

**MINUTES OF THE  
IMPLEMENTATION OF WATER FLUORIDATION TASK FORCE**

Monday, July 16, 2001 - 3:00 p.m. - Room 403 State Capitol

**Members Present:**

Sen. L. Steven Poulton, Senate Chair  
Rep. A. Lamont Tyler, House Chair  
Sen. D. Edgar Allen  
Rep. Ty McCartney  
Mr. Scott Anderson  
Mr. Brent Bradford  
Mr. Kevin Brown  
Mr. Tage Flint  
Mr. Richard Melton  
Dr. Anthony Tidwell  
Dr. Kathryn N. Vedder  
Mr. Phil Wright

**Members Excused:**

Rep. David L. Hogue  
Mr. Richard Bay

**Members Absent:**

Sen. Parley Hellewell

**Staff Present:**

Mr. Art L. Hunsaker,  
Research Analyst  
Ms. Cheryl Ann Felt,  
Associate General Counsel  
Ms. Joy L. Miller,  
Legislative Secretary

Note: A list of others present and handouts distributed are on file in the Office of Legislative Research and General Counsel.

**1. Call to Order and Introduction of Task Force Members**

Chair Poulton called the meeting to order at 3:10 p.m. Members of the task force introduced themselves.

**2. Water Fluoridation**

Mr. Blair Blonquist, Water Superintendent, Brigham City, gave a brief history of Brigham City's experience with fluoridation. He pointed out that according to the American Academy of Pediatrics, the level of water fluoride content when supplements are not needed has been lowered from 0.7 to 0.6 parts per million (ppm). Brigham City tries to maintain a 1.0 ppm level which has been defined as optimal by the Center for Disease Control. However, Brigham City has trouble maintaining this level. Mr. Blonquist recommended the following: 1) establishment of accountability and reporting procedures, 2) notification in the yearly water systems annual consumer confidence report, 3) establishment of fluoridation limits based on the May 1995 American Academy of Pediatrics recommendations, and 4) an option for a one-point source monitoring system or distribution system monitoring.

Mr. Hunsaker reviewed the duties of the task force as outlined in S.B. 206, Task Force on Implementation of Water Fluoridation, 2001 General Session.

### **3. Recommendations for State Regulation of Water Fluoridation**

Mr. Brent Bradford, Deputy Director, Department of Environmental Quality (DEQ), explained that DEQ has outlined four general areas which should be addressed. These include authority, funding and resource, staffing, and DEQ and Department of Health (DOH) rules. He distributed a handout "Fluoridation in Utah-DEQ Perspective."

Mr. Kevin Brown, Executive Secretary, State Drinking Water Board, discussed the issue of authority which includes operational limit standards; monitoring, analysis, and reporting; variance and exemption; enforcement; and who will require fluoridation. He said they currently do not have the authority to require water systems to report any type of operational level monitoring or to do any type of analysis of fluoridation in the water systems. He discussed the funding and resource issues and noted that there is currently no funding mechanism in place. Data management will also be a key issue. Mr. Brown briefly reviewed staffing issues that involve plan reviews, oversight, standard setting, rulemaking, variances and exemptions, enforcement, and laboratory capacity. He also discussed the roles of DEQ and DOH, standard setting technical support, and funding.

Dr. William Kidder, D.D.S., member, Salt Lake Valley Health Board, stated he is the newest member to the board. He was invited to speak on Salt Lake County's task force plans for fluoridation. He deferred to Dr. Vedder, Executive Director, Salt Lake Valley Health Department, and Royal DeLegge, Salt Lake Valley Director of Environmental Health.

Dr. Vedder pointed out that having a state rule outlining many of the issues that have been discussed would make the process simpler.

Mr. Royal DeLegge stated he and Dr. Vedder chair the task force established by Salt Lake County. The task force has discussed technical issues such as monitoring, what types of systems are required, and the types of implementation and equipment. Draft regulations propose to exempt systems that serve populations of less than 1,000 people and individual wells that are used on a seasonal basis. These exemptions would not adversely affect the delivery of fluoride to the citizens being served by the public water systems. Mr. DeLegge said the task force has sent out its draft regulations to water systems for their review.

Dr. Vedder commented that the initial implementation date was originally set for January 1, 2002. They are now looking at late 2002 to early 2003 for implementation.

Mr. Craig Anderson, Salt Lake County District Attorney, spoke on behalf of an attorney working group that is seeking to identify common issues for both private and public water systems. It is their goal to determine what potential impediments to implementation exist.

Through the process, three areas have been identified: regulatory authority, potential liability of both public and private water systems associated with implementation of fluoride treatment, and ambiguity in existing statute and regulations that would require clarification. The group has determined that it would be beneficial to adopt a statutory amendment clarifying the immunity of both public and private systems for any claims related to fluoridation of public drinking water sources.

Mr. Paul Ashton, Boyack Ashton, commented that the state has an immunity statute to protect government entities, however, there are private providers that will also need some type of protection if they rely upon the state rulemaking powers. Mr. Ashton pointed out the financial hazards of litigation.

Mr. Keith Call, Metropolitan Water District, said they believe they are immune under the current statutes, but hope the task force will take steps to clarify the issue. He said it is important to ensure proper coordination between any state, county, or local regulation. Water purveyors need to know exactly who they have to answer to and what the standards are.

Ms. Rae Howard, Health Forum of Utah, distributed a list of questions for the task force to consider. She said they have three primary concerns: 1) the quality of the products that will be used in fluoridation, 2) properly and appropriately informing the public about waters that have been fluoridated and what products have been used in the process, and 3) liability.

Mr. Thomas Breitling, citizen, expressed concern with putting millions of pounds of fluoride into the Salt Lake Valley.

Mr. Thomas Rogers, former rancher/dairyman, pointed out that during the summer it can take up to 12 gallons of water to satisfy the thirst of a dairy cow. He asked the task force to consider how it will eliminate the superfluoridation of livestock.

Mr. Ivan Bates, citizen, stated that many of his family members are allergic to fluoride. Even though they did not vote for it, they will be forced to use it or to have to pay for special systems to take the fluoride out of their water.

The next meeting of the task force was scheduled for Tuesday, August 21 at 3:00 p.m.

Members of the task force discussed whether fluoridation issues would require legislation or could be dealt with by rule or other means.

**MOTION:** Rep. McCartney moved to adjourn the meeting at 4:30 p.m. The motion passed unanimously.

