

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

Wednesday, September 19, 2001 - 3:00 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. Tage Flint
Mr. Richard Melton
Dr. Anthony Tidwell
Mr. Phil Wright

Members Absent:

Sen. L. Steven Poulton, Senate Chair
Sen. Parley Hellewell
Rep. Ty McCartney

Staff Present:

Mr. Art L. Hunsaker, Research Analyst
Ms. Beverlee LeCheminant, Legislative Secretary

Note: A list of others present and a copy of materials can be found at <http://www.image.le.state.ut.us.imaging/history.asp> or contact the Office of Legislative Research and General Counsel

1. Call to Order

Chair Tyler called the meeting to order at 3:05 p.m. It was noted that Rep. Ty McCartney asked to be excused from the meeting.

MOTION: Mr. Melton moved to approve the minutes of the August 21, 2001 meeting. The motion passed unanimously. Sen. Allen, Rep. Hogue, and Brent Bradford were absent for the vote.

2. Fluoridation Issues

Mr. Thomas O. Breitling, Retired Engineer, distributed and reviewed his statement on implementation of fluoridation.

3. Review of S. B. 206, Task Force on Implementation of Water Fluoridation, 2001 General Session

Mr. Art Hunsaker, Research Analyst, reviewed the duties of the task force as outlined in S.B. 206, Task Force on Implementation of Water Fluoridation, 2001 General Session, Section 2. He said the task force concluded during its August 21 meeting that much of the regulation would be left to local governments.

4. Other Items

Chair Tyler indicated that at the August 21 meeting a motion was passed that the Department of Health would determine a statewide concentration standard for dental health for counties, municipalities, and districts that vote to implement fluoridation.

Mr. Bay stated that he had concerns with the duties outlined in 1a, d, e, and f of Section 2 and that Fred Finlinson had prepared some recommendations.

Mr. Finlinson, Jordan Valley Water Conservancy District, first addressed the state standard. He recommended that the Department of Environmental Quality's Division of Drinking Water adopt the Department of Health's standards as a secondary standard.

Chair Tyler questioned whether secondary standards are enforceable and, if not, whether the secondary standards would be of any benefit to water systems.

Mr. Finlinson indicated that the addition to the secondary standards that he is recommending would enable water systems to address potential liability concerns.

Mr. Paul Ashton, representing small water districts, said that the additional secondary standard would give the courts a way to identify a logical progression of authority.

Mr. Brent Bradford, Deputy Director, Department of Environmental Quality, said the department cannot be more stringent than federal standards unless it goes through an extensive demonstration that shows a higher standard is necessary to protect public health. Avoiding the determination requirement would require a new statutory provision allowing the department to set a standard for dental health.

Mr. Bay asked if a reference in Division of Drinking Water rules to the Department of Health rule setting the fluoride concentration standard for dental health would be sufficient. Mr. Finlinson said his preference would be to have the reference made in statute.

Mr. Finlinson also recommended amending Section 19-4-111 to allow a public water system to provide fluoridated water to resident who lives in a county which has not approved fluoridation if the resident requests fluoridated water.

Mr. Finlinson further recommended that legislation be prepared to grant a waiver to public water systems which, in a short-term emergency, fluoridate the water of a municipality that has not approved fluoridation.

5. Final Task Force Recommendations

MOTION: Mr. Bay moved that, upon completion of the Department of Health's rule governing fluoride concentration standards for dental health, the rule be referenced in the Department of Environmental Quality's secondary drinking water rules as being in addition to the secondary maximum contaminant level standards. The motion passed unanimously.

MOTION: Mr. Bay moved that legislation be prepared to allow public water systems to provide fluoridated water to residents of a county that has not approved fluoridation if individual residents request it. The motion passed unanimously.

MOTION: Mr. Flint moved that legislation be prepared to grant a waiver to public water systems that, in a short-term emergency, fluoridate the water of a municipality that has not approved fluoridation, and that the waiver not apply to a public water system's normal operations. The motion passed unanimously.

Mr. Bay said another issue that the task force was asked to discuss is seasonal sources and wells. He noted that high flow rates in the summer mostly represent water being used for outdoor irrigation. He suggested

that a recognition of the extreme peaking demands be considered as the Department of Health sets its fluoride concentration standard. In recognizing these high flow rates, it would be beneficial if a water district could allow the concentration to dip to the low end of the range in the summer and then make it up during the other nine months to achieve an annual average dose that meets the dental health purpose.

Mr. Wright said he would like to see the Department of Health come up with a model rule for the implementation of fluoride in a public water system if and when other counties pass fluoridation so the local health departments can use that rule as a standardization throughout the state.

MOTION: Mr. Tidwell moved that the state standards include the stipulation that chemicals used in fluoridation meet the NSF certification standards and are approved by the American Water Works Association. The motion passed unanimously. Sen. Allen was absent for the vote.

MOTION: Mr. Bay moved that the Department of Health allow for seasonal peak demands for water when setting a standard for fluoride concentration levels for dental health and that it establish compliance reporting requirements for counties with seasonal peak demands.

Task force discussion followed.

The motion passed. Mr. Bradford and Mr. Tidwell voted in the negative and Sen. Allen was absent for the vote.

6. Other Task Force Business

Ms. Rae Howard, President of Health Forum, distributed and discussed a brief summary of a report prepared by Dr. Richard Carton, the chief environmental engineer in charge of environmental engineering issues for the U.S. Army, National Academy of Sciences. She said the report shows that the concerns about cancer relative to ingested arsenic are greater than supposed. She said that the information she gave to the committee at the last meeting showed that 90 percent of the fluoridation that is added to the water through water treatment chemicals comes from the fluoridation chemicals. She recommended that, in addition limiting fluoride concentration, the task force limit arsenic concentration.

Ms. Howard also recommended that research regarding the effects of fluoridating tap water be presented to the Legislature by the Salt Lake and Davis County Health Departments prior to fluoridation.

Ms. Howard further recommended that public notification that public water supplies are being fluoridated be required at appropriate times and places determined by the Legislature, including all new water service accounts.

7. Adjourn

MOTION: Mr. Melton moved to adjourn the meeting. The motion passed unanimously with Sen. Allen absent for the vote. Chair Tyler adjourned the meeting at 5:10 p.m.

