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May 1, 2008

American Water Works Association
and mail
6666 W. Quincy Ave.
Denver, Colorado 80235

Via fax 303-347-0804

Attention:

Nilaksh Kothari, President
Gary Zimmerman, Executive Director
Paula Macllwaine, Deputy Executive Director
Ed Baruth, Chief Officer, Volunteer & Technical Support Group
All AWWA Sections

RE: Constructive Notice, Notification of Status as a Potentially Responsible Party in Legal Actions Concerning Harm from Ingesting Fluoridated Water, and Notification Against Spoliation of Evidence

Dear Mr. Zimmerman and Other Officers / Directors / Board Members /AWWA Sections:

Our office is exploring attorney firm partnerships and working with others to educate plaintiff attorneys across the United States concerning recent scientific and legal developments related to harm to citizens from ingesting fluoridated drinking water. Our focus is currently on the issues of health harm to millions of kidney patients and diabetics, though we expect in the near future to also explore representation of other key patient groups.

It is our understanding that the American Water Works Association is continuing to promote the practice of water fluoridation, and that AWWA bills itself as “The Authoritative Resource on Safe Water.” This self-labeled status as the final “authority” on safe water (not merely pure or compliant water) places AWWA and its officers and board members individually in a position of top tier accountability and responsibility for dissemination of complete and up-to-date information to AWWA’s constituent members and their affected service groups concerning the safety and health impact of ingesting fluoridated water for both sensitive and general populations.

Our list of potentially responsible parties that we are assembling for dissemination to plaintiff attorneys includes AWWA, and individually its national and section officers and

board members. As part of our research into the liability and financial ability status of various parties (prior to informing attorneys of this information as related to possible discovery actions) we are sending out letters of constructive notice to potentially responsible parties. This letter is to provide constructive notice of the following:

1. The National Research Council (NRC) in 2006 designated kidney patients and diabetics as “susceptible subpopulations” that are particularly vulnerable to harm from ingesting fluorides.
2. Following notification by our office of potential liability for failure to warn, the National Kidney Foundation has withdrawn its outdated position statement on the safety of fluoridated water for kidney patients.
3. The U.S. Dept. of Agriculture has voiced concern about the possibility of skeletal fluorosis in Americans. The USDA has developed software and a fluoride-in-foods-and-beverages database to begin to measure the acknowledged unknown total dose of fluorides Americans are ingesting from numerous sources.
4. Future water fluoridation legal actions now have the benefit of the Centers for Disease Control’s written response to a water fluoridation ethics complaint presented to the agency last year. In its response document, CDC in writing declined to clarify its statements that clearly mislead Americans concerning fluoride dose versus fluoride concentration in water. Also, CDC’s own data document that African Americans are disproportionately harmed by moderate and severe dental fluorosis, compared to Caucasians. Yet CDC continues to keep this information effectively buried, so that it is very hard to find. As a result, very few African Americans are aware of this risk.

CDC managers apparently believe that immunity statutes for federal agencies will enable the organization and its executives to not be held accountable for its actions, however CDC’s employees can be subpoenaed and placed under oath in depositions and court hearings in legal actions against private organizations such as AWWA and the National Kidney Foundation that do not benefit from immunity protections.

You are hereby notified not to destroy, tamper with, or remove any information AWWA has, including but not limited to all files, documents, video or sound recordings, computer or other electronic information and archives of AWWA, its officers, board members, employees and agents concerning AWWA’s position, actions, or communications related to water fluoridation. Any such actions may constitute a cause of action for Spoliation of evidence. You should discuss this with AWWA’s attorneys.

AWWA has been notified that there are significant health concerns now acknowledged by the scientific community about potential harm from ingestion of fluorides and should govern itself accordingly.

If AWWA wishes to lower its potential liability related to fluoridation of water, please

contact our office. We would suggest that one avenue AWWA may wish to pursue in the next month is to contact the National Kidney Foundation and its Chief Medical Officer Joseph Vassalotti. You could discuss with NKF a simultaneous public announcement by NKF and AWWA to voice a change in your organizations' positions related to the safety of fluoridated water that you now no longer support the safety of fluoridated water. Such a simultaneous announcement by your two national organizations would demonstrate genuine concern for Americans' health and also demonstrate independence of action, free from the influence of certain vested pro-fluoridation interests that have now been documented to be avoiding publicizing important information on harm from ingested fluorides. There are also a number of other advantages to both of your organizations by this action. Our firm would be willing to provide separate, draft documents for both organizations to use in announcing your changed positions.

If you notify us in writing within two weeks of the date of this letter that you commit to contacting NKF, we will not release copies of this letter to any attorney firms or the media for one month from the date of this letter. In your actions supporting AWWA's self-acclaimed role as "The Authoritative Resource on Safe Water" AWWA has a unique opportunity and responsibility to help stop the harm to people's kidneys, teeth, bones and other organ systems from ingestion of unmeasured amounts of fluoride in water by sensitive and general populations. We look forward to hearing from you.

Sincerely,

Robert E. Reeves

CC: Joseph Vassalotti and John Davis, National Kidney Foundation