

Fluoridation of the Thames Water Supply

TO Thames Community Board
FROM Angela Jane, Governance Strategy Manager
DATE 10 November 2014
SUBJECT **Fluoridation of the Thames Water Supply**

1 Purpose of Report

To update the Thames Community Board with information about recent events outside Thames-Coromandel district relating to fluoridation of public water supplies and request consideration of any future public consultation in light of recent events and changes to the Long Term Plan consultation requirements.

2 Background

2.1 Last consultation process in Thames

The Thames Community Board consulted with those connected or had the ability to connect to the Thames water supply and some specific stakeholders from early December 2012 through to 14 January 2013. Hearings were held by the Board on the 24 January with a deliberations meeting occurring the following day. The Thames Community Board received 511 submissions - 243 were in favour of the Council continuing to add fluoride to the Thames water supply and 268 were against. Two petitions were received, both requesting Council discontinue adding fluoride to the Thames water supply. The petitions contained 52 and 27 signatures respectively. The Board recommended to Council that fluoride continue to be added to the Thames Water Supply.

The Board also requested that staff research options that enable members of the community to 'opt out' from receiving fluoride to provide for greater freedom of choice regarding fluoridation of drinking water, and report back to the Thames Community Board by 26 March 2012.

Further, the Board requested that Council consider providing assistance to those who wished to remove fluoride from their water supply, and that the Council note the Board's view that this should be district supported.

Finally, the Board requested that the Chief Executive, in consultation with the Board Chair, prepare a letter to the Ministry of Health expressing concern regarding the lack of direction and a stronger policy statement on the matter of water fluoridation.

The Council at its 20 February 2013 meeting gave limited support to the Community Board's requests limiting the support to the provision of information.

2.2 Provision of information

At the Thames Community Board's 26 March 2013 meeting the Water Services Manager reported on methods for households to remove fluoride from the water they received from the Thames water supply. The options include absorption systems, reverse osmosis and distillation with costs varying between \$300-\$800 plus installation costs for all three options. The Thames Community Board recommended the following:
Instructs staff to provide information on domestic treatment for removal of fluoride from

water and provide a local supplier list on the TCDC website. A disclaimer is to be added stating that individuals should undertake their own research, that the supplier list is not exhaustive and that the Council is not recommending any supplier that is on the list.

2.3 2013/14 Annual Plan submissions

The Council received 868 submissions on fluoridation to the 2013/14 Annual Plan without fluoridation being a consultation topic. As a consequence the Council resolved the following:

Resolved

That the Council:

1. 1. *Notes the submissions received.*
2. *Notes that because feedback on fluoridation was not specifically sought during the draft Annual Plan consultation the submissions received do not comprehensively represent community views and preferences.*
3. *On the basis of the consultation undertaken by the Thames Community Board in January 2013, retain the current level of service for water supply, which includes fluoridation of the Thames Water Supply.*
4. *Advise the Annual Plan submitters and the Thames community when and under what circumstances it will next consider the matter of fluoridation of the Thames Water supply as part of the 2015 Ten Year Plan and will consider the matter again, if appropriate, when the outcomes of the South Taranaki District Council judicial review are known.*

2.4 2014/15 Annual Plan submissions

The Council received three submissions to the 2014/15 Annual Plan consultation and at the deliberations meeting the following was noted and resolved:

Resolved

1. *That Council note the submission points and make no changes to the Annual Plan.*
2. *To review the matter of Fluoridation and levels of service through the 2015-2025 Long Term Plan.*

2.5 South Taranaki District Council High Court decision

Anti-fluoride group New Health New Zealand Inc sought a judicial review of the South Taranaki District Council's decision to add fluoride to Patea and Waverley's drinking water supplies.

The two main arguments presented by New Health New Zealand Inc were that:

- local authorities do not have a power to add fluoride to drinking water under the Local Government Act 2002; and
- fluoridation is inconsistent with the right to refuse medical treatment in the New Zealand Bill of Rights Act 1990.

The South Taranaki District Council's lawyer likened the situation to iodine in salt – not considered a medical treatment even though it has some health benefits. In the South Taranaki District Council's evidence it was noted that 48% of NZ's population drinks fluoridated water and that 22 of the country's 67 local authorities added fluoride.

The Attorney-General also defended the case.

On 7 March 2014, the High Court judge Rodney Hansen concluded that water fluoridation was not a medical treatment, and did not differ fundamentally from other public health interventions aimed at a wider population, such as water chlorination or the addition of

iodine to salt.

Justice Hansen noted that he was unable to make any findings on disputed areas of fact [regarding health benefits of fluoride in water]. People have a choice of whether to drink the water supplied to their boundary as it was easily filtered.

2.6 Latest health review report

In July 2014 review findings on the scientific evidence for and against the efficacy and safety of fluoridation of public water supplies (*Health Effects of Water Fluoridation: a Review of the Scientific Evidence*) was released. The review *"found that the levels of fluoridation used in New Zealand create no health risks and provide protection against tooth decay. Councils currently implementing this measure can consider it a safe and effective option."* The review was commissioned by Sir Peter Gluckman, the Prime Minister's Chief Science Advisor and Sir David Skegg, President of the Royal Society of New Zealand at the request of Auckland Council on behalf of several local councils.

The media release noted that *"The process for the review was rigorous. It included an extensive evaluation of the scientific literature by a panel of five experts, as well as one lay observer with local body experience. The resulting report was reviewed by three international experts and by the Director of the National Poisons Centre."*

It also noted that at recommended levels fluoride in water produced broad and continuing benefits for the dental health of New Zealanders which is a major issue for much of the New Zealand population, particularly in communities of low socioeconomic status.

The Society noted that the review did not address the broader philosophical issues that have surrounded fluoridation.

3 Issue

During the development phase of the 2015-25 Long Term Plan the Mayor's Plus group is providing guidance on policy matters associated with the plan, as per the Mayor's new powers from the Local Government Act. A recent discussion noted both the consultation topics identified to date and the change in the consultation material particularly that the Council only consults on the new consultation document not the full draft long term plan.

The latest amendment to the Local Government Act 2002 directs councils to a more streamlined consultation document that provides a fair representation of the matters included in the long term plan. Proposals included in the consultation document each need to have the objectives of the proposals, and how rates, debt, and levels of service might be affected.

The matter of fluoridation of a municipal water supply is considered by staff to be significant under the legislative criteria for determining significance within the Local Government Act as the matter is known both locally and nationally to be of high interest. Should the Thames Community Board and/or Council consider changing its stance on fluoridation then staff would recommend that a formal consultation process be followed. However a proposal to consider stopping or continuing with fluoridation does not meet the criteria to be a proposal within the long term plan. Fluoridation incurs small expenditure (once equipment has been installed) and a negligible rating impact on the water supply rate; has no impact on debt and is not considered a significant component to the level of service for the water supply.

Excerpt from Local Government Act 2002

93B Purpose of consultation document for long-term plan

"The purpose of the consultation document is to provide an effective basis for public participation in local authority decision-making processes relating to the content of a long-term plan by—

- (a) providing a fair representation of the matters that are proposed for inclusion in the long-term plan, and presenting these in a way that—*
 - (i) explains the overall objectives of the proposals, and how rates, debt, and levels of service might be affected; and*
 - (ii) can be readily understood by interested or affected people; and*
- (b) identifying and explaining to the people of the district or region, significant and other important issues and choices facing the local authority and district or region, and the consequences of those choices; and*
- (c) informing discussions between the local authority and its communities about the matters in paragraphs (a) and (b)."*

4 Discussion

The matter of fluoridation is contentious and often polarises communities - those in favour and those against. Any consultation also usually invokes more than the normal quota of submissions. The matter of fluoridation does not fit well with the consultation requirements for the long term plan because fluoridation has a negligible rating impact on the water supply rate; has no impact on debt and is not considered a significant component to the level of service for the water supply.

If formal consultation on the matter of fluoridation was conducted within the same timeframe as the long term plan there is a risk of overshadowing the proposals within the long term plan and diverting attention away from rating, service level issues and forward planning for the district as a whole. There would also be additional costs as the consultation material would have to be completely separate information and promotion would want to be separated.

The Council's 2013/14 Annual Plan resolution noted there would be circumstances for consulting on fluoridation in the long term plan, and that the matter may be looked at again, if appropriate, after the South Taranaki District Council judicial review. This report notes recent events and some of the circumstances that have changed for the long term plan consultation.

Options available to the Community Board include:

- No further community consultation in the short term on the matter of fluoridation given the latest information and efforts taken after the last formal consultation.

This option would require a recommendation from the Thames Community Board to the Council noting that consultation in the long term plan was not appropriate (to address the 2013/14 Annual Plan Council resolution and to request Council revoke the 2014/15 Annual Plan resolution to consult via the long term plan.

- Formally consult on the matter of fluoridation at a time independent of the long term plan - either prior to the long term plan alongside some other policies and the cemetery bylaw or afterward as either a sole consultation topic or with the next policies/bylaws to require consultation.

This option would require a recommendation to the Council noting that consultation in the long term plan was not appropriate (to address the 2013/14 Annual Plan Council resolution; request Council revoke the 2014/15 Annual Plan resolution to consult in the long term plan and request consultation at another suitable time.

5 Suggested Resolution(s)

That the Thames Community Board:

1. Receives the 'Fluoridation in Thames' report dated 10 November 2014.
2. Recommend that consultation is not undertaken on the matter of fluoridation for the 2015-25 LTP and;
3. Recommend that future consultation on the matter of fluoridation only be reconsidered if prompted by advice from the Ministry of Health.

OR

1. Receives the 'Fluoridation in Thames' report dated 10 November 2014.
2. Recommend that Council include the matter of fluoridation for consultation in the 2015-25 LTP