge societal

1 inequities that disproportionately affect low-income communities and  
2 communities of color. In Washington, third graders from low-income  
3 households suffer tooth decay at twice the rate of children from  
4 higher-income households. Hispanic, American Indian, and Alaska  
5 Native children have a 50 percent higher rate of tooth decay than the  
6 general population.

7 (4) The legislature further finds that oral health inequities  
8 affect people at all stages of life and from all socioeconomic  
9 backgrounds. Children with dental problems are more likely to miss  
10 school, and teens with recent dental pain are four times more likely  
11 to earn lower grades. Low-income adults are more likely to say the  
12 condition of their teeth impacted their ability to interview for a  
13 job. Adults missing teeth are less likely to do well in job  
14 interviews, and seniors without teeth are at risk for malnutrition.

15 (5) The legislature further finds that preventing oral health  
16 disease through fluoridation is cost-effective for all ages and  
17 socioeconomic backgrounds. In the United States, dental services are  
18 the third highest medical expenditure for families, and the centers  
19 for disease control and prevention estimate a return on investment  
20 for ratepayers of four dollars for every dollar spent on fluoridation  
21 in small communities, and \$27 for every dollar spent on fluoridation  
22 in large communities. In addition, Washingtonians could save an  
23 estimated \$32,000,000 in medicaid and \$14,000,000 in state employee  
24 benefit programs over a 10-year period through fluoridation.

25 (6) The legislature further finds that the global pandemic will  
26 exacerbate the long-term racial and socioeconomic disparities in  
27 health care, education, job attainment, job stability, and wage  
28 growth, and that implementing effective fluoridation in public water  
29 systems is essential to public health and the continued economic  
30 vitality of the state of Washington.

31 (7) The legislature further finds that it is necessary to collect  
32 information on the unmet oral health care needs throughout  
33 communities to reduce inequities in oral health care.

34 NEW SECTION. **Sec. 2.** A new section is added to chapter 70A.125  
35 RCW to read as follows:

36 (1) A water system that is not fluoridating its water supply  
37 shall include an analysis of the cost to design, install, operate,  
38 and maintain community fluoridation when the water system engages in  
39 system planning, including planning for the future of the water

1 system and for expansion of the water supply or upgrading and  
2 modernizing system facilities.

3 (2) For water systems including an analysis of the costs to  
4 design, install, operate, and maintain community fluoridation  
5 pursuant to subsection (1) of this section, the state board of health  
6 shall develop or modify rules to facilitate and support water systems  
7 to include community water fluoridation. These rules must include:

8 (a) The optimal level of fluoride to be maintained by the water  
9 system and the allowable range for operations; and

10 (b) Standards and procedures for maintaining required  
11 concentrations of fluoride including, but not limited to:

12 (i) Necessary fluoridation treatment facilities;

13 (ii) A cost-benefit analysis of estimated capital start-up costs  
14 for fluoridation equipment for a water system to ensure the process  
15 and reporting of information are consistent across the state;

16 (iii) Recordkeeping requirements;

17 (iv) Reporting requirements;

18 (v) Testing requirements; and

19 (vi) Enforcement procedures.

20 (3) For the purposes of this section, "water system" means any  
21 group A community public water system that serves 5,000 or more  
22 people per day, or any system that elects to comply with state  
23 fluoridation rules adopted under this section. The department must  
24 supply the same programs and support to all water systems.

25 NEW SECTION. **Sec. 3.** A new section is added to chapter 70A.125  
26 RCW to read as follows:

27 (1) Subject to the availability of amounts appropriated for this  
28 specific purpose, the department shall create a program within the  
29 office of drinking water, that aids water systems with engineering  
30 assistance related to water upgrades, modifications, or necessary  
31 expansions as long as the water system includes engineering analysis  
32 to implement or upgrade a community water fluoridation system for its  
33 service area. The department may accept funds from private sources,  
34 such as foundations or other corporate entities, to assist this  
35 program.

36 (2) For the purposes this section, "water system" has the same  
37 meaning as in section 2 of this act.

1        NEW SECTION.    **Sec. 4.**    A new section is added to chapter 70A.125  
2    RCW to read as follows:

3        (1) A water system that considers discontinuing fluoridation of  
4    its water supply on a continuing basis shall seek and receive the  
5    most current information about the public health impacts of community  
6    water fluoridation from the department and its local health  
7    jurisdiction at least 90 days prior to a vote or decision on the  
8    matter.

9        (2) After meeting the requirements of receiving information from  
10   the department in subsection (1) of this section, a water system that  
11   considers discontinuing fluoridation shall notify its customers of  
12   its intentions at least 90 days prior to a vote or decision on the  
13   matter. Notification to customers must include information received  
14   from the department on the public health impacts of discontinuing  
15   fluoridation as required in subsection (1) of this section. At a  
16   minimum, the notification must include department-approved language  
17   about fluoride's public health impacts. The water system shall notify  
18   its customers via radio, television, newspaper, regular mail,  
19   electronic means, or any combination of notification methods which  
20   most effectively notifies customers at least 90 days prior to any  
21   meeting at which the vote or decision will occur. Any water system  
22   that violates the notification requirements of this subsection shall  
23   return the fluoridation of its water supply to its previous optimal  
24   level until proper notification is provided under the provisions of  
25   this section.

26        (3) For the purposes this section, "water system" has the same  
27   meaning as in section 2 of this act.

28        NEW SECTION.    **Sec. 5.**    A new section is added to chapter 70A.125  
29    RCW to read as follows:

30        The department shall conduct an oral health equity assessment, in  
31   which the department shall use available surveillance data and  
32   community needs assessments to identify unmet oral health needs and  
33   develop recommendations to advance population oral health through  
34   increased access to community water fluoridation in order to reduce  
35   inequities in oral health outcomes. The department shall consult with  
36   the state office of equity and collaborate with public health oral  
37   health care providers and community-based organizations to conduct  
38   the assessment and develop recommendations. By June 30, 2023, the  
39   department shall submit a report to the appropriate committees of the

1 legislature with an oral health equity assessment and recommendations  
2 to increase access to community water fluoridation.

3 NEW SECTION. **Sec. 6.** If any provision of this act or its  
4 application to any person or circumstance is held invalid, the  
5 remainder of the act or the application of the provision to other  
6 persons or circumstances is not affected.

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