

# Minnesota Department of Health

## Division of Environmental Health

### NOTICE OF HEARING

#### **Proposed Amendment to Rules Governing Fluoride content, *Minnesota Rules*, 4720.0030, subpart 2; Revisor's ID Number R-4458, OAH Docket Number 5-9000-36418**

**Public Hearing.** The Department of Health intends to adopt rules after a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The agency will hold a public hearing on the above-named rules in B145, Orville L. Freeman Building, 625 Robert St N, St. Paul, Minnesota 55155-2538, starting at 9:30 a.m. on Friday, November 22, 2019, and continuing until the hearing is completed. The agency will schedule additional days of hearing if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

**Administrative Law Judge.** Administrative Law Judge James Mortenson will conduct the hearing. The judge can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone (651) 361-7875, and fax (651) 539-0310. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. You should direct questions about the rule hearing procedure to the administrative law judge.

**Subject of Rules, Statutory Authority, and Agency Contact Person.** The proposed rules are about the fluoridation levels for municipal water supplies, as required and authorized by *Minnesota Statutes*, section 144.145. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed. It is also available at the agency's website at [Minnesota Fluoridation Rule Revision Chapter 4720.0030 - EH: Minnesota Dept. of Health](#). The agency contact person is David Rindal at MDH, 625 Robert Street North, PO Box 64975, St. Paul, Minnesota 55164-0975, telephone (651) 201-4660, fax (651) 201-4701 or [david.rindal@state.mn.us](mailto:david.rindal@state.mn.us).

The rule amendments lower the levels of fluoride in drinking water by adopting the latest CDC fluoride concentration recommendation. Tooth decay has significantly declined in the U.S. over the past several decades, due largely to fluoride in water and toothpaste. Current evidence-based research, however, supports lowering target fluoride-concentration standards to better balance the benefits of tooth decay prevention and control while reducing risks of receiving too much fluoride. These amendments accomplish that.

*Minnesota Statutes*, section 144.145, requires that MDH prescribe the quantities of fluoride in municipal water supplies that promote public health through preventing tooth decay. Furthermore, the statute requires that MDH do this by adopting rules.

**Statement of Need and Reasonableness.** The statement of need and reasonableness contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available at the agency's website (link cited above) or from the agency contact person. You

may review the document or obtain copies for the cost of reproduction by contacting the agency contact person.

**Public Comment.** You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. The administrative law judge will accept your views either orally at the hearing or in writing at any time before the close of the hearing record. Submit written comments to the administrative law judge at the address above or via the Office of Administrative Hearings Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/discussions> . All evidence that you present should relate to the proposed rules. You may also submit written material to the administrative law judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the administrative law judge may order this five-day comment period extended for a longer period but for no more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the administrative law judge no later than 4:30 p.m. on the due date. All comments or responses received are public and will be available for review at the Office of Administrative Hearings.

**Alternative Format/Accommodation.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The agency may modify the proposed rules as a result of the rule hearing process. It must support modifications by data and views presented during the rule hearing process. The adopted rules may not be substantially different than these proposed rules, unless the agency follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the agency encourages you to participate.

**Adoption Procedure after the Hearing.** After the close of the hearing record, the administrative law judge will issue a report on the proposed rules. You may ask to be notified of the date when the judge's report will become available, and can make this request at the hearing or in writing to the administrative law judge. You may also ask to be notified of the date that the agency adopts the rules and files them with the Secretary of State, or ask to register with the agency to receive notice of future rule proceedings. You may make these requests at the hearing or in writing to the agency contact person stated above.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

October 7, 2019  
Date



Jan K. Malcolm, Commissioner