

**ORDINANCE NO. 08-2025**

**AN ORDINANCE REPEALING ORDINANCE 53-2000; PERMANENTLY TERMINATING 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**, on November 7, 2024, the City Council passed Ordinance 54-2024, which temporarily suspended Ordinance 53-2000, and temporarily suspended the fluoridation of the City of Abilene's water supply; 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 permanently terminated; 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**, Section 341.033(j), Texas Health & Safety Code, provides that a owner, agent, manager, operator, or other person in charge of a public water supply system that furnishes for public or private use drinking water containing added fluoride may not permanently terminate the fluoridation of the water unless the owner, agent, manager, operator, or person provides written notice to the customers of the system and the Texas Health and Human Services Commission of the termination at least 60 days before the termination.

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

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53-2000, requiring the fluoridation of the City of Abilene's water supply within its distribution system, is hereby repealed.

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

**PART 3:** That the adding of fluoride to the City of Abilene's public water supply system shall permanently terminate upon the giving of sixty (60) days' written notice to the customers of the system and to the Texas Health and Human Services Commission of the termination.

**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.

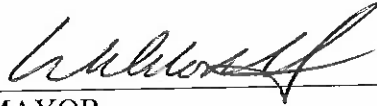
**APPROVED ON FIRST READING** the 19th day of December, 2024.

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 the 5th day of January, 2025, 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 9th day of January, 2025, to permit the public to be heard.


**APPROVED AND PASSED ON FINAL READING** this 9<sup>th</sup> day of January 2025.

ATTEST:

  
\_\_\_\_\_  
CITY SECRETARY

  
\_\_\_\_\_  
MAYOR

APPROVED:

  
\_\_\_\_\_  
CITY ATTORNEY

