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**SENATE BILL 5587**

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**State of Washington**

**67th Legislature**

**2022 Regular Session**

**By** Senators Van De Wege and Robinson

Prefiled 12/22/21.

1 AN ACT Relating to public health and fluoridation of drinking  
2 water; adding new sections to chapter 70A.125 RCW; and creating new  
3 sections.

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

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

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

19 (3) The legislature further finds that providing effective levels  
20 of fluoride in public water is a meaningful way to bridge societal  
21 inequities that disproportionately affect low-income communities and

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

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

14 (5) The legislature further finds that preventing oral health  
15 disease through fluoridation is cost-effective for all ages and  
16 socioeconomic backgrounds. In the United States, dental services are  
17 the third highest medical expenditure for families, and the United  
18 States center for disease control estimates a return on investment  
19 for ratepayers of \$4 for every dollar spent on fluoridation in small  
20 communities, and \$27 for every dollar spent on fluoridation in large  
21 communities. In addition, Washingtonians could save an estimated  
22 \$32,000,000 in medicaid and \$14,000,000 in state employee benefit  
23 programs over a 10-year period through fluoridation.

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

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

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

35 (1)(a) As used in this section, "water system" means any group A  
36 public water system, public utility district, or municipal water  
37 system that has 5,000 or more service connections or 5,000 or more  
38 customers.

1 (b) However, a public water system with fewer than 5,000 service  
2 connections or fewer than 5,000 customers may elect to comply with  
3 this section and related department rules for fluoridation, and the  
4 department must supply the same programs and support to these water  
5 systems.

6 (2) A water system must include an analysis of the cost to  
7 install, implement, and maintain community fluoridation when the  
8 water system engages in system planning, including planning for the  
9 future of the water system and for the expansion of the water supply  
10 or upgrading and modernizing system facilities.

11 (3) For water systems that include an analysis of the costs to  
12 install, implement, and maintain community fluoridation pursuant to  
13 subsection (2) of this section, the department shall develop or  
14 modify rules to facilitate and support water systems to include  
15 community water fluoridation. These rules must include:

16 (a) Required concentrations of fluoride to be maintained by the  
17 water system; and

18 (b) Standards and procedures for maintaining required  
19 concentrations of fluoride including without limitation:

20 (i) Necessary fluoridation equipment standards;

21 (ii) The reasonableness and sufficiency of estimated capital  
22 start-up costs for fluoridation equipment for a water system;

23 (iii) The form, requirements, and sufficiency of an offer to  
24 provide capital start-up costs for fluoridation equipment;

25 (iv) Recordkeeping requirements;

26 (v) Reporting requirements;

27 (vi) Testing requirements; and

28 (vii) Enforcement procedures.

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

31 (1)(a) As used in this section, "water system" means any group A  
32 public water system, public utility district, or municipal water  
33 system that has 5,000 or more service connections or 5,000 or more  
34 customers.

35 (b) However, a public water system with fewer than 5,000 service  
36 connections or fewer than 5,000 customers may elect to comply with  
37 this section and related department rules for fluoridation, and the  
38 department must supply the same programs and support to these water  
39 systems.

1 (2) Subject to the availability of amounts appropriated for this  
2 specific purpose, the department shall create a program within the  
3 office of drinking water that aids water systems with engineering  
4 assistance related to water upgrades, modifications, or necessary  
5 expansions if the water system includes engineering analysis to  
6 implement or upgrade a community water fluoridation system for its  
7 service area. The department is authorized to accept funds from  
8 private sources, such as foundations or other corporate entities, to  
9 assist this program.

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

12 (1)(a) As used in this section, "water system" means any group A  
13 public water system, public utility district, or municipal water  
14 system that has 5,000 or more service connections or 5,000 or more  
15 customers.

16 (b) However, a public water system with fewer than 5,000 service  
17 connections or fewer than 5,000 customers may elect to comply with  
18 this section and related department rules for fluoridation, and the  
19 department must supply the same programs and support to such water  
20 systems.

21 (2) A water system that considers discontinuing fluoridation of  
22 its water supply on a continuing basis must seek and receive the most  
23 current information about the public health impacts of community  
24 water fluoridation from the department and its local health  
25 jurisdiction at least 90 days prior to a vote or decision on the  
26 matter.

27 (3) A water system that considers discontinuing fluoridation must  
28 notify its customers of its intentions at least 90 days prior to a  
29 vote or decision on the matter. Notification to customers must  
30 include information received from the department on the public health  
31 impacts of discontinuing fluoridation as required in subsection (2)  
32 of this section. The water system shall notify its customers via  
33 radio, television, newspaper, regular mail, electronic means, or any  
34 combination of notification methods that most effectively notifies  
35 customers at least 90 days prior to any meeting at which the vote or  
36 decision will occur. Any public water system or public water supply  
37 district that violates the notification requirements of this section  
38 shall return the fluoridation of its water supply to its previous

1 optimal level until proper notification is provided under the  
2 provisions of this section.

3 NEW SECTION. **Sec. 5.** The department of health shall conduct an  
4 oral health equity assessment, in which the department shall use  
5 available surveillance data and community needs assessments to  
6 identify unmet oral health needs and develop recommendations to  
7 advance population oral health through increased access to community  
8 water fluoridation in order to reduce inequities in oral health  
9 outcomes. The department of health shall consult with the state  
10 office of equity and collaborate with public health oral health care  
11 providers and community-based organizations to conduct the assessment  
12 and develop recommendations. By June 30, 2023, the department of  
13 health shall submit a report to the appropriate committees of the  
14 legislature with an oral health equity assessment and recommendations  
15 to increase access to community water fluoridation.

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

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