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14 February 2024

Ref: H2024034795

Chris Johnston
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Tēnā koe Chris

Response to your request for official information

Thank you for your request for information under the Official Information Act 1982 (the Act) to the Ministry of Health - Manatū Hauora on 30 December 2023, which follows on from your previous request (H2023033244 refers). Each part of your request is responded to below:

“1. Please clarify whether this Manatū Hauora you speak of is a legally distinct organisation to the MoH or the same organisation. Is the website www.MoH.govt.nz the official website for this Manatū Hauora and can I therefore rely on it for official information?”

Manatū Hauora is the te reo Māori name for the Ministry of Health, and is the same organisation. The official website for the Ministry of Health is www.health.govt.nz/.

“2. Now that the MoH has possession of this link it is now a Record under the Public Records Act held by an organisation that has received this OIA and is subject to the OIA. Please now answer my questions with respect to this standard contract.”

This part of your request relates to your earlier request for any documentation about contractual relationships with Watercare. This is refused under section 18(e) of the Act, as the information requested does not exist.

“3. Is the transfer of regulatory relationship something to do with what is colloquially known as “3 Waters?”

Full details of the regulatory reform can be found here: www.dia.govt.nz/Water-services-reform-archived-information, the later part of this reform was known as “3 Waters”. The transfer of regulatory ownership was undertaken through Taumata Arowai – the Water Services Regulator Act 2020: www.legislation.govt.nz/act/public/2020/0052/latest/whole.html, and the Water Services Act 2021: www.legislation.govt.nz/act/public/2021/0036/latest/LMS374564.html.

“4. Can you please:- Provide me with the document that details all the evidence used to set the MAV for Fluoride for the equivalent set of regulations that applied before 15 November 2021 - “Drinking-water Standards for New Zealand 2005 (revised 2018)”. I need a document for each year the regulations changed - even if the value for Fluoride did not change.

Prior to 2021, the Ministry of Health was responsible for setting maximum acceptable values in the Drinking-water Standards for New Zealand (DWSNZ). The Department of Internal Affairs is now responsible for administering the Water Services (Drinking Water Standards for New Zealand) Regulations 2022.

The Ministry of Health Drinking Water Quality Guidelines for New Zealand set out information on the health impacts of both biological and chemical substances found in water. Please refer to Chapter 10 (starting on page 498 of the PDF) which sets out information on chemical substances. Reference documents are included in the guidelines, and you can find the guidelines by searching on the Taumata Arowai website here: www.taumataarowai.govt.nz/home/guidance-and-resources/?TopicID=6&SupplyID=.

“5. Confirm that it was the MoH that did the due diligence, policy analysis and legislative drafting for these regulations from 2005 to 2018?”

Part 2A of the Health Act 1956 gave the DWSNZ the status of a legislative instrument, they did not become a regulation until 14 November 2022. Between 2005 and 2018 the Ministry of Health undertook the due diligence and drafting of the DWSNZ.

The “Drinking-water Standards for New Zealand” regulations from 2005 to 2022 deal only with maximum allowed values (MAVs), and do not specify any Minimum levels required.”

The DWSNZ set maximum allowable values for common microbiological and chemical substances likely to be found in drinking water to ensure its safety when supplied to the consumer.

“6. Can you please provide the basis of (and documents supporting) Ashley Bloomfield’s instruction to Auckland Council / Watercare to introduce additional Fluoride (a minimum) to the water supply. Copies of the correspondence internally within the MoH and any Auckland Council or Watercare officers is also required. On what legal basis was this done if the date was:

- Before 15 November 2021*
- After 15 November 2021”*

Attachment 1 sets out the Ministry of Health’s letter dated 15 December 2021, updating local authorities on community water fluoridation and next steps. The letter sought information from each local authority to assist with planning.

In response to the letter in Attachment 1, Watercare provided the attached summary information in December 2021 (Attachment 2). Please note the comments in the final column are now very out of date. Please also note that the water supplies highlighted in yellow are dual supply / private supply. Some information has been withheld under section 9(2)(a) to protect the privacy of natural persons.

The Health (Fluoridation of Drinking Water) Amendment Bill was passed in November 2021. The legislation enables the Director-General of Health to direct local authorities to fluoridate water supplies and set a compliance date. Prior to the passing of this legislation there was no power of direction.

In July 2022, the Director-General of Health directed 14 local authorities to fluoridate one or more water supplies. This link contains information from local authorities: www.health.govt.nz/system/files/documents/pages/binder_of_fluoridation_information_redacted_v5.pdf.

Further information on community water fluoridation can be found here: www.health.govt.nz/our-work/preventative-health-wellness/fluoride-and-oral-health/community-water-fluoridation.

“ 7. Is there a minimum amount of Fluoride recommended and on what clinical evidence (the published studies). If quoting a report from another health agency (eg WHO) then please quote the scientific studies that document references explicitly. I want to ensure we establish the actual studies and evidence - not just “they said it was true so we repeated it”.

The optimal level of fluoride in drinking water recommended by the World Health Organization to provide protection against tooth decay is 0.7 – 1.0mg per litre. This is the level recommended in New Zealand.

There is a body of evidence on the use of water fluoridation since the 1930s. The Office of the Prime Minister’s Chief Science Advisor (OPMCSA) examined the evidence regarding community water fluoridation in 2014, including the level that was optimum for oral health benefits. In 2021, the OPMCSA reviewed further evidence in an update of this review. You can find these reports here: www.pmcsa.ac.nz/topics/fluoridation-an-update-on-evidence/.

“8. Can the MoH Public Health team specifically answer whether this draft report - NTP Monograph on the State of the Science Concerning Fluoride Exposure and Neurodevelopmental and Cognitive Health Effects: A Systematic Review has been:

- 1 - Downloaded and viewed by anyone in the team*
- 2 - Critiqued by anyone in the team or sent out for review as part of due diligence and a duty of care*
- 3 - Filed in the MoH or Health NZ archives as a Record under the Public Records Act*
- 4 - Confirm that at least (1) and (3) has been done in answering this OIA, and the location / meta data of its storage (eg SharePoint library and tags).”*

The Office of the Prime Minister’s Chief Science Advisor’s 2021 evidence update considered an earlier version of the draft National Toxicology Programme report. Commentary on the draft National Toxicology Programme report is on page 25. Please see above link.

The Ministry of Health does not file information that is publicly available.

“9. Is the fluoride in drinking water supposed to have most of its affect topically on the tooth or by ingestion and entry into the blood supply to the tooth? What is the MoH’s official clinical position based on the evidence?”

The Office of the Prime Minister’s Chief Science Advisor’s 2021 evidence update discusses the effects and mechanisms by which fluoride provides oral health benefits. You can also find information on fluoride and its effects published on the Health New Zealand -Te Whatu Ora website here: [Fluoride | Health Information and Services](#).

“10. I also need to see the latest 3 documents that mention any liability for the MoH organisation or officers from enforcing a Public Health measure that causes damage to citizens.”

“11. Please provide any document that discusses whether compensation is required for end users from the mandated medication of their water supply.

“12. Does the MoH agree that compensation is appropriate where over regulation or aspirational mandated treatments are involved that interfere with private property/contractual arrangements? Why? Why not?”

These parts of your request are refused under section 18(e) of the Act, as the information requested does not exist. While the Act allows New Zealanders to ask for information from Ministers and government agencies, there is no requirement for agencies to create new information, compile information they do not hold, or provide or prove an opinion.

I trust this information fulfils your request. If you wish to discuss any aspect of your request with us, including this decision, please feel free to contact the OIA Services Team on: oiagr@health.govt.nz.

Under section 28(3) of the Act, you have the right to ask the Ombudsman to review any decisions made under this request. The Ombudsman may be contacted by email at: info@ombudsman.parliament.nz or by calling 0800 802 602.

Please note that this response, with your personal details removed, may be published on the Manatū Hauora website at: www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests.

Nāku noa, nā



Barbara Burt
Acting Group Manager, Public Health Policy and Regulation
Public Health Agency | Te Pou Hauora Tūmatanui

Appendix 1: List of documents for release

#	Date	Document details	Decision on release
1	15/12/2021	Attachment 1 - Letter to local authority CEs	Released in full
2	N/A	Attachment 2 - Spreadsheet from Watercare - Community Water Fluoridation questionnaire	Some information withheld under Section 9(2)(a) of the Act.

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15 December 2021

Tēnā koe

Further to the Ministry of Health's letter of 11 November 2021, I am writing to update you on implementation planning for the Health (Fluoridation of Drinking Water) Amendment Act 2021 (the Act) and seek information from you to assist with this.

Next steps

I expect to consider issuing directions to fluoridate from mid-2022 onwards and implementing these directions will take a staged approach. This will align with the significant reforms to the Three Waters infrastructure announced last month.

I encourage all local authorities with un-fluoridated community water supplies that service over 500 people to start fluoridation-related preparatory work now (a list of these supplies is attached as **Appendix one**), especially in areas with larger populations or that have poor oral health outcomes.

Please note local authorities do not need to wait for a potential direction from me to start fluoridating water supplies in their area. Community water fluoridation will substantially reduce rates of preventable tooth decay and it is widely recognised as one of the most important and proven public health measures to improve oral health

To support early adoption, the Ministry has a limited amount of capital works funding available for local authorities that are willing and able to begin the capital works to fluoridate by the end of 2022. The Ministry will provide more information about funding applications when it has received the information requested below. The Ministry will likely prioritise financial support for communities with poor oral health, or where there are disparities in oral health outcomes.

I recognise that there are some complex council-owned supplies across the country where it may not be feasible to fluoridate in a short timeframe. As part of the Three Waters reforms, new water services entities are due to be established in July 2024. These entities could be responsible for fluoridating these supplies (subject to any directions being issued). The Ministry and the Department of Internal Affairs will work together on how this will be managed as part of the asset management planning processes to establish the new entities. These processes will start next year.

The Ministry requests some information from you now

The Ministry is now seeking information on the fluoridation 'readiness' of local authorities, and any cost and planning pressures they face. This will allow the Ministry to better understand how implementation of fluoridation will be phased¹.

We ask that you provide the following information for each of your council-owned un-fluoridated drinking water supplies that service a population of 500 people or more:

- the status of your fluoridation infrastructure
- whether fluoridation capital works is underway or planned
- the expected date for completion of capital works (if relevant)
- the estimated capital works cost to fluoridate your supplies
- the budgeted capital works costs to fluoridate supplies included in long term plans or budgets
- the number of months required to fluoridate water supplies if a direction is issued
- other information useful for implementation planning.

Please also confirm the list of un-fluoridated supplies controlled by your local authority (see **Appendix one**) and provide the information above for any additional supplies that are not listed.

I request that you provide this information by completing and returning the attached spreadsheet by 11 March 2022 to fluoride@health.govt.nz. You can also use this contact email if you have any questions or would like to discuss matters further.

I look forward to working with you on this initiative to help improve the oral health of the communities you serve.

Nāku noa, nā



Dr Ashley Bloomfield
Te Tumu Whakarae mō te Hauora
Director-General of Health

Cc: Jon Lamonte, Chief Executive, Watercare
Colin Crampton, Chief Executive, Wellington Water
Bill Bayfield, Chief Executive, Taumata Arowai
District Health Board Chief Executives
Public Health Unit Managers

¹ This information is not being sought as part of my requirements under section 116G the Act. I will ask local authorities to formally provide comment on these provisions in advance of issuing directions regarding specific water supplies.

Local Authority- Water Supplier	Water supply (servicing population of 500 people or more)	What is the status of fluoridation infrastructure? (select an option)	Are fluoridation capital works underway or planned? (Yes/No)	Expected date for completion of capital works, if relevant (enter date)- ie: respond if answer to Column D was yes	Estimated capital works cost to fluoridate supply if a direction is issued (dollars)	Budgeted capital works costs to fluoridate supply included in long term plans or budgets (dollars and allocation year/s)	Estimated number of months that would be required to fluoridate water supply if a direction is issued	Name and contact details of key contact for Community Water Fluoridation	Any other comments
Watercare Services Ltd	Shakespear Regional Park								Auckland Council ans also a dual supply from WSL Fluridated network. Private supply - ADHB. However mostly supplied by Fluoridated WSL network. Dual supply.
Watercare Services Ltd	Greenlane Hospital								Capital works program could possibly be reduced if additional funding/resource is available.
Watercare Services Ltd	Helensville/Parakai	Not Installed	No		120,000.0	0	30/06/2024	s 9(2)(a)	Capital works program could possibly be reduced if additional funding/resource is available.
Watercare Services Ltd	Snells/Algies	Not Installed	No		270,000.0	0	30/06/2024	s 9(2)(a)	Capital works program could possibly be reduced if additional funding/resource is available.
Watercare Services Ltd	Waiuku	Not Installed	No		920,000.0	0	30/06/2024	s 9(2)(a)	Capital works program could possibly be reduced if additional funding/resource is available.
Watercare Services Ltd	Warkworth	Not Installed	No		120,000.0	0	30/06/2024	s 9(2)(a)	Capital works program could possibly be reduced if additional funding/resource is available.
Watercare Services Ltd	Wellsford/Te Hana	Not Installed	No		270,000.0	0	30/06/2024	s 9(2)(a)	Capital works program could possibly be reduced if additional funding/resource is available.
Watercare Services Ltd	Bombay	Not Installed	No		290,000.0	0	30/06/2024	s 9(2)(a)	Capital works program could possibly be reduced if additional funding/resource is available.
Watercare Services Ltd	Broadway Park, Newmarket								Private supply. However mostly supplied by Fluoridated WSL network. Dual supply.
Watercare Services Ltd	Huia Village	Not Installed	No		220,000.0	0	30/06/2024	s 9(2)(a)	
Watercare Services Ltd	Muriwai	Not Installed	No		290,000.0	0	30/06/2024	s 9(2)(a)	
Watercare Services Ltd	Auckland	Installed - in use							Not specific enough - is this Onehunga? Now added below. Added to spreadsheet by WSL.
Watercare Services Ltd	Onehunga	Not Installed	No		60,000.0	0	30/06/2024	s 9(2)(a)	Capital works program could possibly be reduced if additional funding/resource is available.

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982