

Council rejects ordinance on fluoride

Public urged to raise vote on issue

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A proposed ordinance that might have prevented Watsonville from fluoridating the municipal water supply was defeated by a vote of 5-2 at Tuesday night's City Council meeting.

Council member Judy Doering-Nielsen introduced the proposal, which called for amending the city's municipal code to prohibit adding "any product, substance, or chemical to the public water supply for the purpose of treating or affecting the physical or mental functions of the body of any person, rather than to make water safe or potable" unless the additive was approved by the U.S. Food and Drug Administration. It would also have required that the additive stay within state or federal "maximum contaminant level goals, whichever is more protective."

"My introduction of this ordinance is not intended to revisit the issue of whether this council should or should not vote for fluoridation. This ordinance specifically addresses the selection of any substance that is to be added to the

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water for the purpose of treating a person's body, rather than the water," Doering-Nielsen told the council.

She said after the council voted this summer to approve fluoridating the water supply, she was "flooded with phone calls" from people in several city districts who "wanted a voice and didn't feel they were getting a voice."

"I have to wonder, why is there so much opposition to letting the voting public of Watsonville make this decision?" she asked. "I do not believe that the voters of this city have charged us with the selection of their personal physician or dentist, nor to mass medicate them in any way ... This is a matter of personal choice."

Council member Rafael López challenged the legality of Doering-Nielsen's proposal, saying the FDA has no jurisdiction over water or water treatment, calling fluoride a drug "has not been

validated by any organization, government or otherwise," and anyway, state law pre-empts the city from making such decisions.

Queried by several council members, city attorney Alan Smith confirmed that the FDA cannot regulate water, but did not specify whether they could rule on fluoride as an additive to water. He said the state attorney had penned an opinion that said failing to fluoridate was inconsistent with state law. Since there have been no court rulings, however, it is difficult to say how binding that opinion is.

Doering-Nielsen countered that she had called for FDA approval of fluoride, not water, and that the FDA was "the only governmental agency in the United States that can approve a claim of health safety or effectiveness." If the council did not pass the ordinance, she recommended, they should direct that the issue be resolved by public vote. In response to inquiries by council members Betty Bobeda and Richard de la Paz, Smith indicated that a public vote might be permissible if initiated by the people rather than

the council. Because the fluoridation program is to be funded with state grant money, however, any vote would have to pass before the city receives state funds; once the money has been received, the city will be obligated to use it for fluoridation.

Twenty-one audience members spoke up on the subject, most in favor of Doering-Nielsen's proposal or a public vote.

"I and my family have the right to clean, safe drinking water. I want to make the decision of whether we take supplemental fluoride," said Scott Norton.

"Drugs, which fluoride is, are certainly under the jurisdiction of the FDA," said Karell Reader. She urged the council to put fluoridation to a public vote.

"It's unconscionable not to let the people vote on this," noted Patti Mills.

Kirk Halstead, an unincorporated Freedom resident who has city water, noted that water customers outside the city limits should have a say in the outcome, as well.

"If you're going to let the people

of Watsonville vote you should let all the people in the water supply vote on this," he stated.

Roy Jimenez, health administrator for Salud Para la Gente, questioned the motivation behind Doering-Nielsen's proposal.

"This ordinance that's being proposed is political mischief," he told the council. "The issue (of fluoridation) has already been debated, discussed and authorized."

"We're talking about drugs in water. That's totally misleading," said dentist and former Dientes! Director Jay Balzer. "We're talking about a normal mineral that is naturally occurring in water. I'll have you know that your 'pure' Watsonville water already has .3 parts per million of fluoride in it — naturally. What we're talking about here is adjusting the amount."

The council ultimately voted not to accept the ordinance. Bobeda and Doering-Nielsen cast the only dissenting votes.

Several council members encouraged the audience to call for a public vote on the subject if they wished to pursue the issue further.