

Fluoride issue not over yet

State threatens fines if process is not begun

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There's a new additive in the debate over water fluoridation. State officials have issued an enforcement order demanding that Watsonville begin the fluoridation process by May. The order was expected to arrive on City Manager Carlos Palacios' desk today.

Titled "Termination of Fluoridation Exemption," the eight-page document orders the city to "proceed with the construction and operation of the fluoridation facility," or face fines of \$200 a day.

According to the California Department of Health Services, the agency enforcing the order, Watsonville is no longer exempt from a state law that mandates cities with more than 10,000 water hookups fluoridate their water if outside funds are available.

Public Works Director David Koch said the city was expecting the letter following a Feb 11 Watsonville meeting between him, Palacios and officials from the DHS.

"They wanted to let us know that it was coming," Koch said. "They told us that we were no longer exempt from having to fluoridate since funding had been made available."

Nick Bulaich, a fluoride opponent, called the letter "outrageous" and called the DHS a "mini-Gestapo dictator."

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"The state has no right in this manner because Watsonville is a charter city and has the right to rule over their own municipal affairs," Bulaich said. "The burden of proof is now on the state. There's no case on this issue; this is new territory."

In 2000, the city was awarded a \$1 million grant by the California Dental Association to construct a fluoridation facility and pay for one year of its operation. Under the agreement, the city would be required to fluoridate its water supply for the next 10 years using oth-

er funds, including revenue from the city's general fund.

Anti-fluoride forces caught wind of the efforts and a coalition of local citizens and national activists came together to fight the substance. Known as the Watsonville Citizens for Safe Drinking Water, the group named Bulaich its spokesperson and launched a successful ballot initiative in the Nov. 5, 2002 election to block fluoride from being added to the city's water supply.

Originally, fluoridation supporters argued that state law required the city to fluoridate its water supply. But a small loophole allowed Watsonville to continue to claim exempt status. According to the

California Health Code, municipalities can't be forced to pay for the operation of fluoridation equipment — the requirement only stands if outside money is available continues to be available to fund ongoing fluoridation.

Understanding that they couldn't force the city to pay for the operation of the fluoridation equipment, the CDA changed its grant requirements a month after the election, requiring the city only to operate its fluoridation system for one year after being installed.

Palacios rejected the offer, saying in a letter to the CDA, "It does seem impractical to spend over \$800,000 to install a fluoridation system that would only be used for

one year until the Operations and Maintenance Grant expired."

Officials from the Department of Health Services disagreed and have told the city that since the project's operation has been paid for, albeit only for one year, Watsonville is now required to fluoridate its water.

"As a result of the available funding, the City no longer meets the exemption requirement," wrote Catherine Ma of the DHS's Drinking Water Field Operations Branch. "The exemption from fluoridation previously granted to the City was terminated by the Department, effective January 27, 2003, the date that the Department became aware that funding was available."

According to the compliance order, the city must submit its plan to fluoridate by May and submit a permit application by July. Koch said he was told the fluoridation system must be operational by January 2005.

What remains unclear is whether the state will force the city to fluoridate if the grant money doesn't completely cover operation costs, estimated to cost nearly \$200,000 a year. The CDA grant is only good for \$129,000 of operational costs.

The Watsonville City Council plans to address the issue at its upcoming March 26 meeting and direct Palacios on what action to take.