

133 Molesworth Street  
PO Box 5013  
Wellington 6140  
New Zealand  
T+64 4 496 2000

19 December 2023

J Bruning

By email: fyi-request-24829-906d087b@requests.fyi.org.nz  
Ref: H2023033161

Tēnā koe

### **Response to your request for official information**

Thank you for your request under the Official Information Act 1982 (the Act) to Manatū Hauora (the Ministry of Health) on 22 November 2023 for information regarding decisions to fluoridate water in Aotearoa New Zealand. Each part of your request is responded to below.

*Manatū Hauora (Ministry of Health) have informed Whangārei District Council that while they are considering the judgement's implications WDC are to continue fluoridation preparations as initially directed by Manatū Hauora.*

*“(a) Please supply all advice legal and policy advice which provide the underpinning rationale to justify your instruction to continue.”*

I have identified one letter between Crown Law and Manatū Hauora in scope of this part of your request. This letter is withheld in full under section 9(2)(h) of the Act to maintain legal professional privilege. I have considered the countervailing public interest in release in making this decision and consider that it does not outweigh the need to withhold at this time.

You may also be interested in the media update published on 17 November 2023 on the Court decision on the Ministry's website: [www.health.govt.nz/news-media/news-items/fluoride-legal-decision-update/](http://www.health.govt.nz/news-media/news-items/fluoride-legal-decision-update/).

*2] Director-General Ashley Bloomfield cites a 2021 Update by the Office of the Prime Minister and Cabinet's Chief Science Adviser as rationale for the safety and efficacy of fluoridation of drinking water. (A Cochrane Review cited by him does not consider neurotoxicity of fluoride). This 2021 Update did not consider existing levels of fluoride children's urine, and the existing science that demonstrates that children absorb and take-up far more fluoride in their bones than adults. As such, children in New Zealand can have 18% higher levels of fluoride than older populations.*

*(a) Please provide all policy advice, emails and memos held by the Ministry of Health that discuss this paper and its findings:*

*'t Mannetje A, Coakley J, Douwes J. (2018) Report of the Biological Monitoring of Selected Chemicals of Concern. Results of the New Zealand biological monitoring programme, 2014-2016. Technical Report 2017-1. March. Centre for Public Health Research. Massey University. Wellington*

This part of your request is refused under section 18(e) of the Act as the information does not exist.

*(b) Please provide all reasoning by the (i) Ministry of Health and the (ii) Director-General considering the safety of exposures in drinking water balanced against current levels in urine in New Zealand children, and the potential risk of neurotoxicity (cognitive and IQ) based on additive exposures from natural sources and levels in drinking water.*

Information assessing the health and safety and environmental impacts of fluoridating drinking water is publicly available within this document:

[www.health.govt.nz/system/files/documents/pages/binder\\_of\\_fluoridation\\_information\\_redacted\\_v5.pdf](http://www.health.govt.nz/system/files/documents/pages/binder_of_fluoridation_information_redacted_v5.pdf).

*[3] The Office of the Prime Minister and Cabinet's Chief Science Adviser is not a regulatory body and has not risk assessed fluoride to understand the lowest level where drinking water exposures may harm children under 7 - for cognitive and IQ loss.*

*(a) Please provide advice and reasoning directed to and by the (i) Ministry of Health and the (ii) Director-General as to why a 2021 Update by a politically appointed body, rather than a regulatory body should constitute a sufficiently rigorous scientific analysis to justify the safety and efficacy of fluoridated drinking water and exposures to hydrofluorosilicic acid, and its co-ingredients in New Zealand.*

This part of your request is refused under section 18(e) of the Act as the information does not exist.

*(b) Please supply scientific advice on the lowest safe exposure to for babies in utero and children up to age 7 on the lowest safe level (mg/L) of fluoridated drinking water that will prevent IQ and cognitive loss received by the (i) Ministry of Health and the (ii) Director-General.*

Please refer to the link above for information assessing the health and safety of fluoridation of drinking water.

*[4] Ministry of Health data in Auckland inconsistently demonstrates that the small marginal difference in fluoridated drinking water will barely alleviate the oral and dental health burden experienced by low-income communities. It shows poor dental health burdens are vastly and disproportionately experienced by low-income communities, and this is seen by your data on year 8s (12-13 year olds).*

[https://www.health.govt.nz/system/files/documents/pages/cw-01-02\\_2022-calendar-year-8.xlsx](https://www.health.govt.nz/system/files/documents/pages/cw-01-02_2022-calendar-year-8.xlsx)

*(a) Please advise any policy discussion from January 2021 to the current date where the (i) Ministry of Health and the (ii) Director-General discuss low income and disadvantaged communities and how a strategy of redressing dental and oral health inequities through supply of toothbrushes and toothpaste to schools and medical clinics in these communities, and a programme of continuing education across these communities may prevent tooth decay and dental caries. Please include costings for such a strategy.*

I have identified two documents within scope of this part of your request, listed below. All documents are itemised at Appendix 1 and copies of the documents are enclosed. Where information is withheld, this is outlined in the Appendix and noted in the document itself.

- Memo: Toothbrush/Toothpaste implementation
- Memo: Toothbrush/toothpaste delivery model

As part of the health and disability system reforms, as of 1 July 2022 implementation of this programme has now transferred to Te Whatu Ora - Health New Zealand. If you would like any further information, you may wish to contact Te Whatu Ora at [hnzoia@health.govt.nz](mailto:hnzoia@health.govt.nz).

*[5] Please supply the legal and policy basis which enabled the 2016 Select Committee report and the 2021 Inquiry Committee Report, to brush aside and dismiss all public concerns that were submitted about the health risk of fluoridated drinking water for these two committee processes involved in the passing of the Health (Fluoridation of Drinking Water) Amendment Bill.*

All advice provided to and considered by the relevant select committees is publicly available on Parliament's website at: [www.parliament.nz](http://www.parliament.nz).

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](mailto: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](mailto: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](http://www.health.govt.nz/about-ministry/information-releases/responses-official-information-act-requests).

Nāku noa, nā



Jane Chambers  
**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	21 October 2021	Memo: Toothbrush/Toothpaste implementation	Some information withheld under section 9(2)(a) of the Act, to protect the privacy of natural persons.
2	30 November 2021	Memo: Toothbrush/Toothpaste delivery model	Released in full.
3	15 November 2023	Letter from Crown Law to the Ministry of Health: New Health New Zealand Ltd v Director-General of Health and Anor	Withheld in full under section 9(2)(h) of the Act to maintain legal professional privilege.