

## APPENDIX A

### INTERESTS OF AMICI CURIAE

#### **International Academy of Oral Medicine and Toxicology**

The fundamental mission of the International Academy of Oral Medicine and Toxicology is to promote the health of the public at large. We support the effort to inform consumers about health risks from amalgam mercury and water fluoridation, and support efforts toward eliminating these risks. The scientific activities of the IAOMT are overseen by an advisory committee composed of world leaders in biochemistry, toxicology and environmental medicine. The ideals and goals of the IAOMT are shared by dentists and physicians around the world, who have joined our efforts to promote science – based biological dentistry in their home countries. At present, there are fourteen independent chapters worldwide.

#### **Oregon Citizens for Safe Drinking Water**

Oregon Citizens for Safe Drinking Water (OCSDW) is a non-profit, all volunteer organization dedicated to protecting our drinking water through education and advocacy. Specifically, we work to keep fluoride compounds and other toxic chemicals and medications out of the public drinking water supply.

We are a coalition of individuals and organizations that includes doctors, lawyers, dentists, scientists, public health advocates, environmentalists, parents, legislators and concerned citizens. Together, we work to educate the public and policy makers about the concerns and complexities surrounding water fluoridation.

Over the past several years, we have worked with other local groups that have opposed fluoridation: Sierra Club, Oregon Chapter, Columbia Riverkeeper and other local Riverkeeper Chapters, Oregon Conservation Network, Northwest Environmental Defense Center, Pacific Environmental Advocacy Council, Oregon Toxics Alliance, Oregon Center for Environmental Health, Oregon Trout, Native Fish Society, Oregon Health Freedom Coalition, and the Oregon League of Cities, among others.

We also work in conjunction with national groups that oppose fluoridation: EPA Unions, Environmental Working Group, Organic Consumers Association, the Fluoride Action Network (FAN), and many of the other individuals and organizations mentioned in FAN's statement of interest in this case.

For over a decade, OCSDW has worked to fight mandatory statewide fluoridation bills that have been introduced in the Oregon state legislature. We have also worked to oppose mandatory fluoridation efforts at the local level, and have offered assistance to communities whose citizens have expressed a desire to stop the intentional addition of fluoride compounds to their drinking water.

In addition, we have introduced legislation in the Oregon state legislature which would require that manufacturers selling substances to be added to drinking water for the purpose of *treating humans* (as opposed to *treating water* for safety and potability) show proof that their product: (1) has been FDA-approved for safety and effectiveness for its stated purpose; and (2) will not contribute contaminants to the finished water above EPA-established Maximum Contaminant Level Goals.

OCSDW has taken the position that local communities should be allowed to vote on this issue. However, we also acknowledge that allowing local communities to vote on this issue in favor of adding drugs to water is problematic at best given accepted legal principals of informed consent. A fundamental ethical and constitutional question is whether legislators, states, counties, cities, water districts or any other entity should be allowed to medicate entire populations with drugs via their water supply.

### **Fluoride Action Network**

The Fluoride Action Network ("FAN") is an international coalition seeking to broaden public awareness about the toxicity of fluoride compounds and the health impacts of current fluoride exposures.

Along with providing comprehensive and up-to-date information on fluoride issues to citizens, scientists, and policymakers alike, FAN remains vigilant in monitoring government agency actions that may impact the public's exposure to fluoride. FAN's work has been cited by national media outlets including Wall Street Journal, TIME Magazine, National

Public Radio, Chicago Tribune, Prevention Magazine, and Scientific American, among others.

In May of 2004, FAN became an official project of the American Environmental Health Studies Project (AEHSP) - a registered non-profit 501(c)(3) organization.

As of January 2010, over 2700 Professionals have signed FAN's statement calling for an end to fluoridation. These include:

Arvid Carlsson, Nobel Laureate for Medicine, 2000; Magda Aelvoet, MD, Former Minister of Public Health, Belgium; Doug Everingham, former Federal Health Minister (1972-75), Australia; three members of the National Research Council committee who wrote the 2006 report (Hardy Limeback, PhD, DDS; Robert L. Isaacson, PhD; Kathleen M. Thiessen, PhD); William Hirzy, PhD and Robert Carton, PhD, former risk assessment specialists at the EPA; William Marcus, PhD, former chief toxicologist of the EPA Water Division; Vyvyan Howard, MD, PhD, Past President, International Society of Doctors for the Environment (ISDE); Andy Harris, MD, former president, Physicians for Social Responsibility (PSR); Theo Colborn, PhD, co-author, Our Stolen Future; Lynn Margulis, PhD, a recipient of the National Medal of Science; Ken Cook, President and Executive Director, Environmental Working Group (EWG); Ron Cummins, Director, Organic Consumers Association; Peter Montague, PhD, Director of Environmental Health Foundation; Ted Schettler, MD, Science Director, Science and Environmental Health Network; Lois Gibbs, Executive Director, Center for Health, Environment, and Justice, Falls Church, VA; Jay Feldman, Executive Director, Beyond Pesticides; Sandra Duffy, Board President, Consumers for Dental Choice and environmental health leaders from over 30 countries.

### **Washington Action for Safe Water**

Washington Action for Safe Water is a 501(c)(3) organization working to improve the quality of water in Washington State. As its policy, Washington Action for Safe Water believes that communities should not add substances to public water supplies for the medication of people.

## **Whidbey Environmental Action Network**

Whidbey Environmental Action Network (“WEAN”) is a tax exempt nonprofit organization dedicated to the preservation and restoration of the environment, including those aspects that directly affect human health. WEAN believes that policies affecting the environment should be thoroughly vetted. The use of initiative and referendum powers by the electorate is one means of such review. WEAN also has an interest in assuring that the legislative and administrative functions of elective bodies are properly defined. Finally, WEAN's members have an interest in preventing environmental degradation. The ability of citizens to directly engage in legislative action (e.g., through the referendum and initiative processes) is an important safeguard to environmental health.

**AUDREY ADAMS, RENTON, WASHINGTON:**

January 14, 2010

To the Washington Supreme Court:

This letter regards the case of the City of Port Angeles v. Our Water-Our Choice and Protect Our Waters, v. Washington Dental Service Foundation LLC, Case No. 82225-5.

My son Kyle Adams, age 24, has autism and suffers from pain, severe headaches and other symptoms when exposed to chemicals in his food, in the air or in his water. He works as an office assistant at Highline Community College, but cannot do his job after chemical exposures. He must be protected from such exposures, but water is the hardest to avoid.

His sensitivity to chemicals is so great that he cannot drink fluoridated water and cannot shower in fluoridated water without suffering a severe headache that lasts for hours. Someone wearing perfume will cause his heart rate to skyrocket (demonstrated by accident in the doctor's office). A tiny bit of yellow dye #5 in white cake will cause him to scream and run as if pursued by killer bees. Preservatives will cause him to break out in a red sweat and will guarantee a wild ride for all those around him. His doctor-ordered chemical and dietary avoidance regimen is complex, time-consuming and expensive, but necessary.

After exposure to chemicals, including fluoridated tap water, the intensity of his pain creates behaviors that make him appear many times more autistic—because he cannot talk, cannot listen, cannot cope—until the pain subsides. After exposure, his wild and erratic behavior makes him appear violent, but his normal self is a very gentle man, happy in his home, loving his job, enjoying playing the piano and showing tons of love to his family.

Even with the use of a chlorine filter on the showerhead, Kyle's headache, body pain and reduced function follow shortly after the shower. Moving his shower to the evening moves the pain to the evening and into the night, with screams, sweating, rapid heartbeat and violent bed-pounding, shaking our house like an earthquake. Years of out-of-town visits to locations that do not fluoridate, but do chlorinate (with no chlorine filter) have shown that these severe reactions are not present with chlorine alone.

Providing fluoride-free water is very expensive and labor-intensive. My tap water costs me \$0.0042 per gallon—but fluoride-free water at the grocery store is \$0.45/gal to refill jugs or \$1.00 to \$3.00 per gallon off the shelf—a mind-blowing 100-700 times more expensive!

My son's greatest impediment to a livable life is pain, not autism. Similar reactions to chemicals are very common in the autistic population and, unfortunately, those that are the most out of control have parents who do not yet know that their fluoridated water could be causing their child's wild behavior. It took me almost two decades to fully discover this, partly because his intolerance to chemicals continues to increase and worsen as he ages.

One might think that we should move to a non-fluoridated area, but Kyle's job took many years to cultivate and was tailor-made for him, with his unique abilities and disabilities. It is in the heart of, and surrounded by, fluoridated water districts. He travels to work on Metro Access (a transportation service for disabled persons) which only serves areas in King County that are served by regular buses, an area almost entirely fluoridated.

The chemical drug fluoride can intensify pain and increase autistic symptoms due to their inefficient detoxification system. The cause of autism is unknown, but most experts agree that *genetic vulnerability + environmental exposures* = the behavioral symptoms labeled "autism". In the 1980's autism affected 1 in 2,000—now it's 1 in 110. Countless

parents have reported improvement of their child's behavior and school success by reducing their child's toxic load and providing chemical-free food and fluoride-free water.

Every medication has a risk, including fluoride, but only one medication is delivered to everyone regardless of health status, regardless of vulnerability, regardless of consent, regardless of dose and regardless of individual tolerance. Our babies, children and vulnerable populations need our utmost protection and conservatism from ALL chemicals.

It is unconscionable to add a toxic drug to something so basic to survival as water when there is any chance whatsoever that doing so might harm even a single child and make that water undrinkable and unusable to those with chemical intolerances. There is simply no drug that is safe for everyone. No chemical or drug is benign, not even fluoride.

As a person with a developmental disability, a serious medical condition, and completely reliant on others to protect him, the refusal of public servants to recognize the toxicity and harm of fluoridation threatens every aspect of Kyle's right to life, liberty and happiness.

**LINDA MARTIN, SNOQUALMIE, WASHINGTON**

January 11, 2010

To the Washington Supreme Court:

Fluoridation harms me and my family and deprives me of my home.

The Fifth Amendment to the US Constitution guarantees that I will not be deprived of property without due process of law. However, I have been forced to move when governments have fluoridated water going to my home. I have not had money to appeal to the Courts, so I have sold my belongings, uprooted my family, and moved to a community which does not fluoridate the water.

If they start fluoridating the valley where I live now, it will be devastating. I will have to move further away from the only family I have, who help me support my autistic son, and will have even more difficulty finding work. Basically, what this all boils down to is a lack of freedom, poverty, unavoidable pain and social isolation.

I can't live where I want to. I can't drink what I want to. I can't eat what I want to. I can't settle down and get comfortable anywhere because I don't know when governments will start fluoridating my water. Even food, which is often high in fluoride, gives me long-term health problems due to the fact that I'm very sensitive to fluoride. I cannot bathe in fluoridated water either. I have skeletal pain, joint pain, skin rashes, gastro-intestinal, vision, memory and thyroid problems when exposed to fluoride.

For example, during a work potluck on April 24th my heel started aching. I limped out of there, and I'm still limping today. I ate at the potluck because I was afraid of insulting my employer who was anxious for me to try the food and was sitting there watching me eat. If I tell people I can't handle fluoride, they think I'm a nut. This affects all my relationships, and in general has turned me into a hermit. I am having major health issues due to fluoridation, and I can't mention it to anyone. So naturally, they think I'm weird because I can't explain why I make the decisions I do.

I have to live in a rural area far from my relatives and my work, which is very expensive, time-consuming and exhausting. I have to spend a lot of time trying to figure out what food and drink is safe. I send countless emails and make countless phone calls to find out water sources for companies that manufacture food and drink so I can check the fluoride status. If I can't get answers, or they use multiple manufacturing sites, I can't take the chance. My diet is somewhat monotonous as a result. I buy a lot of local farm produce which I'm sure did not get watered or manufactured with fluoridated water.

Please take action to prevent the spread of fluoridation. People like me need somewhere to live and thrive.

### **BILL OSMUNSON, DDS, MPH**

Dr. Willard "Bill" Osmunson is an author, researcher, educator, and public health dentist. For the first 25 years of his dental practice, Dr. Osmunson promoted the fluoridation of water. He thought he could see the benefits of drinking fluoridated water in his patients' teeth. After careful review of the scientific evidence, he concluded that higher rates of dental decay correlated not with fluoridation but with low income, general poor health, and bad diet. He concluded that fluoridation not only did not reduce caries rates but that it had harmful side effects.

Dr. Osmunson points out that there are significant increases in fluoride exposure from sources other than drinking water such as foods and beverages made with fluoridated water, pesticides and fumigants, and fertilizers, that excess fluoride intake causes harm, and that there is a failure on the part of government regulatory agencies to accept jurisdiction over the exposure, dosage, benefits, and risks of fluoride ingestion. He concludes that we should put an end to water fluoridation.

View Dr. Osmunson's YouTube video at  
<http://www.youtube.com/watch?v=Ys9q1cvKGk>.

See an article by Dr. Osmunson entitled "Water Fluoridation Intervention: Dentistry's Crown Jewel Or Dark Hour?" Fluoride 40(4) 214-221, Oct-Dec 2007, [http://www.fluorideresearch.org/404/files/FJ2007\\_v40\\_n4\\_p214-221.pdf](http://www.fluorideresearch.org/404/files/FJ2007_v40_n4_p214-221.pdf).

### **DR. GERALD H. SMITH, M.D.**

Doctor Gerald H. Smith is a medical doctor and a recognized international authority on craniomandibular somatic disorders with a focus on resolving chronic pain. He is the author of a landmark textbook, Cranial-Dental-Sacral Complex and the first research in the world to radiographically document cranial bone movement by means of the Dental Orthogonal Radiographic Analysis System, which he developed. Doctor Smith also developed and patented the worlds first cranial motion precision attachment to permit cranial motion in fixed bridgework that crosses the maxillary mid-line.

Doctor Smith is also the originator of the Occlusal Cranial Balancing Technique, the worlds first occlusal system to balance cranial bone and spinal alignment. He has also contributed equally important books, Reversing Cancer, Headaches Aren't Forever and Alternative Treatments For Conquering Chronic Pain. His latest book presents a major paradigm shift by integrating osteopathic, chiropractic, dental, medical, physical therapy and nutritional concepts.

Doctor Smith's 30 plus years of clinical research has uncovered several of the major missing links for the cause of chronic pain. He was an invited speaker at Walter Reed Army Medical Hospital, Yonsi Memorial Hospital in Seoul Korea, Holistic Medical Association and other prestigious meetings. He is presently on the board of the Holistic Dental Association, a past president and recent past president of the Pennsylvania

Craniomandibular Society. Doctor Smith has a specialty practice in chronic pain, nutrition and dental orthopedics/orthodontics in Langhorne, Pennsylvania.

Learn more about Dr. Smith by viewing his web site at <http://www.icnr.com/GeraldHSmith.html>.

He is author of the landmark textbook for professionals, Cranial-Dental-Sacral Complex, and the best seller, Headaches Aren't Forever, written for the layperson

Dr. Smith is opposed to the fluoridation of public water because of the harms which may result therefrom.

### **FLUORIDE CLASS ACTION**

Fluoride Class Action is an consumer-environmental bar association that opposes using public water systems to medicate people. The work of Fluoride Class Action may be viewed by going to the following web site: <http://fluoride-class-action.com>.

It is the aim of Fluoride Class Action to serve as a repository of information about how to proceed with these cases, to make this information available to fellow attorneys, to inspire class action and consumer protection attorneys to sue municipalities which deliver fluoridated water.

A preliminary step is to put municipalities on notice of potential liability and to inform their insurance carriers of potential liability. Insurance companies are not in the business of defending unreasonable and known risks. They will begin to limit and terminate coverage, and the foolish practice of water fluoridation will in many municipalities be terminated.