

Water UK and the water companies

Firstly, the position of three water companies on water fluoridation.

1. WELSH WATER (Dwr Cymru)

"Dwr Cymru is committed to enhancing the safety and reliability of water treatment sites so as to reduce the risk to our customers and our employees through accident or incident. Introduction of an additional toxic and potent chemical onto waterworks sites is totally contrary to this policy."

In July 1993, Welsh Water sent the following fax to Professor Green of the British Dental Association;-

"We supply over one million tonnes of water to domestic, commercial and industrial customers each day. As a water undertaking we are licensed to carry out this activity under the provisions of the Water Industry Act 1991. Our primary duties are to supply water which is both "wholesome" and "fit for consumption", and in this regard we are closely regulated by the Drinking Water Inspectorate. Nothing in these provisions prevents us from fluoridating water supplies, but equally we have no duty to do so.

Fluoridation does nothing to improve the "wholesomeness" of water supplies; indeed fluoridation in excess of 1.5 mg to 1 ltr would render the water unwholesome, and would then attract enforcement action by the Secretary of State unless he considered the breach to be "trivial". More seriously, if an accident or incident occurred involving overdosing of fluoride, where customers sought medical attention for any symptom associated with the incident, it is our opinion that the Company, its Directors and employees are at risk of criminal prosecution for supplying water which is "unfit for consumption". This is a new criminal offence, created in 1989 after the experience of the Lowermoor incident where a bulk delivery of aluminium sulphate entered into the water supply.

Fluoridation of the water supplied by Dwr Cymru would require the addition of 1 tonne of fluoride ion per day. Hexafluorosilicic acid is a corrosive and toxic liquid containing 16% fluoride ion. Daily usage would be 6 tonnes per day; an annual offtake of over 2000 tonnes, delivered to and stored at 100 or more water treatment works.

Dwr Cymru is committed to enhancing the safety and reliability of water treatment sites so as to reduce the risk to our customers and our employees through accident or incident. Introduction of an additional toxic and potent chemical onto waterworks sites is totally contrary to this policy.

As regards to the wider interests of Dwr Cymru, our concerns for our customers, our shareholders and the environment are paramount. Despite the advantages claimed for water fluoridation we see widespread opposition amongst our customers, substantial extra risks to our shareholders and largely unknown effects on the environment which will ultimately receive almost all of the fluoride applied.

The Directors of Welsh Water PLC and of Dwr Cymru Cyf. have resolved that it is not in the interests of the company, its customers nor its shareholders to undertake further fluoridation of water supplies."

2. YORKSHIRE WATER

"There would be increased danger of water supplies being rendered unwholesome or unfit for human consumption and this is a risk to which Yorkshire Water is unwilling to expose its customers."

"... the postbag that we've received over several years now, thousands and thousands of letters asking us NOT to fluoridate the water has certainly helped us make our decision, because the thousands that we have received balance up with the letters that can be counted on the fingers of one hand, basically, asking us to fluoridate. So I think we know which way public opinion rides."

On April 12th 1995, the Company issued the following press release:

"YORKSHIRE WATER has decided that it will not agree to add fluoride to water supplies in its region.

The principal reason for this decision is that the Government are not prepared to offer an indemnity acceptable to the Company to cover the risks involved. In addition, fluoride does not enhance drinking water quality and Yorkshire Water is concerned that installing fluoridation plants and storing chemicals at our works would increase the complexity and risk associated with water treatment processes. There would be increased danger of water supplies being rendered unwholesome or unfit for human consumption and this is a risk to which Yorkshire Water is unwilling to expose its customers.

Yorkshire Water has informed Health Authorities and other interested bodies of its decision."

And on April 21st 1995, Yorkshire Water representative, Steve Painter said on Radio 4's 'You & Yours' program:

"Customer opinion is riding high at the moment and as much as anything else that has helped us make a decision. We decided that we'd better come down one way or the other, our customers would expect it of us, and the postbag that we've received over several years now, thousands and thousands of letters asking us not to fluoridate the water has certainly helped us make our decision, because the thousands that we have received balance up with the letters that can be counted on the fingers of one hand, basically, asking us to fluoridate. So I think we know which way public opinion rides."

After the interview, I managed to speak to Steve Painter on the telephone. He confirmed that customer opinion had compelled the Company not to fluoridate.

3. SEVERN TRENT

This water company takes a different attitude to fluoridation. Responsible for the Midlands area of England, Severn Trent fluoridates more water supplies than any other water company.

Most fluoridation schemes in the Midlands commenced before the privatisation of the water industry and Severn Trent inherited such schemes without giving a great deal of interest in the problems that would ensue.

NB. A few schemes have started up since privatisation but they were subject to existing pre-privatisation contracts.

Severn Trent have therefore taken it upon themselves to do one of two things. They could either terminate all their schemes or maintain the status quo. There has been no indication that Severn Trent want to even consider an end to fluoridation and have decided to rely entirely upon propaganda, and their strength as a highly profitable monopoly, to scare off potential litigants.

WATER UK

Quote: "Water UK is the trade association of the UK's water industry. It represents English and Welsh companies and Scottish and Northern Irish water operators."

On the 13th July, 2000, Water UK outlined their views on water fluoridation (my comments in red):

FLUORIDATION: THE INDUSTRY POSITION 13/07/2000 Fluoridation of Water Supplies

Water UK's aim is to ensure that:

- the present legislative position is recognised as unsatisfactory;
- if the Government wishes to promote fluoridation there should be a change through primary legislation such that;
- if the Government, Health Authorities and customers so wish, water companies can be required to increase the fluoride content of the water they supply, and
- Water companies should be more willing to champion the rights of the consumer. Instead they clearly indicate they do not want the responsibility. A clear cut case of cowardice.
- companies positions in respect of their operating arrangements, costs and indemnities are properly safeguarded

Response: Not only do they want to shirk their moral responsibility towards their customers, they also want to be insured against litigation. If the water companies KNOW there is a risk of litigation, they will also be aware of the risks associated with water fluoridation.

Fluoride as a health issue

- Water operators have a primary duty to provide a sufficient and wholesome supply of water
- Response: Now they compound their hypocrisy. On one hand they say they have a "primary duty" to supply wholesome water but on the other they say they are willing to take risks with their customers health.*
- The decision whether to fluoridate a water supply should be entirely a health issue. Health professionals should be the only people in a position to make a decision about public health measures

Response: Tooth decay is not strictly a public health issue in the way it is laid out in this argument. If tooth decay was a serious contagion and fluoridating water supplies was considered the best way to stop the spread of this 'disease', then the public health issue would have to be considered. But tooth decay is not contagious, it is the cause of specific individuals having poor diets and not taking sufficient care of their teeth. Public health officials, who are often misinformed or misguided by Government propaganda, should NOT be trusted with this issue. IT IS THE CONSUMER WHO SHOULD HAVE THE FINAL SAY ON WHETHER OR NOT THEY WANT TO BE MEDICATED.

- Water operators are in effect contractors in the arrangement, who can be required to use the water supply network to deliver a product on behalf of the relevant local Health Authorities

Response: This is confirmation that the water companies are well aware that water supplies will be used to deliver medication to their customers in uncontrolled doses (depending on how much each customer drinks each day).

- The decision whether to fluoridate a water supply should lie with the health authority. The current discretion on water operators whether to accede to an application from a Health Authority should be removed

Response: This just adds insult to injury.

- However there should be absolute clarity in the decision making process, and the respective roles and responsibilities of the Health Authorities, national Government and water operators

Decision making

- Whilst Health Authorities are the only bodies qualified to decide on the merits of fluoridation schemes we suggest that:

This is an outrageous assumption. There are much better informed organisations who are naturally better qualified to advise on water fluoridation.

- The decision making process must be absolutely clear
- The process should include improved provision for consulting with the population to be affected
- There should be a model consultation process agreed at the national level. Whilst the water industry should have an input to the design of the model process, (which may also include local government) it should not play a part in the consultation itself

Rather vague. Having indicated they do not want the responsibility for exposing their customers to water adulterated with toxic residue, the water companies indicate they are concerned enough to want to be involved in the decision making process. But to what degree?

- A parallel consultation between the Health Authority and water operator should take place, to ensure that fluoridation plant installation is to the standards of the water operator
- Subject to the results of the consultation with the water operator the final decision should be taken by the Health Authority in public and in a transparent and understandable way

The water companies reinforce their contempt for democratic opinion and the right for individuals to refuse to receive medication via their water supply.

- Health Authorities requiring fluoridation schemes should nevertheless be required to liaise with water operators to ensure that the present and future operations of the water operator are not compromised through the fluoridation of the water supply

○ **Public Relations**

- The industry requires the support of public relations work led by Government and Health Authorities to make it absolutely clear who 'owns' (the Government, Health Authorities, or both) the issue of fluoridation

Nobody "owns" the issue of water fluoridation. How stupid and ignorant can you be? 'Ownership' of such an issue implies the willingness of the water companies to accept dictatorship from the State.

- The industry's stance must remain neutral but it will provide information to customers and organisations as appropriate on the technical issues of fluoridating water supplies
- The Health Authorities must take the lead in producing information on areas covered by fluoridation agreements and answering general enquiries and complaints from the public

Indemnity

Health Authorities must be responsible for all costs incurred by water operators as a consequence of the decision to implement a fluoridation scheme including:

- Costs of all works and plant required to fluoridate and the ongoing costs of operating and maintaining plant to nationally agreed standards and monitoring costs
- Costs of management time and lost opportunity costs
- Training of personnel, Health and Safety issues etc
- Full legal indemnity - ie absolute indemnity on civil liability and indemnity on strict criminal liability as far as public policy allows

Yet further acknowledgement of the risks associated with water fluoridation.

- In the event of bulk supply, common carriage or cross border supply the costs to de-fluoridate should also be recoverable
- Supplying water to customers who cannot for any valid reason drink water which is fluoridated

Now they admit that some customers cannot tolerate fluoride!

- The action of customers and others opposed to fluoridation (including the costs of debt recovery)

They also recognise that there is opposition to fluoridation.

- The industry also requires an undertaking from the Department of Health and DETR to provide technical help to resist claims from customers, even though the Health Authorities are primary movers
- Indemnities should remain, even if fluoridation proposals are withdrawn

○ **Maintaining operational flexibility**

- Operators are increasingly integrating supply systems to maintain reliable and efficient operations. This makes it increasingly difficult to implement fluoridation on a piecemeal basis
- Operators must maintain the flexibility to supply water from a particular source to different areas as the needs arise. This may entail suspension of fluoridation of supplies in some circumstances
- Operators must be able to supply fluoridated water to normally non-fluoridated areas on the basis of operational contingencies without incurring any liability

In the section on indemnities, they ask for any costs associated with de-fluoridating "cross-border" water supplies. In this section they ask for permission to fluoridate "normally non-fluoridated areas". Bizarre!

- The introduction of a fluoridation scheme must not operate as a barrier to development of competition in the water industry
- Need a model agreement.

Code of Practice on technical aspects

- The industry needs to be confident that the Code of Practice on the Technical Aspects of Fluoridation of Water Supplies reflects best practice based on up-to-date knowledge
- We suggest that the current code of practice be withdrawn and replaced by:

i) a DWI/WO/SO guidance letter setting out:

a) the roles of the different agencies and water operators

b) chemicals and specifications (linking to current drinking water regulation 25)

c) dosage and allowable tolerances

d) monitoring (validation and sampling regime over and above that required in the water quality regulations)

and

ii) an industry code of practice setting out principles including:

a) a commitment to the highest operating levels and the use of failsafe equipment

b) storage and handling of chemicals

c) injection process

d) control of dose

e) monitoring

f) maintenance

g) reporting requirements to Health Authorities

h) Health and Safety

And there's more ...

Water UK emphasised their determination to sell-out their customers by writing a press release on the 5th October, 2000 - the day BEFORE the publication of the final report of the NHS/CRD review of water fluoridation:

"The new report on fluoridation of public water supplies, published by York University today (6 October), will be read with great interest by the Government, health professionals, pressure groups and the water industry.

Now the question is: will Ministers use the findings to change a law which all sides acknowledge has brought this important issue to a frustrating impasse?

The offending legislation the Water (Fluoridation) Act 1985 made Health Authorities responsible for deciding if water supplies should be fluoridated, but crucially also gave water operators discretion on whether to accept an Authority's application to proceed.

Interestingly, on the Water UK web-site the following day appeared another statement which included the following remark (with reference to the 1985 Water Fluoridation Act):

"There is much to sort out, but the key priority will need to be removing the water company discretion by reforming an Act which has proved itself a classic law of unintended consequences."

Water UK are keen for a change in the law which removes the discretion of water companies to refuse applications for fluoridation schemes. But to use the language "unintended consequences" is a possible misinterpretation of what happened in 1985.

When the Water Fluoridation Bill was rushed through Parliament using "shoddy" tactics in 1985, the Government will have realised that responsibility for water fluoridation should be in part(at least) with the water companies and this is possibly why they were given discretion. In other words, the Government wanted to 'wash their hands' of at least part of the responsibility for poisoning the Nation.

Consequently, if the water companies had the right to refuse new fluoridation schemes BUT did not exercise that discretion, then they became more responsible for their actions. We should therefore assume that the "unintended consequences" were perhaps not 'unintended' after all.

As a further example of the Government's desperation and underhand intentions, an 'inadequate' indemnity was offered to the water industry should any company, or companies, be sued for damages. The water industry was suitably unimpressed by this offer.

Will there ever be a conclusion?

Since 1985, this 'tennis game' has persisted and failed to provide a conclusion. Government presses the water industry to fluoridate. The water industry says it does not want the responsibility. By legally removing the water industry's right to refuse fluoridation means that responsibility for fluoridation is firmly in the hands of the State. But this will not happen, and so the 'game' continues.

As for passing the buck to the Health Authorities, both the water industry and government identify this possibility as a solution to their problems. Sufficiently detached from central government and independent of the water industry, the Health Authorities ultimately become the 'fall guys'. Health Authority officials can take full responsibility for fluoridation and when it all starts to go wrong, then perhaps conveniently resign without being held accountable for their actions. It's happened before, everyone blames everyone else, the issue becomes confused and nobody ends up taking responsibility.

This is possibly why the water industry is keen to nominate Health Authorities. They know the Government will not want to take responsibility for fluoridation and therefore have suggested this 'third way'.

Nobody should be left in any doubt about the fear, confusion and contempt for natural justice which is so apparent in Water UK's statement.

Water UK has shown itself to be a supporter of water fluoridation through its opinions, and in some cases, the actions of some of its members. As a consequence, they are not in any position to make any recommendations and especially on behalf of those water companies who have already expressed their opposition to water fluoridation.