

1992—No. 478

**FLUORIDATION OF PUBLIC WATER SUPPLIES ACT 1957—
REGULATION**

(Fluoridation of Public Water Supplies Regulation 1992)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Fluoridation of Public Water Supplies Act 1957, has been pleased to make the Regulation set forth hereunder.

RON PHILLIPS
Minister for Health.

Citation

1. This Regulation may be cited as the Fluoridation of Public Water Supplies Regulation 1992.

Commencement

2. This Regulation commences on 1st September, 1992.

Definitions

3. In this Regulation:

“**approved**” means approved by the Director-General;

“**Department**” means the Department of Health;

“**Director-General**” means the Director-General of the Department;

“**fluoridating agent**” means a substance containing fluorine or a compound of fluorine

“**qualified operator**” means a person who has successfully completed an approved course of training in the fluoridation of water supplies;

“**the Act**” means the Fluoridation of Public Water Supplies Act 1957.

Applications to fluoridate a water supply

4. An application by a water supply authority for approval to fluoridate a public water supply is to be in an approved form and is to be accompanied by such documents as the form requires.

Fluoridation equipment

5. An authorised water supply authority must not fluoridate a public water supply unless it uses approved equipment that measures accurately to within plus or minus 5 per cent.

Maximum penalty: 25 penalty units and, in the case of a continuing offence, an additional 5 penalty units for each additional day for which the offence continues.

Alterations to water flow or reticulation works

6. A water supply authority must not, without the prior approval of the Director-General, make any substantial alterations to:

- (a) the maximum water flow of; or
- (b) the system of pipes, channels or conduits within 100 metres of the point of addition of fluoridating agents to,

a public water supply that is fluoridated by the authority.

Maximum penalty: 25 penalty units and, in the case of a continuing offence, an additional 5 penalty units for each additional day for which the offence continues.

Analyses of water samples

7. (1) A water supply authority must collect from any public water supply fluoridated by it:

- (a) daily samples of the water leaving the fluoridation plant; and
- (b) weekly samples of the water in the authority's reticulation system, taken from at least 2 (well separated) points in that system; and
- (c) such additional samples of water as the Director-General may require.

(2) The authority must analyse the samples for their fluoride content using approved equipment and approved methods.

(3) A water supply authority must keep a daily record, in the approved form, of the following particulars:

- (a) the volume of water fluoridated by it;

- (b) the quantity of fluoridating agent added to the water;
- (c) the stock of fluoridating agent on hand;
- (d) the results of the analyses carried out by it under this clause.

(4) A water supply authority must cause a copy of any such record to be forwarded to the Director-General if the Director-General so requires.

(5) A water supply authority must forward to the Director-General, on or before the 7th of each month:

- (a) the results of the analyses carried out by it under this clause during the previous month; and
- (b) a sample of the water taken from the authority's reticulation system and such additional samples of water so taken as the Director-General may require.

Maximum penalty: 25 penalty units and, in the case of a continuing offence, an additional 5 penalty units for each additional day for which the offence continues.

Fluoridation to be carried out by qualified operators

8. (1) A water supply authority must not cause or permit a public water supply to be fluoridated by any person who is not a qualified operator.

Maximum penalty: 25 penalty units and, in the case of a continuing offence, an additional 5 penalty units for each additional day for which the offence continues.

(2) This clause does not apply to the Water Board or to the Hunter Water Corporation Limited.

Employees to be properly instructed in the handling of fluoridating agents

9. A water supply authority must ensure that any person employed by it in the handling of a fluoridating agent is properly instructed in the safe handling of the agent.

Maximum penalty: 25 penalty units and, in the case of a continuing offence, an additional 5 penalty units for each additional day for which the offence continues.

Dry feed equipment to be adequately ventilated

10. A water supply authority must ensure that dry feed equipment forming part of the fluoridation plant is so ventilated that the atmospheric concentration of fluorine in the plant does not exceed the approved limits.

Maximum penalty: 25 penalty units and, in the case of a continuing offence, an additional 5 penalty units for each additional day for which the offence continues.

Spillages and storage

11. The authority must ensure that:

- (a) any spilt fluoridating agent is hosed away (and not removed by dry sweeping) and disposed of in an approved manner; and
- (b) any container of fluoridating agent is stored separately from any other chemical, except in the case of a closed tank permanently attached to, and forming an integral part of, liquid feed equipment.

Maximum penalty: 25 penalty units and, in the case of a continuing offence, an additional 5 penalty units for each additional day for which the offence continues.

Protective equipment for persons handling fluoridating agents

12. (1) A water supply authority must ensure that:

- (a) any person employed by it to handle a fluoridating agent, in the form of crystals or powder, is supplied with protective gloves, a protective apron and an approved type of respirator for the person's sole use; and
- (b) the gloves, apron and respirator are maintained in good condition; and
- (c) the cartridges and dust filter pads in each respirator are replaced when necessary and, in any case, at intervals of not longer than 13 weeks; and
- (d) adequate washing facilities (including soap, nail brushes and hand-drying facilities) are provided in the immediate vicinity of each place at which the fluoridating agent is handled.

(2) A water supply authority must ensure that:

- (a) any person employed by it to handle a fluoridating agent, in the form of hydrofluorosilicic acid, is supplied with protective gloves, protective boots, a protective apron and an approved type of full face shield for the person's sole use; and

- (b) the gloves, boots, apron and shield are maintained in good condition; and
- (c) adequate showers and other washing facilities (including soap, nail brushes and hand-drying facilities) and appropriate eye irrigation apparatus are provided in the immediate vicinity of each place at which the fluoridating agent is handled.

Maximum penalty: 25 penalty units and, in the case of a continuing offence, an additional 5 penalty units for each additional day for which the offence continues.

(3) The water to be used for the showers and other washing facilities in premises containing, or ancillary to, any fluoridation plant or equipment must be supplied from a source that is effectively isolated from water that has passed through the plant or equipment.

Employees to observe safety precautions

13. A person employed by a water supply authority must not handle a fluoridating agent unless the person is wearing the appropriate protective equipment referred to in clause 12.

Maximum penalty: 10 penalty units.

Security of plant rooms etc.

14 (1) A water supply authority must ensure that premises containing any fluoridating agent, or any fluoridation plant or equipment, are kept locked when not attended by a qualified operator.

Maximum penalty: 25 penalty units and in the case of a continuing offence, an additional 5 penalty units for each additional day for which the offence continues.

(2) A person who is not a qualified operator must not enter any such premises unless accompanied by a qualified operator.

Maximum penalty: 10 penalty units.

(3) This clause does not apply to the Water Board or to the Hunter Water Corporation Limited or to any employee of either of those bodies.

Disposal of fluoridating agent containers

15. A water supply authority must not dispose of empty fluoridating agent containers otherwise than in an approved manner.

Maximum penalty: 25 penalty units and, in the case of a continuing offence, an additional 5 penalty units for each additional day for which the offence continues.

Repeal

16. The Fluoridation of Public Water Supplies Regulations are repealed.

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EXPLANATORY NOTE

The purpose of this Regulation is to repeal and remake the Fluoridation of Public Water Supplies Regulations. The new Regulation makes provision, under the Fluoridation of Public Water Supplies Act 1957, with respect to the following matters:

- applications by water supply authorities to fluoridate a public water supply;
- the requirement to use only approved equipment in fluoridation;
- the prohibition of any substantial alteration of the water flow or reticulation system near the point of treatment without the prior approval of the Director-General of the Department of Health.

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- the analyses of fluoridated water samples that a water supply authority must carry out and the records it must keep;
- the requirement that only qualified operators are to be permitted to fluoridate public water supplies;
- the protection of the health and safety of fluoridation plant operators;
- the obligation of operators to co-operate in the use of protective equipment;
- the security of fluoridation plant rooms;
- the proper disposal of empty fluorine containers.

This Regulation is made in connection with the staged repeal of subordinate legislation under Part 3 of the Subordinate Legislation Act 1989.
