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Fluoridation May Be Put to Voters

Santa Cruz City Council leaves water supply decision up to locals
by Helen Meservey

TESTING THE TEETH OF A STATE law that requires some California jurisdictions to add fluoride to their public water supplies, the Santa Cruz City Council has opted to put the matter before local voters if state regulators decide to impose the mandate here.

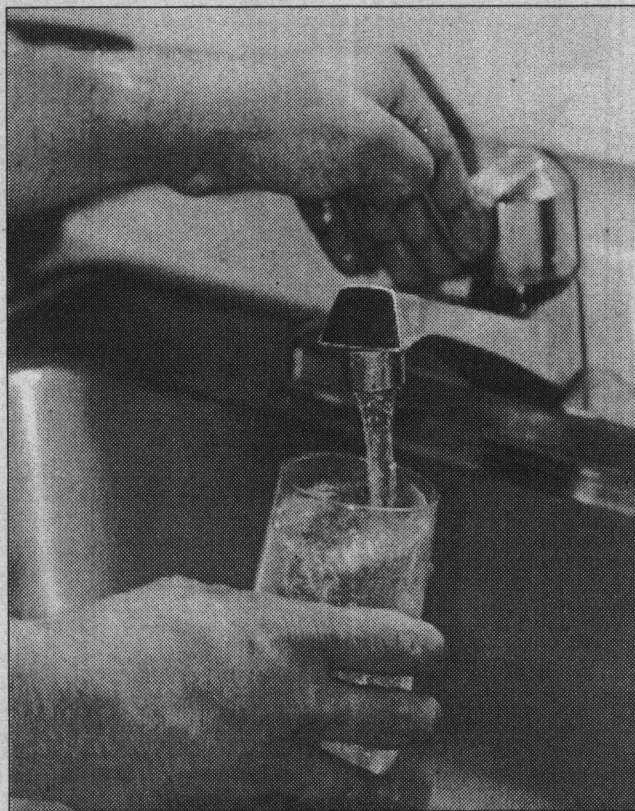
After protracted and passionate debate by health officials and activists, the council last week agreed to prohibit fluoridation without a public referendum. In a shift from last month's 6-1 vote against fluoridation, the council decided March 10 to put the controversial measure on a future ballot if the state presses the issue.

"I support the compromise," Mayor Celia Scott says. "I believe people in Santa Cruz should be able to vote on the very fundamental issue of what goes into their water supply. There was a vote on it in 1952, and they turned it down. It seems to me that voters today should be given the same opportunity."

The council did not determine a specific election date because, Scott explains, no funds for fluoridation have been earmarked. A provision of the law requires that funding be available, and only private funds reportedly are being raised, she says. Nevertheless, the city of Santa Cruz is 12th on the state's list of water districts eligible to receive funding that does become available.

Santa Cruz's water supply is funneled through a central treatment plant (located on Graham Hill Road), making fluoridation here a potentially cost-effective procedure.

The practice of treating public water supplies with fluoride was begun in the 1940s after studies showed the element can reduce the onset of tooth decay, especially in chil-



DAVID ALEXANDER

The Santa Cruz City Council will review an ordinance Tuesday that would leave fluoridation of the city's water supply up to voters.

dren. Suspicion about fluoride's side effects also have been around that long, including charges that the element makes bones more brittle and is linked to cancers and other health problems.

City Hall petitions

A petition and hundreds of phone calls and letters urging against fluoridation have been received by Santa Cruz City Hall.

the City Council in favor of fluoridation. Many contend that allegations about the adverse effects of fluoride have long been put to rest.

"Fifty-two years of study have overwhelmingly proved the effectiveness and the safety of fluoride," says a disappointed Betsy McCarty, chief of public health for Santa Cruz County. "We have a prevention. We were very sorry the City Council didn't realize that, by letting the law take its course, it could have helped children."

"I believe people in Santa Cruz should be able to vote on the very fundamental issue of what goes into their water supply." — Mayor Celia Scott

According to McCarty, the number one finding in health exams of poor children in the county is dental disease. Last year, she says, the county spent \$62,000 on dental care for 250 children.

Discussion of the council's decision to leave the matter in voters' hands is expected to resume at the council's meeting March 24, when the proposed ordinance is scheduled for its second reading.

State mandate

That the council has debated the question at all could create a bit of a quandary for state regulators, who have mandated that all water districts with at least 10,000 customers add fluoride to their public water supplies as a dental health treatment. Although the element naturally occurs in the water supply, the levels are too low to have therapeutic value.

The city's water department has more than 20,000 service connections, serving more than 80,000 customers.

Santa Cruz is believed to be the first jurisdiction in the state to consider flouting the 1995 state law, arguing that its status as a charter city should exempt it from the statewide order.

"Courts have held that the Public Utilities Commission does not have jurisdiction over a municipality's water department unless the Legislature specifically confers such jurisdiction," Deputy City Attorney Anna Ferguson wrote in a Jan. 12 memo to Scott.

The memo goes on to say that "there appears to be no reason for distinguishing between a water district and a charter city's water department in this particular instance."

Accordingly, we see no reason why the City, in the exercise of its constitutional authority to regulate in the areas of municipal affairs to operate its own water system, could not hold an election on the issue of fluoridation."

Fluoridation occurs in two-thirds of the water districts in the country but only in 17 percent of districts in California.

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