

Community Water Fluoridation, Back in the Courts: Applying Public Health Law to Improve Oral Health

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Introduction

- Community water fluoridation is one of the ten public health achievements of the 20th century.
- However, the debate over community water fluoridation continues in the courtroom despite overwhelming scientific support.
- To overcome this litigation challenge, this research is designed to
 - identify the major subject matter and legislative tenets of community water fluoridation regulations;
 - assess the successes and failures of community water fluoridation laws, legal reforms, and legal challenges; and
 - describe the major variables associated with the success or failure of efforts to modernize community water fluoridation laws.

A web-accessible, searchable database (preliminary structure)

Pre-Litigation Tactics

- Anti-Fluoridation campaigns
- Public hearings & Influencing public opinion
- Threats of litigation

Procedural Challenges

- Preliminary Injunctions
- Preemption
- Improper regulator/ procedure
- Abuse of municipal authority
- Petitions, Initiatives & Re-votes
- Push for FDA approval

Substantive Challenges

- Unnecessary, unsafe, wasteful
- Unlicensed practice of medicine/ compulsory medication
- Due process violations

Political/ Legislative Challenges

- “Pure Water” Bills
- Defeating or rescinding bills in legislature
- Referenda (misleading language)



Implications for Policy

- The project is specifically designed to address a major information gap regarding public health laws, their reform, and subsequent changes in public health regulations, organizations, or programs.
- Through dissemination of legal “best practices” for community water fluoridation, this project will increase the legal competencies of dental public health advocates, providing improved resources to support efforts to apply law as an effective tool for oral health.

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