

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

Tuesday, August 21, 2001 - 2:00 p.m. - Room 405 State Capitol

Members Present:

Rep. A. Lamont Tyler, House Chair
Sen. D. Edgar Allen
Rep. David L. Hogue
Mr. Scott Anderson
Mr. Richard Bay
Mr. Brent Bradford
Mr. Kevin Brown
Mr. Richard Melton
Dr. Anthony Tidwell
Mr. Phil Wright

Members Excused:

Rep. Ty McCartney
Mr. Tage Flint

Members Absent:

Sen. L. Steven Poulton
Sen. Parley Hellewell

Staff Present:

Mr. Art L. Hunsaker,
Research Analyst
Ms. Cherylann 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 Approval of July 16, 2001 Minutes

Chair Tyler called the meeting to order at 2:05 p.m. He requested the members observe a moment of silence in memory of Sen. Pete Suazo, who had recently passed away.

MOTION: Sen. Allen moved to approve the minutes of July 16, 2001. The motion passed unanimously, with Rep. Hogue absent for the vote.

2. Fluoridation Issues

Ms. Rae Howard, Health Forum of Utah, questioned what efforts would be made to ensure that the products used to fluoridate Salt Lake City's drinking water do not contain residues of lead, arsenic, mercury, radon, or other contaminants. She pointed out that the National Sanitation Foundation designates arsenic as the most common contaminant detected in fluoridation products. The Environmental Protection Agency has said there is no level of arsenic that is safe. She distributed handout "Lifetime Risks of Dying of Cancer from Arsenic in Tap Water" and "Treatment Chemicals Contribute to Arsenic levels." Ms. Howard requested the task force appoint a subcommittee to work with the forum and task force staff on finalizing language addressing statutory language concerning safety, liability, and implementation concerns.

3. Regulation of Fluoridation by Other States

Mr. Hunsaker explained there are 11 states with some form of fluoridation requirements.

In four of those states the requirement is made in statute. South Dakota and Nevada have statutes that make it very clear that fluoridation is to occur. However, Nevada exempts everyone not living in Clark County. He said there are two other states that primarily require fluoridation by statute but it is only triggered when the fluoride content of the water falls below a specified milligram per liter level. Mr. Hunsaker indicated the remaining seven states do much of their regulation by rule. Most of those states require a set concentration level, usually 0.8 to 1.2. There are three states that by regulation allow the local community to vote on whether they want fluoridation. If the vote is against fluoridation, the vote stands for a specified period of time. Mr. Hunsaker said the only common thread he noted among the 11 states regulating fluoridation is the establishment of a concentration level.

4. Fluoridation in Utah

Mr. Brent Bradford explained that once the decision is made to fluoridate, there are a series of issues triggered relative to funding and support for the program. He cautioned against getting into a position where a local community makes a decision and then it becomes the state's responsibility to determine how it should be funded. Standards related to health should be left to the Department of Health (DOH). An appropriate role for the Department of Environmental Quality (DEQ) would be to determine whether or not the fluoridation equipment is designed and installed properly. The local health departments should be responsible for inspection, compliance, and enforcement of the systems. Funding for local government is a local issue. He stated that a basic fluoridation program could be accomplished by rule.

Mr. Richard Melton commented that it is the responsibility of the DOH to set the rules local health departments enforce. The DOH has the expertise to determine the appropriate fluoridation levels for dental health impact. DEQ has the engineers necessary to see that fluoridation is administered properly. Funding would be needed at the local level for enforcement. He said with the exception of liability issues, the system is already in place to accomplish what needs to be done.

Mr. Fred Finlinson, Jordan Valley Water Conservancy District, discussed the issue of liability. He said the federal Safe Drinking Water Act sets parameters, permits, and requirements for each public water system. There is also a self-monitoring mechanism where the permit holders submit reports to the state Division of Drinking Water. As long as the operator is operating within the parameters established in his permit, the operator has an element of protection. A critical issue for public water systems is that there should be a similar notation added to the permit that defines the levels of fluoridation. Mr. Finlinson also discussed the issue of enforcement. Operators of public wastewater facilities must file reports to the state agency that has primacy for enforcement of the treatment process. He indicated that self-monitoring is taken very seriously. He said water purveyors would prefer to have one regulator and one permit. The cost for local

enforcement should come from the local government that the health department receives its funding from rather than the public water systems. He indicated there should be a state standard. However, a combined rule between the entities involved might work.

Mr. Delane McGarvey, Davis County Health Department, said the Division of Environmental Health developed a regulation which oversees the water fluoridation in their system. The rule requires that engineering plans for the addition of fluoridation equipment in the water systems be reviewed by the state under the Safe Drinking Water Act. The local health department is required to work with the local systems on monitoring. Operator training in fluoridation equipment, monitoring, and sampling will be required. Mr. McGarvey pointed out that Davis County has an employee who takes samples of their water systems and swimming pools. They feel they can meet the requirements of the rule by changing the position to full-time. In addition, there will be startup costs in obtaining the equipment for their laboratory and the certification quality assurances required. He said in the long-term it is in the best interest of water systems to have a statewide rule to operate under.

Mr. Royal DeLegge, Salt Lake Valley Health Department, said the Salt Lake Valley Health Department has developed its own countywide task force. The regulation they are drafting would be superceded at the point the state rule came into effect. He noted that the Salt Lake Valley and Davis County Health Departments are the two best departments in terms of capacity to move forward in developing regulations and implementing fluoridation service to the populations they serve. He expressed concern with water systems that cross county boundaries and the problems encountered by local health departments that service multiple counties. Those health departments must obtain the consent of each county in its jurisdiction and draft regulations that will be approved by the commissions in each county. Mr. DeLegge said they are hoping for a statewide rule governing fluoride implementation.

Mr. Mark Anderson, Attorney for Hooper Water Improvement District, explained the district serves approximately 5,000 connections. About 20-25% of the district is located in Davis County with the remaining 75-80% located in Weber County. All of their water sources and the bulk of their water storage are in Weber County. He said if they were to try to add fluoride to the water only in Davis County, it becomes a practical impossibility. The only way to accomplish it would be to develop two totally separate, independent water systems with their own water storage in each of the two counties. The cost would be staggering. He reviewed the requirements of state law and suggested the language may need to be clarified. He expressed his support of a statewide standard and having one state agency be responsible.

MOTION: Mr. Bay moved to recommend the development of a statewide regulation including equipment, design review, concentration levels, and other regulations needed for the implementation of fluoridation.

SUBSTITUTE MOTION: Dr. Tidwell moved to have the DOH establish a statewide fluoridation concentration standard for dental health for counties, municipalities, and districts that vote to implement fluoridation. Task force discussion followed.

The substitute motion passed with Mr. Bay voting in opposition.

MOTION: Sen. Allen moved to require local health departments representing counties, municipalities, or districts that vote in favor of fluoridation to determine implementation rules in consultation with the state DOH and the DEQ. The motion passed, with Mr. Bay and Mr. Anderson voting in opposition.

MOTION: Dr. Tidwell moved to reaffirm that water purveyors have the same protection they have always had as long as they conform to the rules and regulations of the state. Task force discussion followed. Dr. Tidwell withdrew the motion.

The next meeting of the task force was scheduled for September 19 at 3:00 p.m.

MOTION: Sen. Allen moved to adjourn the meeting at 4:35 p.m. The motion passed unanimously.