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John Davis, CEO
Charles B. Fruit, Chairman
National Kidney Foundation
30 East 33rd Street
New York, NY 10016

Via Certified Mail Fax 212-779-9010

RE: Notification Concerning Harmful Effects of Consuming Fluoridated Water by Kidney Patients,
and Status of NKF, Officers and Directors as Potentially Responsible Parties

Dear Sirs:

This letter is to make you aware of a window of opportunity for the National Kidney Foundation (NKF) to act on behalf of its constituents in accordance with the organization's stated mission. Your actions or inaction in response to this letter have the potential to help or harm many patients with kidney disease, and you should be aware that NKF's response to this benchmark notification may determine whether NKF and responsible individuals, which might include past and present Officers, Board Members and/or employees are named as defendants in anticipated legal actions now in development.

On August 9th, detailed ethics breach charges related to promotion of water fluoridation by the Center for Disease Control's Director and Oral Health Division Director were publicly presented to a joint meeting of CDC's two ethics committees. The charges were formally presented by a private public health training firm, The Lillie Center, Inc. News has rapidly spread across the U.S. and the globe about the well-documented ethics breach allegations. Among other issues, the complaint details how CDC has unethically promoted water fluoridation as being "safe and effective FOR ALL" (emphasis added), despite recent state-of-the-art work from the National Research Council and the U.S. Dept. of Agriculture that appears in direct contradiction to CDC's statement and despite CDC's own data showing disproportionate harm to minorities. Legal organizations are now beginning to closely look at mechanisms for redress and compile lists of organizations, alongside of CDC, and including the National Kidney Foundation, that bear potential civil or criminal liability related to this issue.

The National Kidney Foundation continues to distribute a position paper generated more than 25 years ago containing the conclusion that there is insufficient evidence at this time to recommend the use of fluoride-free drinking water for all patients with renal disease." The references cited in the paper are almost all from the 1970s (one from 1980), and NKF continues to distribute the paper while saying that

NKF's Scientific Advisory Board reaffirmed the position statement in 1998. Yet last year's authoritative report from the National Research Council (NRC) on fluoride specifically states that kidney patients are a "susceptible sub-population" that is especially vulnerable to harm from fluoride. Exposing as erroneous CDC's statements that more than 60 years of research has shown water fluoridation to be safe, the NRC report acknowledges *vast* amounts of *fundamental* research not yet done on fluoride's safety. In addition to startling statements such as "More research is needed to clarify fluoride's biochemical effects on the brain," the report acknowledges the need for extensive research on fluoride's effects on numerous human body systems.

In the summary of the 500+ page NRC report is found this statement: "Information is particularly needed on fluoride plasma and bone concentrations in people with small-to-moderate changes in renal function as well as in those with serious renal deficiency." The report disturbingly also acknowledges that "Early water fluoridation studies did not carefully assess changes in renal function," proving that water fluoridation was implemented *without* comprehensive kidney effects research and proving that *officials were willing to misrepresent what was known about fluoride while they promoted fluoridation*. The formal complaint presented to CDC last month details how CDC today continues to misrepresent what is known about harm from fluoride ingestion.

A series of questions logically arise in light of the news that has come out about health concerns from ingested fluoride: Why has NKF not publicly and effectively notified its constituent kidney patients and care givers of the National Research Council's statement that kidney patients are a "susceptible sub-population" that is vulnerable to the effects of fluoride? Does NKF not feel it valuable for kidney patients to know that fluoride accumulates in the bodies of those with *healthy* kidneys, and even more so in those with impaired kidney function? Does NKF bear liability for continuing to distribute its 25-year-old, outdated position paper about fluoride and fluoridation? Do kidney patients and their families deserve to be openly told that there is a link between impaired kidney function and bone disorders such as skeletal fluorosis? Should NKF have told its constituents that the U.S. Dept. of Agriculture has been concerned enough about potential skeletal fluorosis so as to develop software and a fluoride-in-foods-and-beverages-database to begin to measure Americans' exposures?

We believe the kidney patient community and also jurors will find deep pause in consideration of these questions. Others questions of interest include: Why did NKF not inform seniors that they are also listed by NRC as a sub-population that is vulnerable to fluoride's effects? Kidney patients who are seniors logically face an increased risk. In seeing the total picture, are officials and board members of NKF justifiable in failing to inform African American senior kidney patients that they are a group demonstrating significant intersecting risks for kidney harm from ingested fluoride?

In light of your mission of educating and empowering kidney patients, to not openly inform the kidney patient community of the whole story about fluoride is actionable under a number of legal mechanisms for enjoinder, suit, and negligent misrepresentation. Further, existing laws in many states provide for third party suits related to exacerbation of an employee's pre-existing health condition by workplace exposures. NKF has not openly informed workers and employers about exacerbation of employees' pre-existing kidney conditions by years of ingestion of fluoridated water due to hot workplace environments or activities requiring employee hydration.

Evidence that NKF has failed to tell the whole story about water fluoridation is widespread. For example, the Australian Dental Association states as a "fact" that, "The National Kidney Foundation in the United

States says there's no risk." NKF has also been listed by numerous domestic groups as an organization that "supports" or "endorses" water fluoridation. Examples of organizations that have made these statements include the Oregon Dental Association, the New Jersey Dental Association, and the National Center for Fluoridation (a program of Oral Health America).

Does NKF agree with these and other organizations across the U.S. and the world that list NKF as supporting or endorsing water fluoridation? Do you unreservedly agree with the American Dental Association's *inference* that NKF endorses fluoridation when ADA artfully states on its web page that NKF is one of the organizations that "Recognize the Public Health Benefits of Community Water Fluoridation for Preventing Dental Decay"?

The National Kidney Foundation has a short window to do now what should be done for the sake of its constituents and also lessen its legal exposure. This letter will serve as a benchmark of your formal notification of these developments. I recommend you read the full text of the formal complaint submitted to CDC at: <http://www.fluoridealert.org/cdc.ethics.complaint.aug.13.2007.pdf>.

The following courses of action are recommended for NKF:

1. Formally issue a statement in a press release that while NKF recognizes some cavity-fighting benefit from fluoride, NKF can no longer support water fluoridation -- because persons' unmeasured *dose* of fluoride through fluoridation (as distinguished from fluoride *concentration* in water) varies greatly for kidney patients, and because accumulating fluoride can harm the bones and kidneys of kidney-impaired persons.
2. Through your web site and other communication mechanisms, plainly notify all care givers and kidney patients and their families of important information in the 2006 National Research Council report on fluoride – *and recommend that they read it*.
3. Send a letter stating your changed position to organizations with intersecting interests as those of the kidney patient community, such as the American Heart Association, the American Diabetes Association, the American Association of Retired Persons, minority health organizations, etc.

The purpose of this letter is to offer NKF an opportunity to demonstrate good faith and to act in accordance with your mission as stated in your public communications and NKF's IRS Form 990. It would seem advisable to act quickly to put some legal distance between NKF and the position that fluoridation is "safe for all," the position currently espoused by the CDC, an organization that is now the subject of a formal, detailed ethics complaint describing "serious and egregious" ethical errors in misrepresenting fluoride's harm to susceptible population groups. We have tried to identify and send this letter to past and present Officers, Board Members, but we cannot identify all persons who may have responsibility for past decisions, nor can we determine the addresses of all present Officers and Board Members. Therefore please forward to all past and present Officers, Board Members and employees who might be responsible, or give us their addresses.

I have been asked if I would consider representing kidney patients in actions against your organization as a result of NKF's misrepresentations concerning fluoride. I have not yet made a decision as to whether I would personally handle kidney cases or refer them to other attorneys. Frankly, I would hope NKF acts forthrightly and responsibly simply out of concern for its constituents' health. But if you require additional perspective, experience has demonstrated that potentially responsible parties that take action quickly to remedy cases of negligent misrepresentation and who thereby demonstrate good faith can

substantially reduce their financial and legal exposure. Even if it is ultimately determined that neither NKF or any past and present Officers, Board Members and/or employees are liable criminally or for any tort such as negligent misrepresentation this still could be a major public relations disaster for NKF which is best handled now rather than later.

Thank you for your prompt attention to this important and urgent matter.

Sincerely,



Robert E. Reeves

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