

Jurisdictional Considerations to reintroducing fluoridation to the water treatment process

History of Fluoridation of Drinking Water in Calgary

Calgary first held a plebiscite concerning the issue of adding fluoride to drinking water in 1957. Fluoridation went unsupported for several years before being voted in favour of in 1989. In response to the plebiscite, Fluoridation Bylaw 37M89 was passed.

Calgary voted in favour of fluoridation, in a subsequent plebiscite held in 1999. In 2009, a Notice of Motion to repeal the existing Fluoridation Bylaw was brought before Council. In February of 2011, Council repealed the Fluoride Bylaw. Thereafter, Administration applied to the Province to receive an amendment to their Water Operating Approval.

Municipal Government Act (MGA) and Fluoridation

Today, the MGA does not contain any reference to fluoride or plebiscites. Under current legislation, a plebiscite does not need to be conducted before a bylaw concerning the addition of fluoride into municipal drinking water may be passed. Further, unlike the 1980 version of the MGA, today's legislation does not require that a municipality pass a bylaw to authorize the addition of fluoride, although Council may do so since Council can act by bylaw or resolution.¹

Provincial Drinking Water Regulation

Today, drinking water (including fluoride content) is regulated by Alberta Environment and Parks under a few regulations, codes of practice and other standards and guidelines. Under the *Environmental Protection and Enhancement Act (EPEA)*, the Activities Resignation Regulation, Approvals and Registrations Procedure Regulation, Potable Water Regulation and Environmental Appeal Board Regulation all work together to regulate drinking water.

EPEA: Under EPEA and the applicable regulations, the City requires an approval for the operation of a waterworks system. Under the Potable Water Regulation, any fluoridation must comply with the applicable guidelines. Therefore, any fluoridation must be in accordance with the City's Water Operating Approval and the applicable fluoridation guidelines.

¹ MGA, s. 180.