

From: Eloise Kailin
Sent: Wednesday, May 07, 2008 12:05 PM
Subject: Letter to WDOH Secretary

May 7, 2008

Mary Selecky, Secretary, Washington State Department of Health
P. O. Box 47890
WA 98504-7890

Dear Madam Secretary:

RE: #1. Drinking water fluoridation policy in light of National Research Council Report to EPA, March 2006.

#2. Pollutant loading of fluoride additive and NSF/ANSI Standard 060 as required by WAC 246-290-220.

Action requested; 1: Disclosure of WDOH efforts to address these two issues.

2: Obtain evidence that requirements of the protocol for NSF/ANSI Standard 60 are or are not being met. What are all the components of the fluoridation chemical mixtures we are putting in our drinking water?

The good news: A letter from Leslie Thorpe of WDOH to Joseli Alves-Dunkerson, DDS, dated March 31, 2006. In the third paragraph this says: *"Our agency is also called upon to provide accurate, evidence-based information to the public about the health effects of fluoride through our Office of Environmental Health Assessments."*

ISSUE # 1

It is now two years since publication in 2006 of "Fluoride in Drinking Water: A Scientific Review of EPA's Standards" by a twelve member Committee on Drinking Water and the National Research Council. Many questions on the wisdom of water fluoridation are raised. Bibliography is extensive. Two panels of toxicologists were also involved in planning and oversight: an eleven member Committee on Toxicology and a 28 member Board on Environmental Studies and Toxicology. Beyond a major finding that EPA's maximum contaminant level for fluoride (MCL at 4 mg/L) is set too high (thus also that for Washington State) is a compilation of evidence that many other health concerns cannot be considered unaffected by fluoridation and need focused studies. It is clear that infants and young children are being over-dosed on fluoride even at the 1 mg/L community drinking water level.

Has your agency in hand any credible data -not opinion but evidence-which would constitute rebuttal of any part of this report to EPA? Are any measures being taken to inform the most at risk members of the public (elderly, infants and young children, kidney impaired, athletes with high water consumption, diabetics) that they should reduce intake of fluoridated water? Any steps being taken to lower the state MCL for fluoride?

Please consider this letter a Public Disclosure request under RCW 42.56.40 et seq. for copies of all incoming or outgoing correspondence, electronic or hard copy, telephone memoranda, meeting notes, summaries, staff reports, invoices or payments for consultants dealing with the Report to EPA, bearing in any way on

evaluation of the Report to EPA. We ask that the WDOH response to us omit materials we have provided. The time frame is from Jan. 1, 2005 to date.

ISSUE # 2

In January, 2008 we sent you, the State Board of Health, and various others in WDOH a Constructive Notice which among other things questioned that NSF/ANSI Standard 60 is being met for water fluoridation materials. The same Notice went to the City of Port Angeles and Clallam County Board of Health who turned to WDOH Office of Drinking Water for a response.

The responder, Denise Clifford, relied on a letter dated July 7, 2000 from NSF official Stan Hazen in a letter to Congressman Calvert, then Chair of U.S. Subcommittee on Energy and the Environment, Committee on Science. Her opinion, transmitted by Leslie Thorpe Gates, stated: "*We do not believe that NSF is in violation of its standards. The ANSI/NSF protocols for drinking water additives used by approved third party entities such as NSF International satisfy our concerns that ancillary materials are not contributed at harmful levels when the additive is properly applied.*"

When asked for documentation Ms. Clifford responded: "*Please refer to Stan Hazen's letter to Congressman Calvert. To our knowledge there has been no subsequent departure from the responses presented in that letter.*"

The protocols are not questioned here, but that they are not being acted on is indeed a big problem. It is not disputed that NSF/ANSI Standard 60 requires toxicological evaluation-See the NSF web site which as of February, 2008 published the NSF Fact Sheet on Fluoridation Chemicals. This states (last paragraph on page one): "*The standard requires a full formulation disclosure of each chemical ingredient in a product. It also requires a toxicology review to determine that the product is safe at its maximum use level and to evaluate potential contaminants in the product. A toxicology evaluation of test results is required to determine if any contaminant concentrations have the potential to cause adverse human health effects.*"

In 2004 the same Mr. Hazen quoted by Ms. Clifford, when called as an expert witness on behalf of the state of California testified that no manufacturer has disclosed the full range of toxic products present. You have been provided with relevant portions of the transcript of that testimony. The full transcript is available if you wish it.

Now was Mr. Hazen likely lying under oath in his deposition in 2004 when he testified that no manufacturers of FSA have complied with requirements to reveal contaminants present? Ms. Clifford's response was: "*We do not know the basis for his testimony and cannot comment on it. Our agency has no role in setting NSF standards.*"

We believe that the Certificate of Analysis which is supposed to accompany fluoride product delivery and which lists only a few attributes of the product, being stamped "Certified, to NSF/ANSI 60" (See Attachment herewith) misbrands and significantly misrepresents the product.

Reasons for believing that multiple toxic compounds are likely present and should be disclosed are provided in a letter written by a phosphate plant middle manager, Gary Pittman, which we sent to you, Ms. Clifford and others. Ms. Clifford's response: "*I have taken the liberty of passing it along to our Office of Environmental Health Assessments, as we at the Office of Drinking Water have neither a role nor expertise in toxicological assessment.*"

Monitoring of the certification process for Standard 60 is carried out only through NSF, a private industry body and we cannot reach their documentation under public disclosure rules. We ask that your agency investigate and obtain documentation disclosing the identity and toxicology attributes of all pollutants in the materials being placed in public drinking water as part of a fluoridation program.

We applaud the statement that WDOH is committed to *provide accurate, evidence-based information to the public* and think there is a need for immediate application of that policy to the problem of whether the fluoridation additives to drinking water in Washington State meet the standards required by WAC 246-290-220.

Please consider this letter a Public Disclosure request to WDOH under RCW 42.56.40 et seq. for copies of all incoming or outgoing correspondence, electronic or hard copy, telephone memoranda, meeting notes, summaries, staff reports, including invoices or payments to consultants who have provided work bearing in any way on the evaluation of contaminants present in water fluoridation additives. (Please do not copy for us from your record materials we have submitted unless such copies are marked up with notes or emphasis.) The time scope I think reasonable for document search for this request is from Jan. 1, 2000 to date.

Yours truly,

Eloise Kailin M. D.
Corresponding Secretary, PPF

CC Rob Duff, Office of Environmental Assessments , WDOH

Enclosures:

1. Public Disclosure Request form, WDOH
2. Peninsula Pointers (2 pages of Ads published 12/10/06 thru 2/18/07)
3. News Channel 5 Report 11/25/06, Fluoride and babies.
4. Email WDOH to Kailin 3/10/08
5. NSF Fact Sheet from NSF web site Feb., 2008
6. Certificate of Analysis , J.R.Simplot, FAXed by fluoride supplier Lucier Industries on June 13, 2006 to City of Port Angeles following delivery of first shipment of fluoride to them in Mid-May.
7. Letter, Gary Pittman Nov. 18, 1998.

Attachment #4

Sent to Kailin by Gates on March 10, 2008. Irrelevant portions deleted by E, K. 5/5/08

Leslie Gates

Manager, Constituent Relations Section

Office of Drinking Water

Division of Environmental Health

Department of Health

P.O. Box 47822

Olympia, WA 98504-7822

(360) 236-3098

leslie.gates@doh.wa.gov

Public Health - Always Working for a Safer and Healthier Washington

> Dear Eloise,

>>Denise asked me to respond to the recent questions you raised about the
>City of Port Angeles and water fluoridation in your e-mails of February
>20, 21, and 22. As you know from our previous correspondence, the role
>of the Office of Drinking Water is to oversee the practice of
>fluoridation for those communities that choose to fluoridate their
>drinking water.

>

>Here are answers to each of your questions:

>- Does the State question whether NSF has violated its standards for
>performing an NSF Standard 60 review of fluorosilicic acid (FSA)?

>

>We do not believe that NSF is in violation of its standards for judging
>the safety and applicability of FSA that is used as a drinking water
>additive. Our position is largely based on a July 7, 2000, letter from
>Stan Hazen (then General Manager for the NSF Drinking Water Additives

>Certification Program) to Representative Ken Calvert (then Chair of the
>U.S. Subcommittee on Energy and the Environment, Committee on Science).
>You may review the letter at:
>www.keepers-of-the-well.org/gov_resp_pdfs/NSF_response.pdf. The
>ANSI/NSF protocols for drinking water additives used by approved
>third-party entities such as NSF International satisfy our concerns
>that ancillary materials are not contributed at harmful levels when the
>additive is properly applied.

>- Was NSF's Executive Director for the Center for Public Health
>Education likely lying under oath when he testified that manufacturers
>of FSA have not complied with requirements to reveal contaminants and
>their toxicology as stated in Section 3.2.1.? Is your agency attempting
>to obtain records from NSF to verify or rebut his statement?

>
>We do not know the basis for this testimony and cannot comment on it.
>Our agency has no role in setting NSF standards.

>- Where is the documentation that ANSI/NSF standard 60 provisions
3.2.1.have been met?

>
>Please refer to Stan Hazen's letter to Congressman Calvert. To our
>knowledge, there has been no subsequent departure from the responses
>presented in that letter.

>Sincerely,

>

>Leslie Gates

>Manager, Constituent Relations Section

>Office of Drinking Water

>Division of Environmental Health

>Department of Health

>P.O. Box 47822

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>

>Public Health - Always Working for a Safer and Healthier Washington

>

>ps. Thank you for sending Mr. Pittman's letter to us. I have taken the
>liberty of passing it along to our Office of Environmental Health
>Assessments, as we at the Office of Drinking Water have neither a role
>nor expertise in toxicological assessment.

>-----Original Message-----

>From: Clifford, Denise (DOH)

>Sent: Friday, February 22, 2008 9:46 AM

>To: 'eloisek@olympus.net'; 'josef.bezovics@doh.wa.gov'

>Cc: Anderson, Andy (DOH); Davis, Jerrod (DOH); Gates, Leslie Thorpe (DOH)

>Subject: Re: Port Angeles fluoride and pH

>Dear Eloise,>

>Thanks for sharing your questions about the City of Port Angeles' water
>quality and your general questions about fluoride with us.

>Because your questions cross a number of areas within our office and

>the department, it will take us a while to gather information to

>respond. We anticipate getting back to you in the next couple of weeks.

>Also, because your questions often relate outside of the scope of what

>our regional offices and engineers do, I'd like to ask that you direct

>future e-mails to my headquarters office. I've asked Leslie Gates, my
>constituent relations manager to be the first point of contact for you.
>She will be able to pull info from the various program areas that you
>inquire about. Her e-mail is included in the "cc" line and her phone
>number is 360-236-3098.>

>Sincerely,

>Denise Addotta Clifford

>Director, Office of Drinking Water

>Division of Environmental Health

>Department of Health

>360-236-3110

>

>Sent from my handheld device (Clifford)

From Eloise to WDOH:

>Note the questions on whether fluorosilicic acid currently supplied is
>properly certified under NSF/ANSI Standard 60. We suspect it is
>mis-labelled.

> Was NSF's "Executive Director for the Center for Public Health
>Education" likely lying under oath when he testified that manufacturers
>of FSA have not complied with requirements to reveal contaminants and
>their toxicology as stated in Section 3.2.1? Is your agency attempting
>to obtain records from NSF to verify or rebut his statement?

>The nexus of this matter to the corrosivity problem is this: If the
>fluoride formulation does not meet state standards and Standard 60 it
>might be feasible to suspend fluoridation due to lack of available
>chemical and thus free up the fluoride facility to control the pH
>problem at least until the new water treatment plant comes on line.

>The City we think would not be liable for damages since the matter is
>not under their control--I doubt anyone has properly certified FSA if
>we can believe Mr. Hazen.

>Eloise Kailin