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ATTENTION PAIGE DICKERSON, PENINSULA DAILY NEWS

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Port Angeles citizens who want to vote on local initiatives have a new friend!

An association named Fluoride Class Action based in Lynnwood, WA, represented by attorney James Robert Deal II, today filed a motion to participate as a friend of the court ([Amicus Curiae](#)) before the state Supreme Court regarding two proposed City of Port Angeles initiatives.

Fluoride Class Action (FCA) opposes using public water systems to medicate people. See their web site: <http://fluorideclassaction.wordpress.com>.

Fluoride Class Action asks the state Supreme Court to review and reverse a decision of the Appeals Court, which denied Port Angeles citizens the right to vote on two local initiatives.

FCA's action supports the position of two Port Angeles initiative committees, Our Water/Our Choice! and Protect Our Waters, in asking that the state Supreme Court overturn Appeals Court rulings that the initiatives were invalid. The Appeals Court ruled first that the initiatives were administrative in nature and second that they exceeded powers granted to citizens for local initiatives. Initiatives may not be applied to powers expressly delegated to a city council, only to powers granted to citizens of the corporate city. The Appeals Court decided that the city council and not the corporate city is delegated to operate the city water system and the initiatives attempt to limit that power. As a result, if this decision is allowed to stand, the right to determine whether drugs may be added to a municipal water system is left solely to the local legislative body, here the City Council, and is beyond the local initiative power.

In the absence of applicable cases in this state, FCA points to Supreme Court decisions in Ohio and in Iowa that a regulation involving fluoridation would not unreasonably interfere with the operation of a municipal utility (Ohio), nor would a statute authorizing a city to operate water works be construed to authorize fluoridation (Iowa).

FCA addresses various errors inherent in the decision of the Appeals Court. One of the more important ones, that the two initiatives are administrative, means that unless the Supreme Court overturns the decision, citizens throughout the state will lose initiative and referendum rights to vote not only on fluoridation but also on whether any other drugs can be placed in their drinking water without even a local vote. The Appeals Court ruled that because this state has comprehensive regulations on water additives, further regulation of these additives is now administrative. But fluoridation is the only medication mentioned in the applicable state law and the initiatives address all drugs, thus creating new law, an action which is typically legislative in nature. Furthermore, judicial decisions are available in other states that a local decision to add or not to add drugs to municipal water supplies is inherently a legislative decision.

Fluoride Class Action takes the position that within the next few years class action law firms will file suit against water districts and local governments for actual harm caused by water fluoridation. When fluoride is ingested, it gradually causes a host of problems all of which are made clear in a report done by the National Research Council, an arm of the prestigious National Academies of Science. This report, which was commissioned by the Environmental Protection Agency, may be accessed at <http://www.nap.edu/catalog/11571.html>.