

NOTICE ON CHIEF EXECUTIVE TO CEASE OR SUSPEND FLUORIDATION OF PUBLIC WATER SUPPLIES UNDER PENALTY OF LEGAL LIABILITY

THIS NOTICE is issued to Territorial Authorities' Chief Executives as Agents for those Territorial Authorities, including their elected members and employees.

BACKGROUND

1. In 2010 and 2011 your Council received comprehensive information regarding a range of health risks posed by fluoridation, including those specifically discussed below.
2. In 2006 Dr Elise Bassin published research in *Cancer Causes and Control*, demonstrating that it is likely that males exposed to fluoride, including fluoridated water, between the ages of 6 and 8 years inclusive, had at least a five-fold increased risk in developing osteosarcoma (bone cancer) in their teens.
3. In the same edition Dr Chester Douglass had published a letter to the editor, claiming that his larger study would refute Bassin's findings.
4. That study was published as "An Assessment of Bone Fluoride and Osteosarcoma," in the *Journal of Dental Research* 28 July 2011.
5. The study was much smaller than Bassin's and had significant methodological flaws.
6. More importantly, the study does not address Bassin's core finding of age-related exposure risk.
7. Consequently, the study does not refute Bassin's core finding of age-related exposure risk.
8. No other study has ever refuted Bassin's core finding of an age-related exposure risk.
9. Consequently, Bassin's study stands as the most reliable study on this risk, and establishes a likelihood that exposure of boys to fluoride, including fluoridated water, between the ages of 6 and 8 years inclusive, represents a significantly increased risk in developing osteosarcoma in their teens, with consequently mortality.
10. In 2010 Dr A K Susheela published research demonstrating an increase in premature births from fluoride exposure.
11. In 2009, State University of New York research also showed an increase in premature births related to fluoridation. This was a particular risk to poor non-white mothers. (Reference: 197468 *Relationship between municipal water fluoridation and preterm birth in Upstate New York* Rachel Hart, BA, MPH, et al. Department of Epidemiology & Biostatistics, School of Public Health, University at Albany, State University of New York, Rensselaer, NY <http://apha.confex.com/apha/137am/webprogram/Paper197468.html>)

12. Other things being equal, an increase in premature births results in a corresponding increase in infant deaths.
13. In New Zealand this especially affects Maori.

NOTICE

14. **I THEREFORE** put you **ON NOTICE** that, following publication of:

- a. Bassin EB, Wypij D, Davis RB, Mittleman MA. "Age-specific fluoride exposure in drinking water and osteosarcoma (United States)" *Cancer Causes Control*. 2006 May;17(4):421-8; and
- b. Douglass C *et al* "An Assessment of Bone Fluoride and Osteosarcoma," in the *Journal of Dental Research* 28 July 2011; and
- c. A. K. Susheela, N. K. Mondal, Rashmi Gupta¹, Kamla Ganesh, Shashikant Brahmanekar, Shammi Bhasin and G. Gupta "Anaemia in Pregnant Women" *Current Science*, Vol. 98, NO. 10, 25 May 2010, pp1320:1330; and
- d. *Relationship between municipal water fluoridation and preterm birth in Upstate New York*, Rachel Hart, BA, MPH, et al. Department of Epidemiology & Biostatistics, School of Public Health, University at Albany, State University of New York, Rensselaer, NY; and
- e. Research listed in information provided to you by Fluoride Action Network NZ Incorporated in 2010 and 2011;

15. **GIVEN THAT:**

- a. on the strength of Bassin's unrefuted research, and official New Zealand figures showing approximately four young men are affected by osteosarcoma each year, it is likely that water fluoridation causes at least two of those cases of osteosarcoma, which is 50 percent fatal; and
- b. on the strength of current research it is likely that water fluoridation kills an unknown number of newborn babies each year, in which Maori and Pasifika will be over-represented; and
- c. numerous health risks have been scientifically identified to the population generally, specific population sub-groups, and individuals with a chemical intolerance to fluoride (for example as discussed by the Public Health Commission in its 1994 report *Water Fluoridation in New Zealand*);
- d. you have a duty of care to those affected by your decisions;
- e. you have a fiduciary duty to those affected by your decisions;
- f. you have a statutory duty under both the Local Government Act 2002, and the Health Act 1956 to protect the public from any likely health risks;

g. and the above represent likely health risks;

16. **CONTINUING** water fluoridation is a breach of your duty of care, fiduciary duty, and statutory duty; and constitutes creation of a criminal nuisance;

THEREFORE

17. **IF YOU** do not permanently end fluoridation of the public water supply under your jurisdiction within 366 (three hundred and sixty-six days (“a year and a day”) of the date of **THIS NOTICE**, or suspend fluoridation until such time as water fluoridation is proven safe beyond reasonable doubt to the satisfaction of the independent international scientific community;

18. **I WILL** hold you in breach of your duty of care, fiduciary duty, and statutory duty; and

19. **I WILL** pursue such action in law as I see fit against you as Territorial Authorities, and might bring such action, including criminal action, against individual councilors responsible for promoting or supporting such continuation, in their personal liability.

COUNCIL OFFICERS

BACKGROUND

20. Through official information obtained, and other avenues, it is apparent that some Council officers have deliberately produced one-sided reports with false and/or omitted information, to mislead decision-makers and thereby promote fluoridation; and

21. It has also been revealed that some Council officers have worked to undermine the decisions of their Council; and

22. It has also been revealed that some Council officers have worked “behind the scenes” in collaboration with the relevant District Health Board to promote fluoridation policy, in breach of their duties as Council officers to ensure robust decision-making processes.

NOTICE

23. **I THEREFORE** put you **ON NOTICE** that, if you, in your capacity as officers with statutory public duties, and duty of care:

24. **ARE PARTY** to production of a report that could reasonably be seen as providing a one-sided view, including by omission of opposing information or by over-representing the strength of information presented (unless expressly requested by the Council, and clearly identified as representing that view only); or

25. **CONSPIRE WITH** fluoridation promoters to affect in any way due council processes; or

26. **WORK TO UNDERMINE** any Council decision related to fluoridation; or

27. **HAVE DONE** any of these things within the 5 (five) years preceding the date of this Notice;

28. **I WILL** bring such action in law against you as I see fit, in your personal capacity and liability.

AMNESTY

29. **I OFFER** an amnesty to any Council Officer falling within paragraph 27, in relation to such action only, who formally discloses in writing their involvement to one of the following:

- a. Myself, as issuer of this Notice;
- b. The Ombudsman;
- c. The Commissioner of State Services.

NOTICE TO AGENT IS NOTICE TO PRINCIPAL

NOTICE TO PRINCIPAL IS NOTICE TO AGENT

NOTICE GIVEN this 7th day of November, in the year of our Lord 2011.

Graham Mark: Atkin LLB(Hons)
c/- PO Box 9804 Marion Square
Wellington



Fluoridegate Legal Action NZ



Graham Mark: Atkin LLB(Hons)
Fluoridegate Legal Action NZ
c/- PO Box 9804 Marion Square
Wellington

7 November 2011.

To all Territorial Authorities
cc. Hon Rodney Hide
Minister of Local Government

This notice is served in the interests of the public's health.

This Notice provides a window of opportunity for Territorial Authorities to undertake due process to end or suspend water fluoridation. This window of opportunity is provided as Territorial Authorities have been victims of a fraud, perpetrated by a range of agencies, in relation to water fluoridation.

However, you have been provided with more than adequate information about water fluoridation in the last two years, such that it is now appropriate that you understand the implications at law of not acting on the available information, and not taking responsibility under your fiduciary duty, duty of care to those affected by your decisions, and statutory duty, now.

I am aware that certain Territorial Authorities have committed to review and/or consultation over water fluoridation in their communities. For this I commend them.

However, since current scientific research establishes that water fluoridation is likely to cause the deaths of an unknown number of residents, water fluoridation is unlawful and illegal. No amount of public support can change that. Consequently, such public consultation has been superseded.

As this Notice includes notice of potential individual personal civil and criminal liability, I highly recommend that, to avoid being cited in future legal action, all councilors opposed to fluoridation serve formal written notice their Chief Executives that they oppose the continuation of water fluoridation.

I am aware that unsound legal advice has been given to some Territorial Authorities that fluoridation is on sound legal ground. This appears based on a misunderstanding of the Privy Council's ruling in the *Attorney-General ex relatione Lewis v Lower Hutt City Corporation*.

I am more than happy to discuss this Notice with your legal representatives, to assist you in avoiding legal liability pursuant to this Notice.

Yours sincerely

G Mark: Atkin LLB(Hons)