

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 29, 2009

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

Sent by Certified Mail

Also sent by e-mail to: TThetford@ci.everett.wa.us

Dear Mr. Thetford,

On June 21, 2009, I sent you a Request for Documents under the Public Records Act.

I asked for your agency to do a full assay on the raw scrubber liquor which you add to our water at the rate of one large truck tanker load every twenty days.

You replied as follows:

From: Tom Thetford
Sent: Friday, June 26, 2009 10:33 AM
To: James Robert Deal
Cc: John McClellan; Julie Sklare; Verl Sly; Del Nestegard
Subject: Request for documents

The City of Everett has Hydrofluosilicic Acid delivered to Water Treatment Plant site to add to the treated water to help fight tooth decay. This provision was added pursuant to voter approval in our service area. The current contract for delivery of Hydrofluosilicic Acid includes a provision for supplying a report of an analysis (COA) for the amount of H₂SiF₆ in each shipment as per AWWA Standard B703-00, Section 5. This analysis shall include percent H₂SiF₆ by weight.

If this information would meet your needs it can be sent to you. We do not plan to analyze beyond this information as this analysis meets our needs. We will send copies of this analysis to our Records Manager , Verl Sly, as new shipments are received. If you would like us to send you a copy of this information please contact Verl Sly at 425-257-8918.

Everett Utilities
Alderwood Water District
June 29, 2009
Page Two

You have offered to send me the fluoride scrubber liquor assays which your vendor delivers to you. Please send a representative sample of these assays going back over the last five years. One per month would be sufficient. If this is too burdensome, let me know.

At the same time you said, "We do not plan to analyze beyond this information as this analysis meets our needs." I read that to say you are refusing to do an assay on the raw fluoridation scrubber liquor or to comply with my request for an assay of the raw fluoridation scrubber liquor.

It is a fine point of law whether, under the Public Records Act, you have to turn over results of tests you have not yet done. You can probably refuse my request and not run afoul of the Public Records Act.

However, I would contend that there is another reason why you should do the assay I have requested, even if you have no duty to do so under the Public Records Act. And that is in order to avoid exposing yourself to possible liability for negligence, failure to do due diligence, and failure to protect those who drink the water you sell. (Please send a copy of this letter to your city attorney and to your insurance carrier, although I believe that Everett does not have insurance coverage against fluoridation liability and "goes bare.")

So make your choice. Do the assay and send it to me. Or take the risk of behaving in a negligent way, failing to do due diligence, and failing to protect those who drink the water you sell.

To protect yourself from liability, you should do assays before dilution. Not to do such assays is just more evidence that will be used against you when the lawsuits come.

I look forward to reading the assays which the scrubber liquor suppliers supply to you. Send them over. However, those assays are completely inadequate. They only disclose the percentage of fluoride in the raw scrubber liquor, plus maybe the percentages of arsenic and lead therein. There are many other elements and compounds therein, and they are not listed in the assays you receive from the supplier.

You should do your own analysis or demand a complete analysis from your supplier. You apparently have no idea just how much polonium, radium, uranium, thallium, mercury, arsenic, lead, or other elements or compounds the raw scrubber liquor contains.

Everett Utilities
Alderwood Water District
June 29, 2009
Page Three

I have seen the assays you do on a regular basis. They are done only after the scrubber liquor is diluted 240,000 times. This reduces the levels of these pollutants below certain established detection levels, and so they disappear.

These are highly diluted pollutants you are putting in the water, but they are still pollutants. They are highly diluted toxic waste, but they are still toxic waste. They can be disposed of in only three ways: They can be reprocessed at sky-high cost (which never happens); they can be put in holding ponds at the fertilizer factory where they will remain for the rest of eternity (which is being done); or they can be sold to water districts like ours at a handsome profit and added to our water.

These chemicals are enzyme disruptors, carcinogens, teratogens, mutagens, and radionuclides. In some cases, parts per trillion can be harmful. In my original Notice of Liability for Water Fluoridation, which I mailed to Everett Utilities on April 19, 2009, I explained that large amounts of alpha rays are emitted when polonium 210 makes its transition to lead 210. See <http://www.fluoride-class-action.com/?p=16>. From the credible sources I have studied, I can be fairly confident that you will find there to be polonium 210 in the raw scrubber liquor you add to our water. Please see the following article: "Fluoride and the Phosphate Connection," by George C. Glasser, Earth Island Journal Online, https://www.earthislandprojects.org/eijournal/fluoride/fluoride_phosphates.html.

You also said that the scrubber liquor assays you receive comply with AWWA Standard B703-00, Section 5. You said such analysis meets your needs. Who is AWWA? Wikipedia says:

In May 1985, the United States Environmental Protection Agency entered into a cooperative agreement with a consortium led by NSF International to develop voluntary third-party consensus standards and a certification program for all direct and indirect drinking water additives. Other members of the consortium include AWWA. The consortium is responsible for the cooperative effort of manufacturers, regulators, product users and other interested parties that develop and maintain the NSF standards.

AWWA is supportive of water fluoridation. See: <http://www.awwa.org/files/about/OandC/PolicyStatements/2009Fluoridation.pdf>. AWWA provides no research backing its support of water fluoridation.

Everett Utilities
Alderwood Water District
June 29, 2009
Page Four

I have not dealt with AWWA, but I have dealt with NSF International. AWWA and NSF International work together closely as part of the same consortium which develops NSF standards 60 and 61, which cover fluoridation and fluoridation equipment. I asked NSF for an assay of the raw scrubber liquor. NSF had none. I will ask AWWA, but I predict they will not have an assay either, nor any significant research on the safety of water fluoridation.

As I pointed out in the Notice of Liability for Water Fluoridation, which I mailed to Everett Utilities on April 19, 2009, the entire NSF program is a cover-up. NSF and AWWA are industry organizations comparable to the Tobacco Institute. They protect the fertilizer, uranium, and aluminum companies. As I explained in my original Notice, NSF's own rules require toxicological studies, but NSF does not enforce this requirement.

NSF has admitted that arsenic is present in some batches of raw scrubber liquor at levels of 1.66 ppb after dilution.
<http://dealmortgage.net/fluoride-class-action/nsf-fact-sheet-fluoride-2000.pdf>. The levels of various toxic wastes vary with each shipment, another reason why you should insist on a full assay on a regular basis.

My point is that you ought to know what you are putting in the water, and you don't.

May I ask: What is the cost of the regular assays you do on the water after fluoridation materials are added?

Have you looked into the cost of doing an assay of the raw scrubber liquor? Can you inquire? What would be the cost?

Which lab does your assays? Would that lab be able to do an assay on the raw scrubber liquor? It is an extremely dangerous chemical to handle.

Am I correct that there is a separate bottle of the scrubber liquor delivered with each truck load?

If I paid for the cost of the assay, would you make the separate bottle of scrubber liquor available for testing?

If Alderwood Water District were willing to pay the cost of the assay of the raw scrubber liquor, would you cooperate? I will send a copy of this letter to Alderwood Water District.

Everett Utilities
Alderwood Water District
June 29, 2009
Page Five

On another point: You have four pipelines coming down from Spada Lake. Two of these carry completely unprocessed water and one of these goes to the Kimberly Clark Paper Mill in South Everett. If Alderwood Water District were to demand that it receive unfluoridated water, would you dedicate a pipeline to delivering processed but unfluoridated water to Alderwood Water District? Is there a way you could supply processed but unfluoridated water to Alderwood Water District if Alderwood requested it?

Everett voters voted in favor of water fluoridation, but Alderwood Water District voters have never done so. Alderwood may want to shield itself from legal liability.

As I said above, on or about April 19, 2009, I sent to Everett Utilities a Notice of Legal Liability for Water fluoridation. Everett Utilities never responded to that Notice or ever acknowledged receipt of it. Did you receive it? Did you read it? Did you have your technical staff read it? Did you have your attorney read it?

Members of the Alderwood Water District have shown me the courtesy of allowing me to present my arguments to them. I continue to ask the Everett City Council for an opportunity to do the same, but so far with no success. I recently renewed my request.

If I file a class action suit against the city of Everett, I will do so in association with one of the large class action law firms I am talking with. We will not have to prove that water fluoridation is the sole cause of arthritis, kidney disease, thyroid disease, bone cancer, dental fluorosis, or diabetes. I will only have to prove that it exacerbates these conditions. There are many experts available to testify that it does exacerbate these conditions. For example, those with kidney disease have reduced ability to excrete fluoride, so it builds up in their bones and organs and a faster rate than in you or me. But it still builds up in the bodies of otherwise healthy people. Half of all the fluoride you consume stays in your body, and by middle age the problems are compounded. The estates of those who have died of kidney disease will be among the first plaintiffs I will recruit to my class action suit.

Further, the overwhelming consensus now is that fluoride taken internally does not prevent tooth decay. Fluoride prevents decay only if applied topically. So at best water fluoridation is a waste of taxpayers money and a superstitious behavior.

This is a very important issue. The handwriting is on the wall. The lawsuits are coming. You are a legal sitting duck. Get ahead of the curve on this issue. I am your friend and not your enemy. Listen to me before it is too late.

Everett Utilities
Alderwood Water District
June 29, 2009
Page Six

P.S. For ease of following links, you may read my Notice of Liability for Water Fluoridation, which I mailed to Everett Utilities on April 19, 2009 at <http://www.fluoride-class-action.com/16/>

Likewise, a copy of this letter can be read online at <http://dealmortgage.net/fluoride-class-action/reply-to-everetts-refusal-to-do-full-assay-of-raw-fluoride-scrubber-liquor-6-29-9.pdf>

Sincerely,

James Robert Deal
Counselor at Law

Copies to:

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

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

Everett Utilities
Alderwood Water District
June 29, 2009
Page Seven

P.P.S.

The above letter had no apparent effect on Mr. Thetford. He flatly refused to do a full assay on the raw scrubber liquor which is added to Everett drinking water:

rom: Tom Thetford
Sent: Thursday, July 02, 2009 11:25 AM
To: James Robert Deal
Cc: Katie Rathbun; Verl Sly; John McClellan
Subject: Information request

Mr. Deal,

Attached please find the vendor reports (COAs) of the amount of H₂SiF₆ in the shipments of Hydrofluosilic Acid to the Water Treatment Plant in accordance with your email request dated June 30, 2009. As requested, once we have them assembled, we will send to you all of our available vendor reports for the last five years.

As I stated previously, the City does not have any public records that are responsive to your request for a “full assay on the raw scrubber liquor” added to City of Everett water. The City does not plan to produce this type of report in the future.

Thank you for your suggestions.

Sincerely,

Tom Thetford