

# City shows teeth on fluoridation

■ **Santa Cruz:** The council decides to let voters rule on the issue, and state officials ponder possible legal action.

BY JOHN WOOLFOLK  
Mercury News Staff Writer

The Santa Cruz City Council has set the stage for the first legal challenge of a statewide fluoridation order with its 4-2 vote Wednesday to let the controversial dental health issue be decided by local voters.

After a spirited debate over health risks and benefits that drew advocates from San Diego to Sacramento, the council decided the state had

no right to dictate whether fluoride should be added to a city water system.

"I believe the question of freedom of choice is a significant issue," Mayor Celia Scott told the packed council chambers. "I could not accept fluoridation without a vote of the people saying that's what they want."

Santa Cruz's protracted debate reflects a persistent suspicion about

fluoridation's health risks that has shadowed it nationally since the practice began in the 1940s. Although two-thirds of water districts around the country now fluoridate, it continues to raise concerns in many quarters, particularly in Santa Cruz, where additives to food or water are unpopular.

But many non-fluoridating jurisdictions have warmed to the idea since the 1995 passage of a state law

requiring California water districts with 10,000 or more customers to fluoridate when funding is provided to do so. Sacramento last month voted in favor of fluoridation, and Mountain View, under the urging of Santa Clara County Supervisor Joe Simitian, gave its enthusiastic support by approving a feasibility study on fluoridation.

The issue has been watched closely by health officials and fluoride opponents because it is the first formal challenge of the state law. Santa Cruz's defiance is seen as a test of the state's resolve to enforce

its mandate.

Whether it will is now the question.

State officials argued Santa Cruz is bound by the mandate. They threatened to fight Santa Cruz in court if necessary to enforce compliance with the state fluoridation law.

"These people have chosen to pass an ordinance that flies in the face of state law," said Dave Nelson, fluoride specialist for the state Office of Dental Health Services. "If it has to come to litigation, the state will enforce the law."

But it was unclear who would fire the first legal salvo or how far the state would be willing to go to enforce its will.

Nelson said the state legal staff will begin reviewing the issue, but he was unsure at what point the state would go to court over it. He acknowledged that Santa Cruz's defiance puts the state in an awkward political position.

If the state backs down, "it would be a dangerous precedent," signaling that the Legislature's mandate has no teeth, Nelson said. But the

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state also doesn't want to take a storm-trooper approach of forcing fluoride down the throat of an unwilling city, he said.

"The state has no plans to dump fluoride in anybody's water right now, particularly Santa Cruz's," Nelson said. "We'll just wait and see what happens."

For now, the matter is moot, as there is no funding to fluoridate the city's water. But Santa Cruz is a leading contender for funding because its dependence on a single water treatment plant would make it among the most cost-efficient systems to fluoridate.

Councilman Scott Kennedy said Santa Cruz does not plan to put a fluoridation measure on the ballot unless the state presses the issue on the city.

Fluoridation would boost the fluoride in Santa Cruz's water fourfold, though still leaving it at half the

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maximum level recommended by the federal government and one-fourth the allowable safety limit.

Although health experts have broadly embraced fluoridation as a safe and effective means of reducing tooth decay, Santa Cruz leaders were swayed by critics who say it may be linked to cancer, bone fractures and other health problems.

The council last month voted 6-1 for an ordinance prohibiting fluoridation of the city's water. But stunned health officials begged the

city to reconsider, and when the ordinance came up for final approval Tuesday night, the council was divided on the issue.

Councilmen Michael Hernandez and Kennedy changed their minds and joined Councilwoman Cynthia Mathews in opposing a fluoridation ban. With Councilwoman Mary Beth Campbell absent to attend a conference, the council's three remaining members were unable to muster the majority vote needed to pass a ban.

But Kennedy remained troubled by the idea of state bureaucrats forcing fluoridation on a city where it remains highly unpopular. He joined the mayor and council members Mike Rotkin and Katherine Beiers in supporting a modified ordinance prohibiting fluoridation without a public vote. The proposed ordinance must return to the council in two weeks for final approval.

"We were divided on the merits of fluoride, but we wanted to affirm that this is our jurisdiction, not theirs," Kennedy said.