

**ORDINANCE NO. 54-2024**

**AN ORDINANCE TEMPORARILY SUSPENDING THE FLUORIDATION OF WATER SUPPLIES WITHIN THE CITY OF ABILENE'S DISTRIBUTION SYSTEM; AND PROVIDING A SEVERABILITY CLAUSE**

**WHEREAS**, on December 14, 2000, the City Council passed Ordinance 53-2000, which authorized and directed the City to fluoridate all water supplies within its distribution system to reach a total fluoride concentration of as recommended by the Texas Department of Health; and

**WHEREAS**, on September 24, 2024, in the United States District Court, Northern District of California, Case No. 17-cv-02162-EMC, Food & Water Watch, Inc., et al. v. United States Environmental Protection Agency, et al., the District Judge found, by a preponderance of the evidence, that community water fluoridation at 0.7 mg/L presents an unreasonable risk of injury to the public's health and ordered the United States Environmental Protection Agency to take regulatory action in response; and

**WHEREAS**, the City Council finds that it is in the best interest of the city of Abilene, and its residents, that the fluoridation of the City's water supply be temporarily suspended due to the Court's findings; and

**WHEREAS**, the City Council does not make an independent finding or conclusion that the fluoridation of the City's water supply presents an unreasonable risk of injury to the health of the City's residents or those consuming the City's water supply;

**WHEREAS**, the City Council does not make an independent finding or conclusion that the fluoridation of the City's water supply is injurious to public health; and

**WHEREAS**, the City Council does not hereby permanently terminate the fluoridation of the City's water supply, and that any permanent termination of the fluoridation of the City's water supply shall require further action by the City Council as required by law.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:**

**PART 1:** That enforcement of Ordinance 53-2000, requiring the fluoridation of the City of Abilene's water supply within its distribution system, is hereby temporarily suspended.

**PART 2:** That all findings and conclusions made in the above Whereas clauses are hereby adopted by the City Council.

**PART 3:** That upon the occurrence of one or more of the following events, the temporary suspension of Ordinance 53-2000 shall automatically terminate without further action from the City Council:

- A. After two (2) years have elapsed from the date of passage of this Ordinance;
- or

- B. Upon the final adoption of regulations by the United States Environmental Protection Agency regarding fluoridation of community water supplies; or
- C. Upon further ruling in Case No. 17-cv-02162-EMC, or on appeal, that fluoridation of community water supplies does not present an unreasonable risk of injury to public health.

**PART 4:** That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force or effect.

**APPROVED ON FIRST READING** the 17th day of October, 2024.

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for final passage was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on 3<sup>rd</sup> day of November, 2024, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 7<sup>th</sup> day of November, 2024, to permit the public to be heard.


**APPROVED AND PASSED ON FINAL READING** this 7<sup>th</sup> day of November, 2024.

ATTEST:

  
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CITY SECRETARY

  
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MAYOR



APPROVED:  
  
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CITY ATTORNEY