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CITY OF WINDSOR
COUNCIL SERVICES

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Mr. Charles Frank
E-mail: cdf@mnsi.net

RECEIVED

Dear Mr. Frank:

Thank you for your e-mail of March 21, 2012 regarding the Safe Drinking Water Act, 2002 and the use of fluoride in municipal drinking water. I appreciate the opportunity to clarify this issue for you.

Fluoridation of municipal water supplies is neither required nor prohibited by the Safe Drinking Water Act. It is up to individual municipalities to decide whether or not to fluoridate their drinking water. Regulations under the Act set out standards and operational requirements to help safeguard the drinking water. They include provisions related to fluoride for systems that fluoridate and for those that do not. Fluoride can occur naturally in some source waters. Drinking water system owners and operating authorities in municipalities who choose to fluoridate their drinking water must operate their drinking water systems according to these provisions.

The Act includes a statutory standard of care, coming into effect on December 31, 2012, for individuals who have oversight responsibilities for municipal drinking water systems, which can include municipal councillors. If municipalities decide to fluoridate their water, system owners and operating authorities who fluoridate in accordance with the regulations will not be considered to have failed to carry out their standard of care duties set out in the Act.

In addition, the Act does not require municipal councillors to be experts in drinking water treatment and distribution. Municipal officials who rely in good faith on the reports of qualified professionals, such as engineers, lawyers, or accountants, or authorities such as the Medical Officers of Health, Health Canada, or the World Health Organization, when making decisions with respect to their systems will not be considered to have failed to carry out their standard of care duties as set out in the Act.

More information about the statutory standard of care as outlined in section 19 of the Safe Drinking Water Act, 2002 can be found in the ministry publication, "Taking Care of Your Drinking Water – A Guide for Members of Municipal Councils", which is posted on our ministry website at www.ene.gov.on.ca under 'Resources'.

Again, thank you for bringing your concerns to my attention.

Yours sincerely,

Jim Bradley
Minister

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