

DRAFT CLASS ACTION – FLUORIDATION OF PUBLIC DRINKING WATER & SCHOOL PROGRAMS IN NEW BRUNSWICK

Court File No.: _____

IN THE KING’S BENCH COURT OF NEW BRUNSWICK

JUDICIAL DISTRICT OF _____

BETWEEN:

[Representative Plaintiff Name],

(as Representative Plaintiff)

— and —

THE PROVINCE OF NEW BRUNSWICK,

THE MUNICIPALITIES OF MONCTON, RIVERVIEW, DIEPPE, SAINT JOHN,

AND WATER UTILITY ENTITIES,

Defendants

NOTICE OF APPLICATION FOR CERTIFICATION

TO THE DEFENDANTS:

An application will be made to the Court on a date to be fixed by the Registrar at a location to be determined, for an order certifying this action as a class proceeding under the Class Proceedings Act, RSNB 2011, c. 125, and for such further and other relief as this Honourable Court may deem just.

STATEMENT OF CLAIM

A. REPRESENTATIVE PLAINTIFF

1. The Representative Plaintiff is a resident of New Brunswick who, during the period from 1970 through 2014, consumed municipal tap water that had fluoride added as a dental-health additive and/or participated in municipal or school-based fluoride exposure programs.
2. The Representative Plaintiff brings this action on behalf of all persons who, during the same period, were similarly exposed to added fluoride through municipal drinking water and/or school-based programs in New Brunswick.

B. DEFINITION OF THE CLASS

3. The “Class” consists of all residents of New Brunswick who, at any time between January 1, 1970 and December 31, 2014, were served municipal drinking water that contained added fluoride and/or were subject to fluoride school programs including mouth-rinse or other fluoride exposure.
4. Excluded from the Class are:
 - a. Defendants and their officers, directors, employees, agents, and counsel;
 - b. Any Judge presiding over this action and their immediate family;
 - c. Persons who did not consume municipal tap water or participate in programs containing added fluoride during the relevant exposure period.

C. FACTUAL ALLEGATIONS

5. Beginning in 1970, certain municipal water systems in New Brunswick — including those serving the cities of Moncton, Dieppe, Riverview, and later Saint John — began adding fluoride to public drinking water for preventive dental health purposes.

6. Residents served by these municipal water systems had no feasible way to avoid ingesting fluoride through ordinary consumption of tap water used for drinking, cooking, and food preparation.
 7. During overlapping years, some school districts also implemented fluoride exposure programs (such as supervised fluoride mouth-rinse initiatives) that increased fluoride exposure among school-aged children without a meaningful process for informed consent.
 8. Municipal and provincial authorities did not require individual residents to provide informed consent before fluoridation of water supplies or participation in related programs, and often presented fluoridation as universally safe without full disclosure of ongoing scientific debate regarding potential adverse health effects.
 9. Emerging scientific literature and public health studies identify potential risks associated with prolonged fluoride exposure — including dental fluorosis, skeletal effects, impacts on thyroid function, and other systemic outcomes — particularly among sensitive subpopulations.
 10. The Defendants at all material times failed to adequately warn consumers of these potential risks and continued fluoridation practices without offering a meaningful opt-out mechanism.
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D. CAUSES OF ACTION

I. NEGLIGENCE

11. Defendants owed a duty of care to Class members to inform them of material health risks associated with long-term fluoride exposure at municipal levels.
12. Defendants breached that duty by failing to provide adequate warnings, failing to monitor and disclose individual risk variations, and by continuing fluoridation without consent.

II. NON-CONSENSUAL ADMINISTRATION OF A SUBSTANCE

13. Fluoride, administered through public water systems and school programs, constitutes a therapeutic or pharmacologically active substance.
14. Defendants administered this substance to members of the Class without informed consent, violating basic principles of bodily autonomy and integrity.

III. BREACH OF STATUTORY DUTIES

15. Defendants failed to comply with statutory obligations related to public notice, risk communication, and consumer protection under applicable public health and municipal laws.

IV. PUBLIC NUISANCE

16. The widespread addition of fluoride interfered with Class members' rights to safe, unaltered drinking water and personal autonomy over health decisions, constituting a public nuisance.

E. COMMON ISSUES

17. Common issues among Class members include, but are not limited to:
 - a. Whether the Defendants owed legal duties to warn about potential health risks and obtain consent;
 - b. Whether Defendants breached those duties;
 - c. Whether fluoride exposure caused or contributed to adverse health outcomes;
 - d. Whether certification of this action as a class proceeding is in the interests of justice.

F. DAMAGES AND RELIEF

18. Representative Plaintiff and Class members have suffered harms including:

- a. Physical injuries (e.g., dental and skeletal fluorosis, systemic health impacts);
- b. Loss of autonomy and ability to choose whether to ingest fluoride;
- c. Emotional distress and anxiety related to exposure without consent;
- d. Out-of-pocket expenses for medical monitoring or corrective dental care.

19. Representative Plaintiff claims:

- a. General damages for bodily harm and pain and suffering;
- b. Special damages for medical treatment and monitoring;
- c. Punitive or aggravated damages if warranted;
- d. Declaratory relief confirming fluoride exposure without consent was unlawful;
- e. Injunctive relief requiring future public health decisions to include meaningful consent mechanisms;
- f. Costs of the action and such further and other relief as this Honourable Court deems just.

G. APPROXIMATE EXPOSURE PERIOD

20. The period from 1970 to 2014 reflects the known timeline during which New Brunswick municipalities fluoridated water and when school programs were most broadly implemented.

DATED:

[Representative Plaintiff / Counsel]

Address: _____

Phone: _____

Email: _____

[END OF DRAFT]