

Legal Liabilities of Fluoridation: Who Bears Them?



Fluoride Update Session
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Key Provisions of Safe Drinking Water Act, 2002: S.19 - Standard of Care as of January 1, 2013

- Councillors need to:
 - exercise the level of care, due diligence and skill of a reasonably prudent person, and
 - act honestly, competently and with integrity to **ensure the protection and safety of the users.**



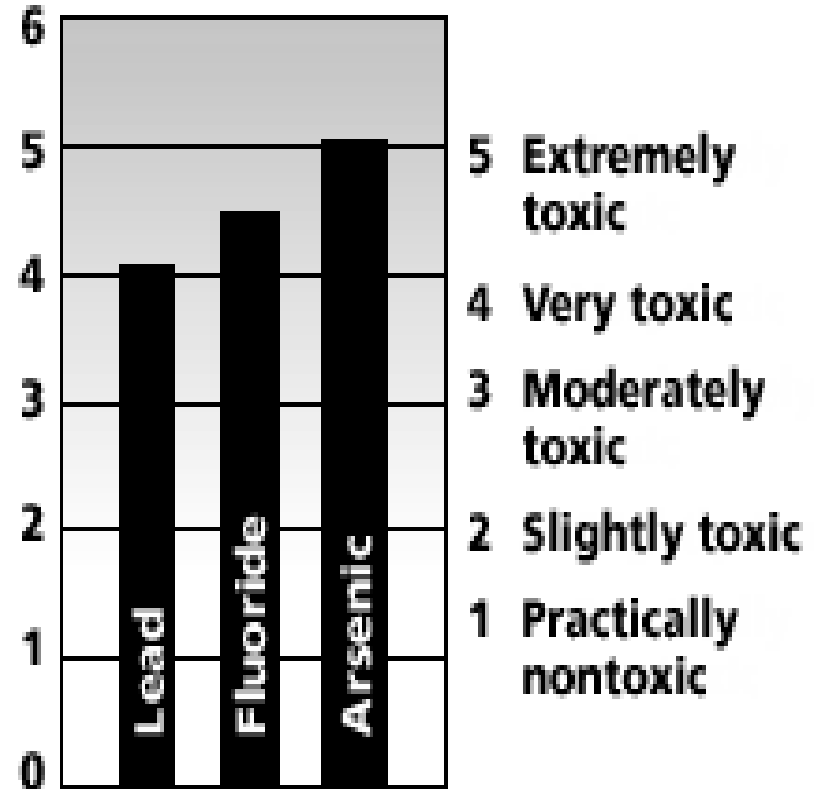
- SDWA Regulation 241-05 permits any resident to seek an MOE investigation on any contravention, enforcement, or appeal issue.

Key Provisions of Safe Drinking Water Act, 2002:

S.20 - Prohibition of Toxic Substances

- S.20(1) prohibits a substance in drinking water that:
 - is or could be harmful to human health,
 - does or could contravene a prescribed standard, or
 - interferes with normal water treatment operations.
- S.20(3) also clearly states that dilution is not a defence.
- Yet governments permit fluoride levels (HFSA) in water up to 150 times higher than lead (10 ppb) and arsenic (0 ppb).

The Three Most Toxic Elements



Key Provisions of Safe Drinking Water Act, 2002:

S.20 - Prohibition of Toxic Substances Cont'd

- On all 3 counts, S.20(1) prohibits HFSA is in our water, yet:
 - HSFA suppliers disclaim any liability for its purpose or use.
 - Example: “However, we make no warranty of merchantability or any other warranty, express or implied, with respect to such information, and we assume no liability resulting from its use.”
- Councillors ought not tolerate this contravention of S.20.



- Make the most recent HFSA hazmat delivery to each of the 4 water treatment plants the last ever.

Key Provisions of Safe Drinking Water Act, 2002:

S.20 - Prohibition of Toxic Substances Cont'd

- HFSA has never been tested in Canada or the USA for safety against NSF 60, the prescribed standard.
- Per January 2, 2007 NSF: “NSF International does not evaluate safety of chemicals added to water for the purpose of the treatment or mitigation of disease in humans ...”
- This means there is no scientific proof that HFSA is safe for us to drink.



- Per the spirit of SDWA S.19 and the letter of S.20, Council's prudent action is to end fluoridating Toronto's drinking water with HFSA.

Conclusions

- Using HFSA contravenes S.20 of the Act as it does not meet NSF-60.
- Serious doubts exist about the objectivity and credibility of advice from Medical Officers of Health:
 - They must promote and defend fluoridation per CMOH guidance.
 - They are not research experts on fluoridation.
 - They are on Ontario's Sunshine List as GO pays 75% of their salaries.
- Hence Council's decision must meet the S.19 due diligence test.



- We call, per the spirit of SDWA S.19 and the letter of S.20, on Council to be prudent by ending the fluoridation of Toronto's drinking water with HFSA.