

***JAMES ROBERT DEAL, ATTORNEY***

*PO Box 2276, Lynnwood, Washington 98036-2276*

*Telephone (425) 771-1110, fax (425) 776-8081*

*James@JamesRobertDeal.Com*

**REQUEST FOR DOCUMENTS  
UNDER THE PUBLIC RECORDS ACT**

June 21, 2008

Everett Utilities  
3200 Cedar Street  
Everett WA 98201-4516  
Attention: Tom Thetford

Alderwood Water District  
3626 156th St SW  
Lynnwood WA 98037  
Attention: Donna J. Cross, President

Sent by Certified Mail

Dear Water Commissions,

This letter constitutes a Request for Documents under the Public Records Act.

The Public Records Act, RCW 42.56.080, Washington's version of the federal Freedom of Information Act, requires that all agencies make public records available for copying and provide copies of public documents at a reasonable charge.

When I refer to the "agency" I am referring to Everett Utilities and Alderwood Water District. When I refer to "documents," I am referring to documents, reports, letters, memos, e-mails, or other writings or photographs or diagrams in the possession of your staff, your experts, or the experts you hire to test Water District drinking water and fluoridation materials; documents and reports you receive or are accessible to you from municipalities, agencies, other jurisdictions, laboratories, and suppliers of fluoridation materials. The term documents includes any web sites or documents on web sites which you rely on regarding fluoridation, pipe maintenance, and water treatment in general.

Please provide the following:

Provide documents which show the presence of all elements and compounds in raw fluoridation materials, that is, an assay or assays made of raw fluoridation materials as they come out of the tanker truck, before they are added to drinking water and are diluted. The assay or assays should include but not be

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limited to a spectrographic analysis and a full contamination analysis including radionuclides.

If you have not already had such an assay or assays done, have them done now. Take a sample of raw fluoridation materials from a tanker carrying raw fluoridation materials, send that sample to the appropriate laboratory, and request a full assay be done of all minerals and compounds contained therein down to the smallest concentration level reasonably possible, include a spectrographic analysis and a full contaminate analysis including radionuclides.

Please send a copy of said assay or assays to me. Transmission by e-mail is preferred in order to save paper.

Note: I am not asking just for results of tests done on the water after fluoridation materials are added and diluted 240,000 times, but also tests or assays done on the fluoridation materials themselves before they are added to the water.

An assay done on raw fluoridation materials right out of the tanker truck can do a much more accurate job of identifying and quantifying the many elements and compounds in fluoridation materials. Various reasonably priced tests are sensitive only down to certain concentration levels, so a test done on raw fluoridation materials will reveal trace minerals and chemicals with much greater accuracy than one done on fluoridation materials after they are diluted in drinking water.

The agency should pay for the cost of this assay. This is because the agency should already be doing assays of raw fluoridation materials. For the agency not to do such assays from time to time is negligent and reckless behavior.

On or about April 19, 2009, I mailed or delivered to both Everett Utilities and Alderwood Water District a document entitled

**NOTICE OF LEGAL LIABILITY FOR WATER FLUORIDATION  
NOTICE TO PRESERVE AND NOT DESTROY EVIDENCE**

This document may be read online at:  
<http://www.fluoride-class-action.com/?p=16>

I explained in that Notice that the raw fluoridation materials being purchased by the agency are for the most part the untreated, unfiltered scrubber liquor from the smoke stacks of phosphate fertilizer plants. (Some water districts buy

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scrubber liquor from aluminum plants.) This scrubber liquor must be treated as toxic waste – unless it is sold to water districts such as Everett utilities and Alderwood Water District in 45,000 pound tanker truck loads.

I explained in the Notice dated April 19, 2009, that the fluoride added is not medical grade fluoride. It is a mixture of scores of elements and chemicals. It is the waste byproduct of the phosphate fertilizer industry.

Federal agencies, in response to questions from a Congressional subcommittee in 1999-2000, admitted that the industrial grade waste products used to fluoridate over 90% of America's drinking water supplies (fluorosilicate compounds) have never been subjected to toxicological testing nor received FDA approval for human ingestion. (Fox, 1999; Hazan, 2000; Plaisier, 2000; Thurnau, 2000.)  
<http://www.fluoridealert.org/statement.august.2007.html>.

The fluoridation materials added to our water are toxic waste. They are trash. They are diluted 240,000 times, but they are still toxic waste and trash. Credible sources say fluoridation materials contain: aluminum, arsenic, antimony, asbestos, cadmium, lead, mercury, barium, beryllium, and thallium, radium, radon, polonium, and uranium.

Nor are fluoridation materials approved by the EPA. In 1988 the EPA abdicated its duties by terminating its regulation of water additives, including fluoride. It outsourced and privatized this responsibility to NSF International, which established "voluntary product standards." <http://dealmortgage.net/fluoride-class-action/epa-says-no-agency-regulates-fluoride.pdf>.

NSF International is responsible to maintain and update Standard 60, which covers drinking water additives, including fluoridation materials. NSF International is a private, non-profit organization composed of water districts, public health groups, and the industries which produce water treatment chemicals and equipment.

According to Tudor Davies, Director of the Office of Science and Technology of the US EPA, "In the United States, there are no Federal safety standards which are applicable to drinking water additives, including those intended for use in fluoridating water." This means there is no governmental organization which directly regulates fluoride. There is only NSF International, which is a trade organization with about as much credibility as the Tobacco Institute.

The 2008 Standard 60 fact sheet dealing with fluoridation materials can be viewed at

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[http://www.nsf.org/business/water\\_distribution/pdf/NSF\\_Fact\\_Sheet.pdf](http://www.nsf.org/business/water_distribution/pdf/NSF_Fact_Sheet.pdf).

Standard 60, Section 3.2.1 requires that when a fertilizer manufacturer such as Cargill begins selling its fluoridation materials and requests Standard 60 approval, that the manufacturer must submit toxicological studies regarding the fluoridation materials. In its fact sheet, NSF mentions toxicological studies and says they are obtained.

However, Stan Hazen, NSF International's Director for the Center for Public Health Education, admitted in deposition on March 10, 2004, that it has does not in fact receive toxicological studies on fluoridation materials. It nevertheless allows Cargill and other sellers of fluoridation materials to stamp their product as NSF approved. See <http://dealmortgage.net/fluoride-class-action/stan-hazan-nsf-international-deposition-no-toxic-studies-delivered-by-fluoride-suppliers.pdf>.

In testimony before Congress in 2004, Stan Hazen, then NSF General Manager, Drinking Water Additives Certification Program, admitted that "... NSF failed to follow its own Standard 60 procedures...."

[http://www.waterloowatch.com/Index\\_files%5CSDWA%20Responsibilities%20&%20Liabilities.pdf](http://www.waterloowatch.com/Index_files%5CSDWA%20Responsibilities%20&%20Liabilities.pdf).

Blake Stark is the person at NSF International now in charge of fielding questions regarding Standard 60. I talk with Blake from time to time. His contact information is: 734-769-5480, [Stark@NSF.org](mailto:Stark@NSF.org). See [www.nsf.org](http://www.nsf.org). I sent Blake Stark an e-mail on July 11, 2008, asking him the following: "Your Fact Sheet on water fluoridation mentions toxicological studies. Where would I find these?" His response was: "As indicated in the fluoride fact sheet, NSF Standard 60 references the US EPA MCL for fluoride. You may be able to obtain toxicology studies from the US EPA or through their website." Thank you, -Blake Stark, NSF." The obvious implication is that NSF does not obtain any toxicological studies.

The latest Standard 60 fluoride update is dated February, 2008. It does not take into account or even mention the National Research Council 2006 report. It is therefore outdated and cannot be relied on.

[http://www.nsf.org/business/water\\_distribution/pdf/NSF\\_Fact\\_Sheet.pdf](http://www.nsf.org/business/water_distribution/pdf/NSF_Fact_Sheet.pdf).

NSF International disclaims all liability, saying: "NSF International is not a government agency, and may have no duty of care to consumers.... NSF, in performing its functions in accordance with its objectives, does not assume or undertake to discharge any responsibility of the manufacturer or any other party."

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[http://www.waterloowatch.com/Index\\_files%5CSDWA%20Responsibilities%20&%20Liabilities.pdf](http://www.waterloowatch.com/Index_files%5CSDWA%20Responsibilities%20&%20Liabilities.pdf).

Regarding Washington law, the irony is complete when you learn that Washington regulations, WAC 246-290-220(3), require that “any treatment chemicals with the exception of commercially retailed hypochlorite compounds such as Clorex, Purex, etc., added to water intended for potable use must comply with ANSI/NSF Standard 60.”

The state of Washington requires Everett and Alderwood to follow Standard 60, which requires toxicological studies, but NSF waives the requirement that toxicological studies be done by Cargill or by the NSF. Alderwood is relying on a faulty and fraudulent standard.

Everett and Alderwood can no longer rely on NSF but must run its own assay.

I am sending this Request for Documents both to Everett Utilities and to Alderwood Water District. Because Everett Utilities handles water fluoridation for Alderwood Water District, Everett Utilities should provide the assay requested. Alderwood Water District, in its desire to protect its customers, should join me in demanding that Everett Utilities provide this assay. However, if Everett Utilities refuses to provide the assay requested, it should obtain the raw fluoridation materials and do the assay itself.

It is my understanding that when each tanker truck load of fluoridation materials arrives at Spada Lake, the driver delivers a small bottle containing a sample of what is in the tanker truck. This bottle can easily be obtained and delivered to the appropriate laboratory.

In order to reduce copy costs and save paper and time, I request that the documents sought be provided as much as possible on a CD-ROM, instead of on paper.

Regarding the Notice which I sent to the Water Districts on or about April 19, 2009, neither Water District has responded or replied to it in writing or orally. Neither has even acknowledged receipt.

I went before the Alderwood Water District to sum up the contents of my Notice. I asked for an opportunity to speak to the Everett City Council on this subject, but no time has been made available to me.

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For the two water districts not to address the issues contained in my April 19 Notice shows gross neglect of this important issue and will expose them to greater liability if and when the class action cases are filed.

You may call me at 425-771-1110, 10 a.m. to 5 p.m., if necessary, to discuss any aspect of my request.

To make it easier for you to follow the links in this Request, I have posted it at: <http://fluoride-class-action.com/dealmortgage.net/fluoride-class-action/foia-to-everett-and-alderwood-re-assay-of-raw-fluoridation-materials-6-21-99.pdf>

Sincerely,

James Robert Deal  
Counselor at Law

Copies to:

Don Gough, Mayor  
City of Lynnwood  
19100 44th Ave W  
Lynnwood WA 98036

Ray Stephanson, Mayor  
City of Everett  
2930 Wetmore Ave Suite 10-A  
Everett, WA 98201

Chris Gregoire, Governor  
State of Washington  
PO Box 40002  
Olympia, WA 98504-0002