

# Onlookers mum on fluoride suit

By BRIAN SEALS

SENTINEL STAFF WRITER

Fluoridation

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No group supporting or opposing fluoridation of the city's water supplies has weighed in on Watsonville's lawsuit against the state Department of Health

## WATSONVILLE

Services. Not yet, anyway.

The arguments of these groups could determine whether a judge forces the city, against the will of the voters, to comply with the state's mandate to add fluoride to drinking water.

The city filed a suit against the California Department of Health Services earlier this month in Santa Cruz County Superior Court. The city's suit asks the court to declare that a city ordinance blocking fluoridation is not in conflict with state law, that the city may legally prohibit fluoridating its water supply and that the Department of Health Services order be barred from enforcing its order to fluoridate.

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With advocates on both sides of the fluoridation debate, the suit offers groups on both sides an opportunity to make legal arguments.

"We are still looking at it," said Marjorie Stocks of the California Dental Association Foundation. "We haven't come to a decision as to what we will do."

A spokesman for the Watsonville chapter of Citizens for Safe Drinking Water, which petitioned to get an anti-fluoride measure on the ballot last November, had no comment.

The Department of Health Services in February issued an order to the city to submit a schedule to fluoridate its drinking water by May, or face a \$200-per-day

fine. That put the City Council in a dilemma — abide by the state order or go against the city's voter-approved ordinance.

"There is thus an actual and justifiable controversy as to whether the city should comply with the order of defendant Department of Health Services and fluoridate, or follow the mandate of its own ordinance enacted by its voters and not fluoridate," reads the complaint filed by city attorney Alan Smith.

A state law requires cities with 10,000 or more water connections to fluoridate their supply should funding become available.

That funding became available to Watsonville in February 2002 when the Cal-

ifornia Dental Association Foundation offered an almost \$1 million grant to pay for designing, buying and installing a fluoridation system and operate it for a year. That was on the condition the city operate the system for 10 years.

After the anti-fluoridation Measure S passed, the City Council terminated that agreement. Measure S did not mention fluoride specifically, but barred adding any substance to the water supply for an intended health effect unless the substance was approved by the federal Food and Drug Administration.

In January, the California Dental Association Foundation offered the city a revised grant, minus the 10-year operation requirement, which the city has never accepted. The Department of Health Services followed that in February with an order to Watsonville to submit fluoridation plans or face fines.

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Contact Brian Seals at  
[bseals@santa-cruz.com](mailto:bseals@santa-cruz.com).