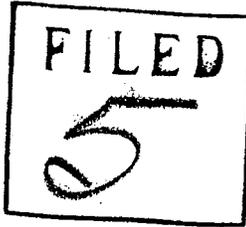


MUNICIPAL WATER SUPPLY:  
Use of fluoride:

The addition of fluoride to a city's water supply to make the fluoride content one part fluoride to one million parts water as recommended by the Division of Health of Missouri and the United States Public Health Service would not contravene any existing law of the State of Missouri.



July 14, 1954

Honorable Harold W. Barrick  
Prosecuting Attorney  
Pettis County  
Sedalia, Missouri

Dear Mr. Barrick:

This will be the opinion you requested from this office whether the addition of a given content of fluoride to a city's water supply, according to a standard fixed by the Missouri State Board of Health and the United States Public Health Service would contravene any existing law of Missouri. Your letter requesting the opinion states:

"I herewith request an opinion from your office on the following question:

"Would the addition of sufficient fluoride to a city's water supply to bring the fluoride content to the standard one part per million, as prescribed by the Missouri State Board of Health and the United States Public Health Service, contravene any existing law of the State of Missouri?"

"Thank you very much for your help in this matter."

Review of the Revised Statutes and Session Acts of Missouri discloses that there is no legislative enactment in force in this State either permitting or prohibiting the fluoridation of water.

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Section 192.180, V.A.M.S. 1949, provides that the Division of Health may make rules to insure a safe quality of water furnished by municipalities and others dispensing water to the public. The text of said Section 192.180 reads as follows:

"The division of health shall make and enforce adequate rules and regulations for the maintenance of a safe quality of water dispensed to the public and for the collection of samples and analysis of water, either natural or treated, furnished by municipalities, corporations, companies, or individuals to the public and shall fix the fees for any service rendered under the rules and regulations to cover the cost of the service."

Section 192.200 of the same revision of the statutes, requiring any municipality or other corporation, or company, or individual supplying water to the public (not exempted by the terms of the sections referred to in Section 192.220, V.A.M.S. 1949) to keep the division advised of its complete plan and facilities for furnishing water to the public, reads as follows:

"Every municipal corporation, private corporation, company or individual supplying or authorized to supply water to the public within the state shall file with the division of health a certified copy of the plans and surveys of the water works with a description of the methods of purification and of the source from which the supply of water is derived, and no source of supply shall be used without a written permit of approval from the division of health, and no new supplies shall be established or dispensed to the public without first obtaining such written permit of approval. Whenever an investigation of any water supply, plant, or methods used shall be undertaken by the division of health, it shall be the duty of the municipality, corporation, company, institution or person having in charge the water supply under investigation to furnish on demand to the division of health such information

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as that body considers necessary to determine the sanitary quality of the water being dispensed. Approval of new water supplies for municipalities must necessarily involve consideration of sewage provisions for safety to the public health."

It is provided by the statutes of this State that cities, towns and villages may, through boards of health or departments of health, or other agencies, as the case may be, by regulations or ordinances, prescribe the means of insuring a safe quality of water to be dispensed by such municipalities to the public.

The duties imposed by statute upon the Division of Health, respecting the establishment and maintenance of a safe quality of water dispensed to the public, are to promulgate and enforce such rules, and to analyze samples of the water supply to determine if the quality of the water supply is safe, and to issue the certificate, required by said Section 192.200, supra, concerning the plans and surveys of the water works, with a description of the methods of purification and the source from which the supply of water is derived, and to approve, by written permit, the dispensing of such water supply to the public.

Our research in the preparation of this opinion, including conferences with personnel of the Division of Health of this State, and also including correspondence with that Division and the Regional Office of the United States Public Health Service, discloses that neither the Division of Health of Missouri nor the United States Public Health Service have or maintain any fixed standard of content of fluoride added to a city's water supply to be followed by municipalities or other entities supplying water to the public. These units of public health do advise and recommend a content of fluoride to be added to public water supplies which must be approved by the Division of Health of this State, but they do not fix or establish a definite standard of content of fluoride for use in water to be dispensed to the public.

It appears that municipalities or other entities, in complying with the statutes requiring that a safe quality of water shall be dispensed to the public, may determine for themselves, individually, the amount of fluoride to be added to such cities' water supplies to bring such fluoride content to a standard that will meet

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with the approval of the Division of Health of Missouri and the United States Public Health Service. That standard is said, in your letter requesting an opinion, to be one part per million.

Statutory provisions providing for insuring a safe quality of water to be dispensed to the public and the duties imposed upon the Division of Health of this State incident to requiring a safe quality for public use, however, primarily have no relationship to the addition of fluoride to a water supply to be so dispensed, insofar as the use or fixing the content of fluoride as an additive to such water supply is concerned. The addition of fluoride to a water supply, as we are advised by both the Division of Health of this State and the Regional Office of the United States Department of Health, Education and Welfare Public Health Service, is designed and applied as a means of providing dental hygiene and for the control and prevention of dental caries, a dental disease said by the Division of Health to be very prevalent in Missouri.

We are advised by the Regional Office of the United States Public Health Service in a recent communication from that office to the Director of the Division of Health of Missouri that mean temperatures, humidity and general weather conditions vary sufficiently within the continental limits of the United States to have a definite bearing upon the fluoride concentration as an additive to municipal water supplies. That communication states:

"\* \* \* It is, therefore, impossible to make any general statement as to the optimum fluoride content to which each water supply should be fluoridated.  
\* \* \*"

The same communication, reciting the facts and result of the study of the treatment of dental caries, and in giving the opinion of that office as to the content of fluoride to be used in water supplies in the State of Missouri, further states:

"From a dental caries experience study in nine selected cities of Missouri, in which over 3,206 children were examined, high dental caries experience rates were found associated with the use of domestic

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waters low in fluoride (0.2 p.p.m.); low dental caries experience rates were found associated with the use of water supplies having an optimum fluoride content of 1.1 p.p.m. On the basis of evidence found in this extensive and well-planned study it is my belief that fluoridation to the extent of 1.0 p.p.m. is an ideal for the State of Missouri."

The recent written communication to this office from the Division of Health of Missouri, respecting the content of fluoride to be added to public water supplies, expressing the policy of that Division, states the following:

"In reply to your request concerning the dilution of fluoride recommended by the Division of Health in the fluoridation of public waters, we recommend that the amount of fluoride be controlled at 1 part fluoride per million parts of water."

It will, therefore, appear plain, we believe, that there is no standard of content of fluoride added to a municipal water supply fixed by the Division of Health of Missouri or the United States Public Health Service. The amount of fluoride used in the fluoridation of a municipal water supply rests with the municipalities themselves. The Division of Health of Missouri and the United States Public Health Service only make suggestions and recommendations as to the content of fluoride in municipal water supplies.

#### CONCLUSION

Considering the premises, it is the opinion of this office that since there is no standard of content of fluoride fixed by the Division of Health of Missouri or the United States Public Health Service or by the statutes of this State where fluoride is added to a municipal water supply to be dispensed to the public, it would contravene no existing law of the State of Missouri for municipalities to add to water supplies one part fluoride to one million parts of water, as suggested and recommended by the Division of Health of Missouri.

Honorable Harold W. Barrick:

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Mr. George W. Crowley.

Very truly yours,

JOHN M. DALTON  
Attorney General

GWC:irk