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Refer: FL-106
January 1979

Status of Court Case
West View Water Authority
Pittsburgh, Pennsylvania

We have had many inquiries concerning a court decision and its relationship to the status of fluoridation in Pittsburgh. This court case pertained to the West View Water Authority, which started to fluoridate early in 1978, has never stopped, and will continue to fluoridate pending any further appeals.

Common Pleas Judge John P. Flaherty, Jr., on November 16, 1978, issued a decree ordering that no fluoride should be added to the water supply treated by the West View Water Authority, a suburban water company serving communities in the Pittsburgh, Pennsylvania, area. The decree further ordered that the prohibition should remain in effect until "this court holds a final hearing upon this matter, or the matter is submitted to, considered by and dealt with by the Pennsylvania Department of Environmental Resources, taking into account the evidence submitted to this court." It took seven months to conclude this "preliminary hearing."

Attorneys for the Authority immediately sought - and were denied by the Judge - a stay of the effect of the injunction until they could appeal the case to Commonwealth Court. They then appealed to Commonwealth Court on November 17, 1978. In doing so they indicated that the Judge's order was automatically stayed until the appellate court reviewed the case and made a decision.

While the Water Authority claimed the right to continue fluoridation, pending its appeal to Commonwealth Court, Judge Flaherty granted a petition by the opponents that fluoridation be stopped, pending the appeal.

President Judge James S. Bowman of the Commonwealth Court reversed Judge Flaherty's ruling to stop fluoridation. This allowed fluoridation to continue, pending the decision of the Pennsylvania Department of Environmental Resources (DER). The DER reviewed the transcript of the court case as requested by Judge Flaherty to determine whether any modification should be made in their 1968 permit which allowed the West View Water Authority to fluoridate. In early January the DER reported that it found the "Burk-Yiamouyiannis study" as presented to the court unpersuasive in establishing any cancer risk. They ordered the West View Water Authority to continue fluoridation. Persons involved in the case have indicated that additional appeals can be anticipated.

This court case does not pertain to or affect Pittsburgh, which started to fluoridate in 1952 and continues to do so. The West View Water Authority does not serve households within the city limits of Pittsburgh, but rather some 160,000 people in surrounding areas. West View purchases about 10 million gallons of fluoridated water from Pittsburgh each month. Judge Flaherty's court order did not affect the purchase of this fluoridated water by the West View Water Authority.

Dental Disease Prevention Activity
Bureau of State Services

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