

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

Health Resources Administration

Refer: FL-68
(Formerly PPB-#)
September 1974

NATIONWIDE FLUORIDATION ACTIVITIES

The attached compilation of some of the more relevant current activities affecting the implementation of fluoridation has been prepared to meet your expressed needs.

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NATIONWIDE FLUORIDATION ACTIVITIES
September 1974

FLASH: Boston and 32 other communities served by the Metropolitan District Commission have received approval of a bond issue to implement fluoridation.

Los Angeles City Council approved fluoridation by a vote of 10 to 5 on September 11.

Ten 1973-74 Start-Ups of Especial Interest

(Bringing fluoridation to more than 2,000,000 people)

Marin County, California
Columbus, Georgia
Sioux City, Iowa
Covington, Kentucky
New Orleans, Louisiana

Cambridge, Massachusetts
Albuquerque, New Mexico
Columbus, Ohio
Greenville, South Carolina
Knoxville, Tennessee

Progress and Problems in Implementing Fluoridation

ALABAMA: Bills for statewide fluoridation were reported out of Committee but too late to be placed on the calendar for a vote before the Legislature adjourned.

ALASKA: A bill to provide fluoridation, statewide, which included a provision for local voting, passed the House 22 to 18. The House subsequently reversed itself by voting 21 to 17 to table the bill.

ARIZONA: Flagstaff, on an advisory referendum vote, approved fluoridation 3,200 to 1,776, while Williams' voters defeated fluoridation 276 to 207.

CALIFORNIA: Reversing a 1971 defeat, Benicia voters approved fluoridation by a margin of nearly 2 to 1 in November 1973.

Twain Harte voters approved fluoridation in June, but the Water Board subsequently voted not to fluoridate.

Colusa City Council by a 4-1 vote approved fluoridation in January. A new City Council subsequently polled water users in May. When 54% of the 55% of water users who responded indicated they were opposed, this City Council rescinded the former approval.

Quoting Kathlyn Russell in Times-Advocate of Escondido, February 17, "In San Francisco where fluorides have been added to the water, the Aid to Families with Dependent Children (AFDC) payments for dental care have been cut exactly in half. So fluorides cut welfare costs and save taxpayers money."

DELAWARE: Delaware has passed a law which negates its mandatory fluoridation law. The new law requires a referendum before instituting fluoridation (copy attached). Communities which already have fluoridation are not affected by the law. The results of any fluoridation referendum held in the last three years are acceptable. The initial bill would have required the state to pay for the referenda, but, by a subsequent amendment, municipalities are responsible for the referendum costs. Interpretations of the wording of the law are being sought from the Attorney General especially with respect to the eligibility of voters as specified by "any natural person who uses the water supply daily and who is 18 years of age or older."

In an editorial headlined, "Tribbitt Signed; Delaware Lost," the Wilmington Evening Journal stated: "The legislation which Gov. Tribbitt signed represents no victory for the people of Delaware. It formalizes, instead, a renunciation of responsibility on the part of those elected to make national decisions and exert enlightened leadership in government."

INDIANA: Huntington County Health Planning Council after public meetings has submitted a report to the City Council recommending fluoridation.

The Bremen Kiwanis Club offered to purchase the equipment and first year's supply of fluorides if Bremen would fluoridate.

KENTUCKY: The Kentucky Dental Association has formally recognized the contribution to dental health made by water treatment operators. By special correspondence to water plant superintendents, they expressed appreciation to those water plant operators who had "consistently maintained an effective fluoride level in their water supplies."

The State of Kentucky has filed a suit to have Newport comply with its order to fluoridate. A special bill which would have exempted Newport from compliance was previously committed to the Health and Welfare Committee by the House.

Appropriations of \$300,000 for the next biennium will be used to assist small communities (\$200,000) and rural schools (\$100,000) to implement fluoridation.

MAINE: Voters defeated fluoridation in Gray (198-83), Farmington (608-483), Wilton (356-331), and Clinton (85-15).

MASSACHUSETTS: Fluoridation has been approved in Northampton, New Bedford and Whitman, but defeated in Chelmsford and North Chelmsford. Opponents in New Bedford are attempting to have funds for implementing withheld.

Braintree voters approved fluoridation in 1972. For the past two years the town meeting has voted down warrant articles seeking funds to implement fluoridation. The Health Board is seeking funds from the selectmen's budget to retain legal counsel to sue the town to comply with the decision of the referendum.

North Adams voters approved fluoridation in 1971. The Council afterwards refused to appropriate funds. Board of Health members donated their salaries toward costs of a Superior Court suit in which the Judge issued an order commanding the Council to appropriate funds for a study of ways and means to fluoridate and for later institution of the program. The City Council has appealed the decision. It concurrently sought, but did not obtain, special state legislation to allow another referendum with the ballot question worded differently than currently specified by state law.

After installation of equipment and start-up of the fluoridation program, the mayor of Fitchburg cut funds from the 1974-75 budget

designated to pay for supplies and operating costs of the program. The City Council requested the mayor to submit the appropriation to continue fluoridation. Subsequently, the Council voted unanimously to appropriate the necessary funds using the authority of a state law which allows such action by Councils when mayors refuse to appropriate funds requested by the Council.

Voters by referendum in North Andover approved fluoridation in 1972, and subsequently by town meeting in 1973. Opponents by court action sought to have the contract for equipment declared illegal as being issued under a state law which is "unconstitutional, misleading and violates the right of free choice of all citizens." A Superior Court decision validated the vote and contract. Opponents appealed this Court decision, but subsequently withdrew the appeal from the Supreme Judicial Court.

Implementation of fluoridation in Brockton which also serves Whitman was stymied when the City Council Finance Committee refused to appropriate the money needed to begin the program.

MICHIGAN: A bill was introduced in the legislature to require utilities to provide non-fluoridated water to customers who wanted it while continuing to distribute fluoridated water to others. This bill died in Committee.

Fluoridation was defeated in Three Oaks, Chesaning, Lake Orion, and Iron Mountain; while being approved in Vicksburg and Summit Township.

93% of the people on public water supplies in Michigan now have fluoridated water.

MINNESOTA: For two years the Brainerd water works has been equipped with \$11,000 worth of unused fluoridation equipment while Brainerd has not complied with the state fluoridation law. At a special election in July, the voters voted not to comply with the law and to "hold a constitutional convention to deliberate on the constitutionality of forced fluoridation of the city's water." This "people's convention" declared the state law unconstitutional. A previous attempt to exempt Brainerd from complying with the law through special legislation was defeated.

In a July Court hearing, the District Judge threw out, on a technicality, the state's petition seeking compliance by Brainerd. The

Judge stated he disliked deciding the matter on "technical grounds," but the state had failed to charge in its petition that Brainerd's water did not already have sufficient fluoride to meet state requirements. He further commented on the action of the "people's convention." "It is my belief that the courts and only the courts can determine whether the Legislature has exceeded its police power in forcing fluoridation without local option . . . for the people of Brainerd to assume that they themselves can declare a state statute unconstitutional on the basis of Article IV and the 9th Amendment of the United States Constitution would surely result in anarchy."

Attorneys for the state have indicated they will start over again in their court action against Brainerd.

MISSISSIPPI: A select committee studying health problems in Mississippi recommended a state law requiring fluoridation of all water supplies. The Governor's recommendations to the 1974 legislature urged mandatory fluoridation and such a bill was introduced but did not get out of Committee. It is expected a statewide fluoridation bill will be re-introduced in the next legislative session. A grant-in-aid bill for fluoridation was passed out of the House but did not get out of the Senate Committee.

MISSOURI: The Missouri Dental Association has established a Task Force on Fluoridation for the purpose of approaching the state legislature to promote statewide fluoridation.

NEBRASKA: The results of votes in over 100 Nebraska communities which decided to take advantage of the "local option out" provision in the recently passed statewide fluoridation law showed fluoridation losing in 127 communities and winning in only 5. The vast majority of the communities were extremely small with some 97 polling less than 200 votes each and another 21, less than 500 votes. The total votes cast in all 127 communities was approximately 44,000.

In April, following a number of rejections of fluoridation at the polls, a Lincoln Star editorial stated, "In light of the evidence and the testimony offered by responsible professional people who have nothing to gain from it the rejection of fluoridation in these recent elections is a pathetic display of public ignorance."

OHIO: Cincinnati rejected fluoridation 50,444-39,969 in November. In April, the First District Ohio Appeals Court upheld an Ohio

Environmental Protection Agency order that Cincinnati fluoridate its water. The Appeals Court decision did not overrule a prior Hamilton County Common Pleas Court restraining order which prohibits the city from fluoridating. In May, voters approved a charter amendment which would require a favorable vote of the electorate before any ordinance ordering fluoridation would be effective. Cincinnati has asked the Ohio Supreme Court for a ruling.

Under provisions of Ohio law, several Ohio cities have recently been reimbursed for the costs of installing water fluoridation - Granville, \$1,108; Norwalk, \$1,759; Napoleon, \$3,051; Shadyside, \$1,344; Sidney, \$2,169; Trenton, \$1,901; Waverly, \$1,598; Zanesville, \$1,400; and McConnelville, \$3,000.

OKLAHOMA: The Oklahoma Dental Association unanimously passed a resolution calling for the preparation of a program to be presented to the Oklahoma State Legislature that will lead to fluoridation of all public water supplies.

OREGON: In April, the Oregon State Health Commission ordered the State Health Division "to proceed with fluoridation of the drinking water of Oregon for the dental health of the communities and as it relates to general health." In May, the Attorney General ruled that the Health Commission directive to the Division for fluoridation exceeded its specific powers and duties.

PENNSYLVANIA: The Greater Johnstown Water Authority and the Allentown City Council have approved fluoridation. Opponents in Allentown have filed a court suit.

In February, the Lebanon City Council voted to discontinue fluoridation. Area dentists and physicians took the Council to Court where the Judge ruled the Council had not taken the proper legal steps and could not discontinue fluoridation until a state hearing with the Department of Environmental Resources is held.

RHODE ISLAND: Drs. Yacovonne and Parente reported in the Rhode Island Dental Journal, June 1974, on the results of 20 years of water fluoridation.

"The prevalence of caries as determined by the number of decayed, missing, and filled permanent teeth in life-long residents of the city of Providence between ages of 5 and 17 has been reduced by 68 percent since 1952. The number of sound teeth among children attending Providence

schools has increased dramatically in the same 20 year period. The percentage of permanent teeth lost because of dental caries has been reduced by over 90 percent."

SOUTH DAKOTA: The Department of Environmental Protection has commended cities where excellent control of fluoride levels is maintained.

TEXAS: The Houston City Council has awarded a construction contract which includes fluoridation equipment. Most of Houston has been supplied water naturally fluoridated at optimum level but with addition of low-fluoride surface water from Lake Houston, the fluoride level would be reduced well below optimum.

VERMONT: Springfield, Vermont, voting on fluoridation for the fourth time, has approved fluoridation. Fluoridation recently lost in Brattleboro.

WASHINGTON: Seattle voters overwhelmingly supported the continuation of fluoridation.

supply to determine whether or not such fluoridation shall take place. Prior to any such referendum the Division shall conduct an educational program in the community affected on the fluoridation process. The costs of the referendum shall be borne by the said governing body.

(b) Notice of the referendum shall be by the publication of a formal Notice embodying the notice received from the Division. Such notice shall be published at least three times in a newspaper of general circulation in the area served by the water supply, the last publication to be at least three days before the referendum. Such notice shall also include the time and place of voting for the various voting districts involved.

(c) Eligible voters at such referendum shall be any natural person who uses the water supply daily and who is eighteen years of age or older. Each such person shall be entitled to one vote.

(d) If the area serviced by the water supply has an established local government such government shall conduct the referendum. If two or more towns or municipalities are served by the water supply, the referendum shall be conducted simultaneously in each town or municipality by the governing body of that town or municipality. If the governing body is a county and not a town or municipality, the county shall be responsible for all costs of the referendum. The Department of Elections shall conduct the referendum. The referendum shall be by secret ballot and the choice for each voter shall be "For Fluoridation" and "Against Fluoridation." The water supply shall not be fluoridated if the majority of the ballots cast are against fluoridation.

(e) After a referendum is held, the matter shall be deemed to have been conclusively decided for a period of three years from the date of the referendum.

(f) The provisions of this Act shall apply to any municipality within this State that has held a referendum on the question of fluoridation within the last three years commencing from the date of the enactment of this Act. Those municipalities that have voted not to fluoridate shall not be required to do so, except as provided by this Act.

DELAWARE
HOUSE OF REPRESENTATIVES

127TH GENERAL ASSEMBLY

HOUSE BILL NO. 247

AS AMENDED BY
HOUSE AMENDMENTS NO. 1, 2, 3, AND 4 AND SENATE AMENDMENT NO. 2

Signed into Law March 26, 1974

AN ACT TO AMEND SUBCHAPTER II, CHAPTER I, TITLE 16 OF THE DELAWARE CODE RELATING TO THE POWERS AND DUTIES OF THE DIVISION OF PHYSICAL HEALTH, AND REQUIRING A LOCAL REFERENDUM BEFORE THE FLUORIDATION OF A WATER SUPPLY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Subchapter II, Chapter I, Title 16 of the Delaware Code by re-designating present §124 as new §125, and re-designating all subsequent sections accordingly.

Section 2. Amend Subchapter II, Chapter I, Part I, Title 16 of the Delaware Code by adding thereto a new §124, which shall read as follows:

"§124. Fluoridation of a Water Supply

The Division of Physical Health shall not require any water supply to be fluoridated which has not been fluoridated before the effective date of this act until approval of such fluoridation is first obtained in the following manner by the users of such water supply:

(a) When the Division determines that it is in the best interest of the users of a given water supply that such supply shall be fluoridated, it shall notify the administrator, owner, or person who controls the water supply and the local government which it serves. Within sixty days from receipt of such notice, the governing body of the majority of people involved shall conduct a referendum among the people served by the water