



Tracy Aksamit [REDACTED]

RE: Examples, Further Clarification & Revised Public Records Request regarding safe fluoridation of the public water supply in the City of Lincoln

1 message

NDEE Records <ndee.records@nebraska.gov>

Tue, Nov 14, 2023 at 10:13 AM

To: Tracy Aksamit [REDACTED]

Good morning, Tracy,

The Nebraska Department of Health and Human Services (DHHS) is authorized to regulate fluoridation levels as provided in Neb. Rev. Stat. § 71-3306. The Nebraska Department of Environment and Energy (NDEE) is tasked with administering the Nebraska Safe Drinking Water Act. See Neb. Rev. Stat. §§ 71-5301 through 71-5313. Administration of the Nebraska Safe Drinking Water Act was moved from DHHS to NDEE by LB 148 (2021). While the legislative record is not in NDEE's custody, it is publicly available here: https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=44068. Testimony at the Natural Resources Committee Hearing on January 27, 2021, described the existing relationship and transferred duties. Please let me know if you have continuing requests concerning NDEE's involvement in water fluoridation or if this addresses the portion of your request that is potentially directed to NDEE.

The documents that were recently provided satisfied your second request, as acknowledged in your email response. Based on your clarification on your third request, the documents provided under the second request responsive to NDEE's oversight role with respect to Lincoln/Lancaster County.

You clarified the scope of your fourth request to specifically seek staff review of benefits and harms associated with chemical fluoridation supporting the department's position, current best standard practice, law, policy, and procedure. As noted above, NDEE does not have a role in determining fluoridation levels. Rather, NDEE's regulatory activity associated with fluoride is tied to whether the fluoridation process is performed correctly. NDEE will search records, primarily emails, to identify responsive records evaluating the topics you described. However, NDEE does not take a position on fluoridation levels, because that is not the agency's role, so it is unlikely that any responsive records would include determinations about fluoridations levels. We estimate the cost to search and identify records responsive to your request would take up to 40 hours of billable program staff time at \$35.757 per hour for a total cost of \$1,430.28. Please let me know if you would like NDEE to proceed, or if you'd like to further modify or prioritize any items of your request.

Finally, you added the following request:

- Request to please confirm that the chemical additives derived from phosphate fertilizer manufacturing, referenced on page 21 and 25 of the attached October 25, 2023 Water Fluoridation Training slides, are industrial grade and not GMP food or pharmaceutical grade.

"Industrial grade," "GMP food," or "pharmaceutical grade" is not terminology we utilize with regards to chemicals in public drinking water applications. Per the "Recommended Standards for Water Works", 2007 Edition referenced in Title 179 NAC 7-007.01, chemicals used in drinking water applications "shall comply with the appropriate ANSI/AWWA standards, and/or ANSI/NSF Standard 60." This is confirmed during the plan review process prior to a chemical feed system being added to a water system, and subsequently verified during routine inspections of the public water system.

Thank you,

[REDACTED] | Records Management Section Supervisor | Nebraska Department of Environment and Energy

P.O. Box 98922 | Lincoln, NE 68509-8922 | 402-471-0277 | <http://dee.ne.gov>

From: Tracy Aksamit [REDACTED]
Sent: Friday, November 3, 2023 12:10 PM
To: DHHS Public Records <DHHS.PublicRecords@nebraska.gov>; NDEE Records <ndee.records@nebraska.gov>; mayor@lincoln.ne.gov; PatDLopez@lincoln.ne.gov
Subject: Examples, Further Clarification & Revised Public Records Request regarding safe fluoridation of the public water supply in the City of Lincoln

Good afternoon,

Please see my revised records request below dated 10/27/2023 and further clarification email and examples also in this email below dated 11/1/23, 11/2/23 and today's further clarification of Request #4.

To clarify further on Request #4, I am not seeking general email communications. Please limit this request to the top five, most current records representing department staff review of the benefits and the top five most current records representing department staff review of the harms associated with chemical fluoridation that support the department's position, current best standard practice, law, policy, and procedures, by review of studies as examples shown below.

Please let me know if you have any other questions.

Thanks so much,

Tracy Aksamit

On Thu, Nov 2, 2023, 7:08 AM Tracy Aksamit [REDACTED] wrote:

----- Forwarded message -----

From: Tracy Aksamit [REDACTED]
Date: Thu, Nov 2, 2023 at 7:03 AM
Subject: Examples: Revised Public Records Request regarding safe fluoridation of the public water supply in the City of Lincoln
To: NDEE Records <ndee.records@nebraska.gov>
Cc: <steven.corsi@nebraska.gov>, <jim.macy@nebraska.gov>, <mayor@lincoln.ne.gov>, <PatDLopez@lincoln.ne.gov>, Rick W. Vest <RVest@lancaster.ne.gov>, <bhansen@leg.ne.gov>, <gdungan@leg.ne.gov>, James M. Bowers <jbowers@lincoln.ne.gov>

Good morning Shawna, in addition to my answers sent yesterday, and copied again below in italics, I have some further examples and another request.

- Request to please confirm that the chemical additives derived from phosphate fertilizer manufacturing, referenced on page 21 and 25 of the attached October 25, 2023 Water Fluoridation Training slides, are industrial grade and not GMP food or pharmaceutical grade.
- Request #4 - examples would include reports of NDEE staff findings, opinions, or other recommendations or

reviews of:

- The March 15, 2023 DHHS Draft National Toxicology Program's "Monogram on the State of the Science Concerning Fluoride Exposure and Neurodevelopmental and Cognitive Health Effects"
- The Journal of the American Dental Association January 2011 study, "Evidence-Based Clinical Recommendations Regarding Fluoride Intake From Reconstituted Infant Formula and Enamel Fluorosis"
- The 2006 National Academies of Sciences report, "Fluoride in Drinking Water"
- Any other benchmark studies from the last 10 years, example "A Benchmark Dose Analysis for Maternal Pregnancy Urine-Fluoride and IQ in Children"

Thank you again for your timely response. As it takes substantial financial means and effort for Nebraskans to reduce the fluoride level in their drinking water, time is of the essence for Nebraska's babies to assure that current fluoridation practices are not exacerbating fluoride toxicity.

Tracy

----- Forwarded message -----

From: **NDEE Records** <ndee.records@nebraska.gov>

Date: Wed, Nov 1, 2023 at 9:32 AM

Subject: RE: Revised Public Records Request regarding safe fluoridation of the public water supply in the City of Lincoln

To: Tracy Aksamit [REDACTED]

Good morning, Tracy,

I am seeking clarification on the scope of several requests. You noted that you are "requesting the single, most current public record(s)..." In attempting to fulfill your requests it is unclear throughout if the requests seek multiple documents or a single document. It would be helpful if you can clarify the intended scope. Additional questions specific to your requests are noted below.

- ***As an example, since the policy, regulation and current guidelines may be separate documents, I was indicating that there may be one or more records that could apply and be current.***

Request 1: Until reaching the third bullet point, this request does not appear to be directed to NDEE. Once reaching the final bullet point, it is still unclear whether this is a request for documents from NDEE or DHHS. I would appreciate if you can clarify.

- ***In general, since I don't know how the departments work together, or which department is in charge of what regulation, etc., and when/if responsibilities were transferred from one department to another, I am asking for the relevant document from the applicable responsible department.***

Request 2: Attached are the most recent presentations for the 2023 Annual Fluoridation Training that was conducted in Columbus by NDEE this year, as well as the attendance list. Also attached is the 2023 Fluoride Dental Health Benefits presentation that is usually conducted by the NDHHS Dental Health Director, but due to absence was presented by NDEE staff this year.

- ***Thank you.***

Request 3: This request also does not appear to be directed to NDEE. Can you clarify whether this is directed to NDEE, or limited to the Lincoln/Lancaster Health Department?

- ***My question would only apply to NDEE if there is some oversight related to Lincoln/Lancaster County in this regard.***

Request 4: Consistent with my first note, it is not clear whether this request is seeking all documents from 1/1/15 to

current or if it is seeking only a single document addressing each of the topics identified.

- **Only the single current record however, as an example, there may be one or more current finding, study or decision, so there could potentially be more than one current record for each document type. Individual example, if a 2015 fluoride study, or other studies were evaluated by NDEE to be valid and applicable, or not valid or applicable, are these findings documented? I would like to know how many fluoride studies have been evaluated and what findings have been recorded.**

Request 5: Below are instructions to view the public file for the [NDEE ID 999333 City of Lincoln, Program ID NE3110926](#) on our public portal. We are in the process of uploading all the public file documents from 1/1/2015 to present, but in response to your request the September 2023 fluoridation report is viewable on the public portal. For purposes of public requests, we only provide the documents that are available at the time of the request, if you have additional requests for documents in the future, please submit a new request. However, documentation is continuously added to the public portal upon receipt by the Records staff. Use the instructions below to access these documents.

1. Go to <https://ecmp.nebraska.gov/PublicAccess/index.html?&MyQueryID=340>
2. Under **DEQ Facility Number**, put **999333**
3. Under **DEQ Program ID**, put **NE3110926**
4. Click on **Search**

Thank you,

[REDACTED] | Records Management Section Supervisor | Nebraska Department of Environment and Energy

P.O. Box 98922 | Lincoln, NE 68509-8922 | 402-471-0277 | <http://dee.ne.gov>

From: Tracy Aksamit [REDACTED]

Sent: Friday, October 27, 2023 6:52 AM

To: Corsi, Steve <steve.corsi@nebraska.gov>; Macy, Jim <jim.macy@nebraska.gov>; mayor@lincoln.ne.gov; NDEE Records <ndee.records@nebraska.gov>; PatDLopez@lincoln.ne.gov

Cc: Rick W. Vest <RVest@lancaster.ne.gov>; Sen. Ben Hansen, B. <bhansen@leg.ne.gov>; Sen. George Dungan <gdungan@leg.ne.gov>; James M. Bowers <jbowers@lincoln.ne.gov>; AGO Info Help <ago.info.help@nebraska.gov>

Subject: Revised Public Records Request regarding safe fluoridation of the public water supply in the City of Lincoln

Dear Director Corsi, Director Macy, Mayor Gaylor Baird, Director Lopez, and Shawanna,

Thank you, Shawanna, for your question about record priorities. Please see my modified message and further clarified records request below. This request replaces my past requests dated 7/17/2023, 9/20/23 and 10/5/2023, and is submitted considering Neb. Rev. Stat. §§ 84-712 through 84-712.09 regarding public records.

In general, I am requesting common practice, clear and current regulations, direction, public education content, and understanding of communication between employees of the State and the City-County demonstrating expert understanding, guidance and implementation in the area of public drinking water fluoridation and its effects on the human body.

I am making this request due to the disparity in fluoridation levels for our public drinking water prescribed by the State of Nebraska (0.8 – 1.5 ppm) and the levels currently reported by the City of Lincoln (0.899 – 0.901) compared to the recommended levels provided by the Centers for Disease Control and Prevention (0.70 ppm), and the American Dental Association (0.70 ppm or less for pregnant women, infants and children).

During July and August of 2023 the City of Lincoln, Lancaster County, Nebraska, continued to treat the public water supply to a calculated fluoride value of 0.88 – 0.9 ppm which is 0.18 – 0.2 ppm above the nationally recommended value of 0.7 ppm and 0.59 – 0.61 ppm above the 0.29 ppm maternal urinary fluoride level associated with a 1-point decrease in IQ scores of preschool-aged boys and girls shown in a 2020 benchmark study.

I realize that the naturally occurring fluoride level is about 0.4 ppm, however we have an opportunity to reduce the level of harms by preferably eliminating or at least reducing chemical fluoridation and to increase the promotion of reduced sugar intake and optional topical fluoride treatment.

I am requesting the single, most current public record(s) from the State of Nebraska, Lancaster County, and The City of Lincoln documenting the following with regard to fluoridation of the public water supply, prioritized in the order listed below:

1. Without timeframe, as required by Neb. Rev. Stat. §§ 71-3305 (1), confirmation documenting the most current record(s) of the Department of Health and Human Services specifying the policy, Title 179 regulation, and/or current guidance for water fluoridation, including the fluoride level range and,

- including the procedure for regular continuing education, review and revision of these regulations or guidance
- including the most recent record communicating these regulations or guidelines to cities and villages
- including records documenting how, when and/or why the Department of Environment and Energy is involved in water fluoridation

2. Without timeframe, the most current record(s) specifying the tasks and procedures required to fluoridate the public water supply and record of these procedures having been communicated to the employees implementing the procedures.

3. Timeframe 1/1/2015 to the present, the most current record(s) related to public drinking water fluoridation and to Lincoln Municipal Code 2.22.030 g., the Health Department Director's duty to inform "the Board of developments in the field of public health and any need for updating or adding to or deleting from the programs of the Health Department"

- including common practice updates, reports, studies, analysis, or other communications regarding conflicting regulations, revised guidance, and recommendations for public drinking water fluoridation levels
- including record of the procedure the City-County Health Department follows to keep its public-facing website current. The links under "What are the facts about Fluoridation?" on the Dental Health & Nutrition Services website as of 10/1/2023 were obsolete and are still obsolete as of 10/27/23. See lincoln.ne.gov/City/Departments/Health-Department/Dental-Health-Nutrition-Services

4. Timeframe 1/1/2015 to the present, the most current State of Nebraska and City-County Health Department record(s) documenting common practice updates, findings, studies, determinations, decisions, communications or other related records supporting the current policies, regulations, and/or guidance for fluoridation levels in the drinking water supply.

5. From September 2023 going forward until chemical fluoride treatment is eliminated in Nebraska, the monthly fluoride operations record sheet for the City of Lincoln and the regular record of fluoride level reported to the Centers for Disease Control and Prevention.

Thank you,

Tracy Aksamit

Lincoln, Nebraska