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Proposed Amendment to Regulations under the Medicines Act 1981 regarding Fluoride

Dear Susan

Thank you for inviting the New Zealand Medical Association (NZMA) to provide feedback to the Ministry of Health on its proposed amendment to the regulations under the Medicines Act 1981 regarding fluoride.

The NZMA is the country's largest voluntary pan-professional medical organisation with approximately 5,000 members. Our members come from all disciplines within the medical profession and include general practitioners, doctors-in-training, specialists, and medical students. The NZMA aims to provide leadership of the medical profession, and promote professional unity and values, and the health of New Zealanders.

We note that the proposed new regulation under section 105(1)(i) would state that: "*Fluoride-containing substances, including the substances hydrofluorosilicic acid (HFA) and sodium silico fluoride (SSF) are not medicines for the purposes of the Act when they are manufactured and supplied or distributed for the purpose of fluoridating community water supplies*".

We understand that the proposed amendment arose following the High Court dismissal of a claim seeking to prevent the fluoridation of drinking water on the grounds that the fluoride compounds used are medicines under the Medicines Act. The NZMA agrees that the proposed amendment

would have the effect of providing legal clarity that the fluoride substances currently used to treat drinking water are not medicines.

Accordingly, the NZMA is strongly supportive of the proposed amendment and its intended effect. We believe that the proposed amendment should help reduce the likelihood of future spurious attempts to use the legal system to constrain the fluoridation of drinking water in New Zealand. We are not aware of other fluoride-containing compounds used to treat community water supplies that should be named in the regulation. However, this is a highly specialised area and a matter best addressed by the relevant experts, including the Medical Officers of Health.

The NZMA has consistently been in favour of community water fluoridation for over 30 years. We know that fluoride has a protective effect against tooth decay and we know that community water fluoridation is the most effective way to reach the entire population, including those with poor oral health. We consider this to be a significant health equity issue – while everyone benefits from fluoridation of our water supplies, this is particularly so for lower socio-economic communities.

We also draw attention to the comprehensive report on community water fluoridation by the Prime Minister's Chief Science Advisor that concluded it is appropriate, from the scientific perspective, that fluoridation be expanded to assist those New Zealand communities that currently do not benefit from this public health measure – particularly those with a high prevalence of dental caries.¹

We hope that our comments on this proposed amendment are helpful and look forward to learning of the final decision on the proposed amendment following consideration by the Minister and Cabinet.

Yours sincerely



Dr Mark Peterson
NZMA Chair

¹ Health effects of water fluoridation: A review of the scientific evidence. A report on behalf of the Royal Society of New Zealand and the Office of the Prime Minister's Chief Science Advisor August 2014. Available from <http://www.pmcsa.org.nz/wp-content/uploads/Health-effects-of-water-fluoridation-Aug20141.pdf>