

# WATER ADDITIVES SAFETY ACT

**WHEREAS** substances intended to treat or prevent human illness (including tooth decay) are by definition drugs which are mandated by Congress to be regulated by the Food and Drug administration (FDA).

**WHEREAS** the FDA as well as the Washington State Department of Health and WAC 246-895-070 all require full disclosure of all components of drugs, which the City has yet to reveal for the formulation currently being added to its drinking water,

**WHEREAS** under Article 11 SECTION 11 of the State Constitution, RCW 35.88.020 and RCW 35A.70.070(6). The City Of Port Angeles may prescribe what acts shall constitute offenses against the purity of its water supply and exercise control over water pollution, and RCW 70.142.010 (2) expressly states that State and local standards for chemical contaminants may be more strict than the federal standards,

**WHEREAS** the citizens of Port Angeles, taking great pride in the pristine water of this area, desire to enact the following ordinance to ensure the healthfulness and aesthetic qualities of its water for all of its citizens including infants, the infirm and elderly.

Now, therefore we hereby ordain that the City of Port Angeles add to the Municipal Code:

## SECTION 1

**Intent:** A public drinking water supply is a public resource essential to life and health. Drinking water additives intended to make water safe from microbiologic contaminants and to treat water to control corrosion and other physical properties of the water are accepted. However, the deliberate addition to drinking water of substances intended to treat the mind or body of persons in an entire population is highly controversial. This ordinance requires that any substances which are added with the intention of treating people, not the water, must meet existing health- based standards which protect the entire population, including infants, the infirm and the elderly over their lifetime.

## SECTION 2

### Definitions:

(A) Substance: A substance may be organic or inorganic in nature and includes drugs as defined in RCW 69.04.009, and RCW 69.41.010(9).

(B) Contaminant: A contaminant is a chemically or physically detectable quantity of any substance other than the named substance which is present in a concentrated formulation intended to be dispensed into drinking water. As used here, the term includes all components including by-products from source materials and their manufacturing process.

(C) "Contaminated with filth" is a term applicable to contaminants taken singly or as a group which are present in a product intended to be added to drinking water and which are present in quantities which would, when dispensed at the manufacturer's Maximum Use Level, allow the final consumer-ready product to exceed for one or more contaminants the Maximum Contaminant Level Goals ("MCLGs") as published by the U.S. Environmental Protection Agency ("EPA") pursuant to the Federal Drinking Water Act, 42 USC300fet.seq.

## SECTION 3

(A) A person or entity shall not add any substance to a public drinking water supply with the intent to treat or affect the physical or mental functions of the body of any person or which is intended to act as a medication for humans unless the manufacturer, producer, or supplier provides proof that the substance is specifically approved by the United States Food and Drug Administration ("FDA") for safety and effectiveness with a margin of safety that is protective against all adverse health and cosmetic effects at all dosage ranges consistent with unrestricted human water consumption.

(B) It is prohibited to add to a public water supply any substance which is contaminated with filth. No component of the additive mixture shall cause the drinking water to exceed the "MCLGs" determined for that component.

(i) For purposes of determining the specific contaminant contribution under paragraph (B), each shipment of the substance must include its own certificate of independent analysis provided by the manufacturer, producer, or supplier. This certificate must reveal all detectable components in the specific batch of product pursuant to WAC 246-895-070(9). Analysis of the contaminant

contribution of each component shall be based on conventional tests made of the undiluted product at the application rate stated by the manufacturer to be the Maximum Use Level. The substance shall not be added to drinking water if it contains any contaminant at a concentration that will cause the drinking water to exceed the MCLG, which is the scientific health-based point of safety established by the U.S. EPA for lifetime consumption of that contaminant in drinking water.

(C) The provisions of this ordinance do not apply to substances which are added to treat water to make water safe or potable PROVIDED that water treatment substances which contain fluoride in amounts sufficient to elevate levels of fluoride in the finished water by more than 0.1 parts per million above background levels shall not be exempted by this subsection.

#### **SECTION 4**

Violations of this ordinance constitute a public nuisance and violation of this ordinance shall be punishable as a gross misdemeanor under RCW 70.54.020.

#### **SECTION 5**

(A) To the maximum extent permitted by law, this ordinance takes precedence over any conflicting provisions in the laws regulations, resolutions, or other ordinances of the City of Port Angeles. It does not prohibit fluoridation provided the substance used for that purpose meets the approval of FDA and the stringent safety standards as prescribed herein.

(B) This ordinance is to take effect thirty days after certification of the election in which it was approved by the Port Angeles electorate. Additions of hexafluorosilicic acid solution to the municipal water supply will then cease until proof is publicly available that the substance meets all the criteria set by this ordinance

#### **SECTION 6**

If any provision, phrase, or part of this ordinance or its underlying legal basis, or the application to any person or circumstance is held invalid, the remainder of the provisions of this ordinance or the application thereof shall be given effect insofar as possible, and to this end the provisions of this Act are severable.