



## Evidence shows Selectmen have oversight responsibility for fluoride in Shrewsbury's drinking water

Bryan Moss

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To: selectmen@shrewsburyma.gov

Cc: Kevin Mizikar <kmizikar@shrewsburyma.gov>, drowley@shrewsburyma.gov, Valerie Clemmey <vclemmey@shrewsburyma.gov>

Dear Board of Selectmen (Water Commissioners),

Please include this email under the correspondence section of the BOS 03/10/20 Agenda.

In response to the discussion at the 02/25/20 BOS meeting, the BOS said that the BOH has the authority and oversight responsibility for fluoride in Shrewsbury's water system per the state law.

### BOS 02/25/20 Meeting

- "I like to suggest that I work the manager and draft a letter to Mr. Moss that **the Board of Health is the authority or has the authority oversight responsibility for fluoride in the water system per state law** and it's our understanding that the Board of Health has denied this request in the past so I think we're kind of at an impasse where it's not our jurisdiction and the Board of Health believes that this is not necessary and I think we're just going to keep going around with it." - **Shrewsbury BOS/Water Commissioner chair, 02/25/20**

However, there is no evidence to support that claim. If you read the state law it only grants the BOH one specific authority and that is to 'order the upward adjustment of the fluoride content of the water supply' - that is it, nothing more.

### MA General Law - TitleXVI - Chapter 111 - Section 8C

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVI/Chapter111/Section8C>

- "Such board of health, after making such inquiry and other use of the consulting services of the department or elsewhere as it chooses, shall, if it considers doing so in the best interest of the inhabitants of the city, town or district within its jurisdiction, **order the upward adjustment of the fluoride content of the water supply** available for domestic use in that city, town or district."

However, the Shrewsbury BOH has never ordered the upward adjustment of fluoride in Shrewsbury's water because Town Meeting had already done that in 1952 when it voted to allocate the funds (and oversight responsibility) to the Water Commissioners (aka BOS).

### Shrewsbury Annual Report 1952

<https://sustainableshrewsbury.files.wordpress.com/2016/05/article-23-vote-for-equipment-for-addition-of-sodium-fluoride.pdf>

- "that the Town vote to purchase, install and maintain equipment for adding sodium fluoride to the water supply and **that the sum of \$4,000.00 be raised and appropriated to the use of the Board of Water Commissioners therefor.**"

Therefore, the BOH does not have the oversight responsibility for fluoride in Shrewsbury's water supply. This is confirmed by the following BOH statement made in 2016 which directly contradicts the BOS's claim that it is the BOH's responsibility.

### BOH 08/31/16 Meeting:

<https://youtu.be/ATnx-7E99w4?t=1200>

- "In the case of fluoridation, as you know, the original decision to fluoridate Shrewsbury's water came from town meeting and so town meeting will again decide this issue so it's not specifically the Board of Health that decides whether or not to do it. If for some reason town meeting decided to end fluoridation, the Board of Health could bring it back but it will be subject to a referendum; therefore **it's not really directly coming**

**from the Board of Health per se it's really coming more from town meeting and Shrewsbury residents." - Shrewsbury BOH chair, 08/31/16**

To say that the state law gives the BOH full authority on all matters related to fluoride in Shrewsbury is incorrect and not based on evidence. I have provided evidence that the BOS has oversight responsibility given the funds allocated to the water commissioners since 1952. If you provide a letter stating that adding fluoride to the drinking water supply is not under the BOS/Water Commissioners jurisdiction but rather under the BOH's jurisdiction, please know that claim is not supported by evidence.

Based on the evidence provided, the BOS/Water Commissioners remain responsible and accountable for adding fluoride to the water supply as they have been since 1952.

Thank you,  
Bryan Moss  
Town Meeting Member, Precinct 8