



133 Molesworth Street  
PO Box 5013  
Wellington 6140  
New Zealand  
T+64 4 496 2000

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James Denyer  
Mayor  
Western Bay of Plenty District Council  
[REDACTED]

Ref. H2023030294

Tēnā koe James

Thank you for writing on 19 July 2023 regarding community water fluoridation (CWF).

As you are aware, in July 2022 the former Director-General of Health issued a direction to Western Bay of Plenty District Council to fluoridate the Athenree and Wharawhara drinking water supplies. I would like to thank Council officers for their work with Manatū Hauora to progress implementation to the point where in principle approval has been given for funding from Manatū Hauora for the cost of the capital works to fluoridate the two water supplies.

You have advised that submitters on your annual plan 2023/24 have raised a range of concerns regarding CWF. These concerns include the safety and ethics of CWF, funding for CWF, and why Western Bay of Plenty District Council was directed to fluoridate some but not all of its drinking water supplies.

The World Health Organization and other international health authorities have endorsed CWF as an effective health measure for the prevention of dental decay. Extensive research carried out around the world, including in Aotearoa New Zealand, has established that CWF is safe and effective. In 2014, a comprehensive report ([www.royalsociety.org.nz/assets/documents/Health-effects-of-water-fluoridation-Aug-2014-corrected-Jan-2015.pdf](http://www.royalsociety.org.nz/assets/documents/Health-effects-of-water-fluoridation-Aug-2014-corrected-Jan-2015.pdf)) was published by the Royal Society Te Apārangi, prepared jointly with the Office of the Prime Minister's Chief Science Advisor (OPMCSA). The report reviews the substantial body of scientific evidence on the fluoridation of public drinking water supplies. The report concluded that there are no adverse health effects of any significance arising from fluoridation at the levels used in Aotearoa New Zealand.

In June 2021, the OPMCSA released an evidence update on CWF ([www.pmcsa.ac.nz/topics/fluoridation-an-update-on-evidence/](http://www.pmcsa.ac.nz/topics/fluoridation-an-update-on-evidence/)). The evidence update confirmed the findings of the 2014 report by the Royal Society Te Apārangi and the OPMCSA.

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You've asked about the ethics of CWF. The Ministry of Justice advised the Attorney-General that the Health (Fluoridation of Drinking Water) Bill as introduced was consistent with the New Zealand Bill of Rights Act 1990.

In addition, in June 2018, the Supreme Court considered New Zealand Bill of Rights Act issues in the decision *New Health New Zealand Inc vs South Taranaki District Council*. In that case the court majority ruled that the addition of fluoride to drinking water was a justified limitation on the right to refuse medical treatment.

You refer in your letter to concerns that have been raised about funding CWF. As you'll know, Manatū Hauora has made funding available for the capital costs of introducing CWF to the Athenree and Wharawhara drinking water supplies. If I decide to issue further directions in relation to your other drinking water supplies, it is likely that any compliance dates would be after June 2026, when the water entities are due to be established as part of the Government's affordable water reforms. The new water entities will be responsible for the costs of implementing any future directions to fluoridate.

You have asked why Western Bay of Plenty District Council was directed to fluoridate some but not all of its drinking water supplies. When deciding which drinking water supplies to consider for a direction to fluoridate, I took into account a range of factors. These included the size and needs of the affected population, whether the capital costs of fluoridating could be met from the funding available to Manatū Hauora, and the anticipated timeframe for implementing fluoridation. As you will be aware, in November 2022 I informed you that I am now considering whether to issue a direction to fluoridate the Muttons, Pongakawa, Ohourere, Youngson Road, Tahawai and Waihi Beach water supplies.

Finally, you have asked if there is a process to seek an exemption from the direction to fluoridate issued to Western Bay of Plenty District Council in July 2022 by the previous Director-General of Health. I am not able to grant an exemption and it would be inappropriate to revoke or amend the direction to fluoridate provided to Western Bay of Plenty District Council. Given the established evidence on the efficacy and safety of CWF, I consider the fluoridation of Athenree and Wharawhara to be an important initiative to improve the oral health of your communities. For further information on the rationale for issuing the direction, please see the direction letter.

[www.health.govt.nz/system/files/documents/pages/direction\\_letter\\_wbop.pdf](http://www.health.govt.nz/system/files/documents/pages/direction_letter_wbop.pdf)

Thank you for your invitation to Manatū Hauora to come and speak to your Council on the matters raised by members of your community. Unfortunately, we are unable to do so, however, I trust their concerns have been addressed by this letter.

If you have any further queries please contact my team at [fluoride@health.govt.nz](mailto:fluoride@health.govt.nz)  
Manatū Hauora looks forward to continuing to support your Council to introduce  
fluoridation in the Athenree and Wharawhara water supplies.

Nāku noa, nā



Dr Diana Sarfati  
**Director-General of Health**  
**Te Tumu Whakarae mō te Hauora**