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March 24, 2008

Governor Christine Gregoire
Office of the Governor
PO Box 40002
Olympia, WA 98504-0002
Sent by 1st Class Mail and by Fax to: 360-753-4110

Dear Governor Gregoire,

I wrote you a letter on February 24 regarding my observation that the fact that the state of Washington approves and regulates the addition of fluoride to our water poses a serious risk that the state and the local water districts can be sued by those damaged.

I have done further research, and so I am sending you a revised version of the letter, including both my previous comments and additional comments at the end.

What I said previously was as follows:

I always seem to write letters to you which are critical. I want to make it clear that I generally approve of the political work you are doing.

However, there is an area where I believe you are falling down: You are failing to protect the health of the people of Washington. I have written you previously regarding the adverse health effects of fluoridation. You have turned my letters over to your assistants, and they have responded with answers that are incorrect and incomplete.

I have sent you pounds of information regarding these adverse health effects. The science on fluoridation has been building slowly but steadily. The science is now in. This is serious. It is now clear that fluoridation materials are harmful to health.

These health affects are cosmetic: At the one part per million level which the state of Washington authorizes fluoride to be added, ten percent of kids will get fluorosis of their teeth, dark and light spots which make them want to keep their mouths closed when they smile. Or they can spend \$1,200 per tooth getting veneers applied. Around 20 teeth are visible, so that would cost \$24,000. Veneers wear out, and around five replacements will be needed over the course of these kids' lives. Let's see, that's \$120,000. The effect is most

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severe for the poor: As nutrition levels drop, vulnerability to the bad effects of fluoridation materials increases.

The health affects are more than cosmetic: Fluoride accumulates in teeth and bones and over the years causes bones to become harder and heavier but more brittle. Teeth crack and break. Fluoride causes some teeth to become pitted, and decay is greatly increased.

Our mothers sometimes fall and break their brittle hips. Sometimes they break their brittle hips and fall. My mother's neck bones cracked and, she was implanted with a steel spine that fused four vertebrae. She lived to 90, and I am glad to say she lived the last five years of her life with my wife and me. Although she experienced a lot of pain, she had a great sense of humor and brought a lot of happiness to our lives. I was sitting by her bed when she died. She would have lived longer had the steel apparatus not become infected. One thing leads to another. Well, back to the subject.

There is substantial evidence of a causal connection between fluoridation materials and the following maladies: increased bone fractures, Stage 1 skeletal fluorosis (arthritic joint stiffness and pain), decreased thyroid function, impaired glucose tolerance (Type II diabetes), earlier sexual maturity, lowered IQ, and possibly osteosarcoma.

For your convenience, I will now give you some of the statutes and regulations dealing with fluoridation:

RCW 57.08.012

A water district by a majority vote of its board of commissioners may fluoridate the water supply system of the water district. The commissioners may cause the proposition of fluoridation of the water supply to be submitted to the electors of the water district at any general election or special election to be called for the purpose of voting on the proposition. The proposition must be approved by a majority of the electors voting on the proposition to become effective.

WAC 246-290-460 **Fluoridation** of drinking water.

- (1) Purveyors shall obtain written department approval of **fluoridation** treatment facilities before placing them in service.
- (2) Where **fluoridation** is practiced, purveyors shall maintain fluoride concentrations in the range 0.8 through 1.3 mg/L throughout the distribution system.

- (3) Where **fluoridation** is practiced, purveyors shall take the following actions to ensure that concentrations remain at optimal levels and that **fluoridation** facilities and monitoring equipment are operating properly:

RCW 43.20.050

Powers and duties of state board of health — State public health report — Delegation of authority — Enforcement of rules.

- (2) In order to protect public health, the state board of health shall:
 - (a) Adopt rules necessary to assure safe and reliable public drinking water and to protect the public health. Such rules shall establish requirements regarding: ...
 - (ii) Drinking water quality standards, monitoring requirements, and laboratory certification requirements;

WAC 246-290-460

Fluoridation of drinking water

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- (2) Where fluoridation is practiced, purveyors shall maintain fluoride concentrations in the range 0.8 through 1.3 mg/L throughout the distribution system.
- (3) Where fluoridation is practiced, purveyors shall take the following actions to ensure that concentrations remain at optimal levels and that fluoridation facilities and monitoring equipment are operating properly:
 - (a) Daily monitoring.
 - (i) Take daily monitoring samples for each point of fluoride addition and analyze the fluoride concentration. Samples must be taken downstream from each fluoride injection point at the first sample tap where adequate mixing has occurred.
 - (ii) Record the results of daily analyses in a monthly report format acceptable to the department. A report must be made for each point of fluoride addition.
 - (iii) Submit monthly monitoring reports to the department within the first ten days of the month following the month in which the samples were collected.
 - (b) Monthly split sampling.

- (i) Take a monthly split sample at the same location where routine daily monitoring samples are taken. A monthly split sample must be taken for each point of fluoride addition.
- (ii) Analyze a portion of the sample and record the results on the lab sample submittal form and on the monthly report form.
- (iii) Forward the remainder of the sample, along with the completed sample form to the state public health laboratory, or other state-certified laboratory, for fluoride analysis.
- (iv) If a split sample is found by the certified lab to be:
 - (A) Not within the range of 0.8 to 1.3 mg/l, the purveyor's fluoridation process shall be considered out of compliance.
 - (B) Differing by more than 0.30 mg/l from the purveyor's analytical result, the purveyor's fluoride testing shall be considered out of control.
- (4) Purveyors shall conduct analyses prescribed in subsection (3) of this section in accordance with procedures listed in the most recent edition of Standard Methods for the Examination of Water and Wastewater.
- (5) The purveyor may be required by the department to increase the frequency, and/or change the location of sampling prescribed in subsection (3) of this section to ensure the adequacy and consistency of fluoridation.

The state of Washington specifically authorizes water district boards to vote fluoridation in or to call an election and let the public vote fluoridation in. The state generally approves of the addition of fluoridation materials to drinking water. The state requires the water districts to select from a short list of available fluoridation materials. The state thus approves of the contents of the fluoridation materials. The state regulates the concentration.

There are other sources of fluoridation materials: the bread, the beer, the pesticides, and the Prozac. But the law does not say Washington can escape liability because there are other sources. If Washington's negligence is one of several proximate causes, then Washington is liable.

There are other negligent acts which Washington has committed and which would be easy to prove: Fluoride is the most active of all acids. Fluoride dissolves lead. There is a lot of lead solder in a lot of old pipes in Washington.

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Lead solder in pipes was not outlawed until 1986. No amount of lead consumption is considered safe. Not only does the acid leach the lead out of the solder, there is actually lead in the fluoridation materials added. It is listed along with arsenic on Cargill's bill of shipping.

The state of Washington—with its many laboratories doing water testing, with its scientists keeping up with the literature, and with pro bono attorneys like me alerting you to the harmful nature of fluoridation materials—knows, or should know in the exercise of a reasonable level of prudence, that adding fluoridation materials to drinking water is harmful.

The harmful nature of fluoridation materials is clear. Liability wise, I think the case against Washington is air tight. The state and all the local water districts could be sued “big time.”

I strongly suggest that you and Rob McKenna set up an Attorney General's special research task force and look closely at the law and the science on this question. That is the minimum you must do at this point to terminate any further liability on the part of Washington.

Having done your research, you should halt fluoridation by Governor's emergency decree, pending legislative review. You can announce the findings made by your task force and say that you stopped the practice as soon as you became aware of the validity of the health concerns.

And you could bring the resources of the state of Washington to bear against the fertilizer companies that sold us this swill and claimed it was a good product. Sue them the same way you sued the tobacco companies.

I am not a scientist. But I believe I understand the science involved. Nor am I a litigator. But I believe I correctly see the exposure that the state of Washington has regarding this matter.

Emphasis added: I am not threatening to sue the state of Washington. I am not a litigator. I am not going to publish this letter on any web site or send it out to the newspapers or to my e-mail list. I don't want to give people the idea of hiring a class action law firm and suing the state Washington.

I just want to see Washington stop doing the wrong thing and start doing the right thing.

I want Washington to lead the way in CHANGE on this issue.

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My dentist friend Dr. Bob Osmunson and I would like to visit you to discuss these matters. See Dr. Bob's YouTube video at <http://www.fluoridealert.org>.

Can we call your secretary and make an appointment?

Sincerely,

James Robert Deal
Attorney at Law