



CITY COUNCIL MEETING MINUTES

Vancouver City Hall | Council Chambers | 415 W. 6th St.
PO Box 1995 | Vancouver, WA 98668-1995
www.cityofvancouver.us

Anne McEnery-Ogle, Mayor

Bart Hansen • Ty Stober • Erik Paulsen • Sarah J. Fox • Diana H. Perez • Kim D. Harless

April 17, 2023

WORKSHOPS

Vancouver City Hall - Council Chambers - 415 W 6th Street, Vancouver WA

Workshops were conducted in person in the Council Chambers of City Hall. Members of the public were invited to view the meeting in person, via the live broadcast on www.cvtv.org and CVTV cable channels 23 or HD 323, or on the City's Facebook page, or www.facebook.com/VancouverUS.

View the CVTV video recording, including presentations and discussion, for workshops at:

https://www.cvtv.org/vid_link/35531?startStreamAt=0&stopStreamAt=5960

4:00-5:00 p.m. Renaissance Boardwalk Master Plan Update

Keith Jones, Senior Planner, 360-487-7887

Summary

Staff led Council through a discussion of the Renaissance Boardwalk Master Plan Update.

5:00-6:00 p.m. Tiered Water Rates Update

Chris Malone, Public Works Finance & Asset Manager, 360-487-7711

Summary

Staff led Council through a discussion of the Tiered Water Rates Update.

Councilmembers Harless and Perez attended the meeting remotely.

COUNCIL DINNER/ADMINISTRATIVE UPDATES

COUNCIL REGULAR MEETING

This meeting was conducted as a hybrid meeting with in person and remote viewing and participation over video conference utilizing a GoToMeeting platform. Members of the public were invited to view the meeting in person, via the live broadcast on www.cvtv.org and CVTV cable channels 23 or HD 323, or on the City's Facebook page, www.facebook.com/VancouverUS. Public access and testimony on Consent Agenda items and under the Community Forum were also facilitated in person and via the GoToMeeting conference call.

Vancouver City Council meeting minutes are a record of the action taken by Council. To view the CVTV video recording, including presentations, testimony and discussion, for this meeting please visit: https://www.cvtv.org/vid_link/35533?startStreamAt=0&stopStreamAt=6089 Electronic audio recording of City Council meetings are kept on file in the office of the City Clerk for a period of six years.

Pledge of Allegiance

Call to Order and Roll Call

The regular meeting of the Vancouver City Council was called to order at 6:30 p.m. by Mayor McEnerny-Ogle. This meeting was conducted as a hybrid meeting, including both in person and remotely over video conference.

Present: Councilmembers Harless, Perez, Fox, Paulsen, Stober, Hansen, and Mayor McEnerny-Ogle

Absent: None

Councilmembers Harless and Perez attended the meeting remotely.

Approval of Minutes

Minutes - March 20, 2023

Motion by Councilmember Hansen, seconded by Councilmember Stober, and carried unanimously to approve the meeting minutes of March 20, 2023.

Proclamations: National Volunteer Week; National Poetry Month

Mayor McEnerny-Ogle read and presented a proclamation to Sherry Braga, Volunteer Coordinator for Fort Vancouver Regional Libraries, proclaiming April 16 - 22, 2023 as National Volunteer Week.

Mayor McEnerny-Ogle read and presented a proclamation to Deborah Nagano, Chair of the Clark County Arts Commission, LaRae Zawodny, Chair Pro Tem of Artstra and Director of Artstra's Poetry Moves Program, proclaiming April 2023 as National Poetry Month.

Community Communications

Mayor McEnerny-Ogle opened Community Communication and received testimony from the following community members regarding any matter on the agenda not scheduled for a Public Hearing:

- Kimberlee Goheen Elbon, La Center, WA

There being no further testimony, Mayor McEnerny-Ogle closed Community Communication.

Consent Agenda (Items 1-6)

Council requested Items 3 and 5 be pulled for discussion.

Motion by Councilmember Hansen, seconded by Councilmember Paulsen, and carried unanimously to approve items 1, 2, 4, and 6 on the Consent Agenda.

Motion by Councilmember Fox, seconded by Councilmember Stober, and carried unanimously to approve items 3 and 5 on the Consent Agenda.

1. 2022 Resurfacing Project - construction acceptance and release of retainage

Staff Report: 057-23

This project rehabilitated streets in the Lincoln, Rose Village, Fourth Plain Village, Oakbrook and Marrion Neighborhoods. It also included paving

sections of SE Ellsworth Ave, Evergreen Hwy and part of SE 172nd Ave. The work involved approximately 15.4 lane miles of asphalt concrete pavement and 18,300 tons of asphalt concrete mix.

Lakeside Industries, Inc., of Vancouver, Washington, has satisfactorily completed the subject improvements in accordance with the plans and specifications. The original contract bid amount was \$3,388,883.00. The final construction cost was \$3,178,368.70, a decrease of approximately 6% from original bid amount. This decrease can be attributed to minor variations in bid item quantities as well as the deletion of additive C. The contract was awarded with a base bid and additives A, B and C. Only additives A and B were completed due to budget limitations.

There was an apprenticeship requirement of 5% for this project. To fulfill the apprenticeship requirements the contractor needed a minimum of 531.2 hours. The contractor successfully met the apprenticeship goal by delivering a total of 1176.5 apprenticeship hours for the project, yielding an actual apprenticeship utilization rate of 11%.

Request: On April 17, 2023, accept the 2022 Resurfacing Project as constructed by Lakeside Industries, Inc., of Vancouver, Washington, and authorize release of the retainage bond on file subject to receipt of all documentation required by law.

Bailey Smithline, Associate Civil Engineer, 360-487-7791

Motion approved the request.

2. Construction Acceptance for Fruit Valley Road Stormwater Overflow

Staff Report: 058-23

There was recurring local roadway flooding within the 4800 block of NW Fruit Valley Road that occurred during severe or prolonged storm events. This created a driving hazard when high water backed up within the roadway and flooding of adjacent properties.

The work was completed satisfactorily in accordance with the plans and specifications. Contract costs are summarized below:

TOTAL CONTRACT COSTS	
<i>Labor, Equipment and Material</i>	<i>\$693,641.06</i>
<i>Sales Tax</i>	<i>\$0.00</i>
<i>Total</i>	<i>\$693,641.06</i>
<i>Retainage</i>	<i>\$34,682.05</i>

The original bid amount was \$599,995.00. Variation from the estimated

quantities including additional road repair and replacement of unsuitable soils resulted in an additional cost of \$68,723.43. There were seven change orders including replacement of an existing stub pipe that was in poor condition and construction of a temporary gravel road for farmer access to the adjacent berry fields for a total additional cost of \$24,922.63. The final payment total was \$693,641.06.

Apprenticeship Utilization goal of 3% was not met with only 2% of qualified working hours delivered by apprentice employees. Tapani delivered 50.5 hours of the required 87.7 hours. The penalty for not fully meeting the apprenticeship goal was waived by City staff. Tapani requested the waiver due to project circumstances that were outside of their control. Tapani hired a total of nine subcontractors on the project. The subcontractors hired had difficulty obtaining apprentices due to the following reasons: four subcontractors had a limited amount of hours on the project, two of the subcontractors had limited amount of hours and were using specialty equipment, two of the subcontractors were truck drivers and the other subcontractor was an owner/operator. Tapani had an apprentice working on the project and had intended to meet the goal, but unanticipated work was added that required additional subcontractor labor that could not utilize apprentices.

Request: On 4/17/2023, accept the Fruit Valley Road Stormwater Overflow as constructed by Tapani, Inc., Battle Ground, WA, USA, and authorize release of retainage in the amount of \$34,682.05, subject to receipt of all documentation required by law.

Mike Swanson, Civil Engineer, 360-487-7182

Motion approved the request.

3. Ninth Amendment to Contract for Ambulance Services

Staff Report: 059-23

On November 10, 2014, the City Council authorized the City Manager to enter into a five-year Agreement with an additional five-year possible extension. The Contract became effective on January 1, 2015. On December 17, 2018, the City Council authorized the City Manager to enter into a five-year extension to the Agreement.

Except as temporarily provided in amendment 7 to the contract, which applied during the COVID-19 pandemic, the Contract requires an Advanced Life Support ("ALS") response to every 9-1-1 response. Allowing BLS response to non-emergency priority 5 and 6 calls may be an effective way to provide successful EMS response and increase resource availability, as to improve response times. The City of Vancouver and AMR believe a 6-month pilot program allowing the use of BLS units to respond to priority 5 and 6 calls will provide valuable data that can build future

response options. After consultation with the Medical Program Director, City staff and AMR entered an agreement concerning a 6-month pilot program, which will allow BLS ambulance response to non-emergency priority 5 and 6 calls.

The agreement for the pilot program is contingent on Council amending the rates for BLS response to 9-1-1 calls. The proposed amendment seeks to add a BLS emergency rate to appendix 2 in order to facilitate the BLS pilot program. The modifications are set forth in the attached Ninth Amendment to the Agreement. A Sixth Amendment to the Agreement requires that all subsequent amendments be presented to Council for approval.

Request: Authorize the City Manager to execute the attached Ninth Amendment to the Professional Services Agreement No. 80989 (Now 88635) with AMR for Ambulance Services.

Brennan Blue, Vancouver Fire Chief, 360-487-7201

Motion approved the request.

4. Interagency Agreement Between the City of Vancouver and the Evergreen School District

Staff Report: 060-23

The Vancouver Police Department no longer contracts with the Evergreen School District for School Resource Officers. The District has requested the City of Vancouver enter this interlocal agreement to request on-site law enforcement services for District events such as graduations, athletic events, dances, theater productions and other similar events.

Request: Authorize the City Manager or designee to execute an interlocal agreement with Evergreen School District for police officers at district sponsored extracurricular events.

Jeff Mori, Vancouver Police Chief, 360-487-7472

Motion approved the request.

5. Adoption of 2022 Clark Regional Natural Hazard Mitigation Plan

Staff Report: 061-23

A RESOLUTION of the City of Vancouver authorizing the adoption of the Clark Regional Natural Hazard Mitigation Plan.

Planning Process

In mid-2022 the NHMP planning coalition reconvened to update the regional plan. The continuing impact of the COVID Pandemic limited planning team availability and in-person coordination. As a result, most of

the planning process was conducted using email and a collaborative virtual work environment called Mural. Meetings were kept to a minimum to enable partners to pursue their NHMP planning efforts while still working on pandemic response and recovery.

During the update, city staff determined that 17 of the 34 Action Items listed in the Vancouver 2016 Annex were completed. Major accomplishments included completion and adoption of a Regional Disaster Debris Management Plan; replacement of Fire Stations 1 and 2; and Emergency Transportation Route updates. The remaining 17 actions have been carried over in the 2022 plan along with five additional Action Items.

Of the 22 Action Items in the proposed Vancouver Annex, many are already being implemented (water system resiliency improvements; seismic upgrade or replacement of aging fire stations; and consolidation of police headquarters to a facility with stronger structural integrity). New 2022 NHMP Action Items include update of our Continuity of Operations Plan; pre-and post-earthquake functional assessment of critical facilities; continued fire station improvements; and integration of actions to mitigate climate change. For a complete listing of Action Items, see Section 7.9 Table 7-10 of the Vancouver Jurisdictional Annex in the proposed Volume 2 of the attached NHMP.

Public Engagement

The planning update process included a 30-day Public Comment Period (Nov 7 - Dec 9) with notice posted on the city social media network, the Clark Regional Emergency Services Agency website, and in The Columbian. There were no public comments received.

Plan Implementation

Following adoption, the 2022 Regional NHMP will be used as an updated reference for mitigation actions to reduce or eliminate natural hazard impact. The plan will be reviewed annually to monitor progress and to incorporate additional mitigation initiatives.

Request: Adopt a resolution adopting the 2022 Clark Regional Natural Hazard Mitigation Plan, Volumes 1 and 2.

*Geraldene Moyle, General Services Director, 360-487-8633;
Gene Juve, Emergency Manager, 360-931-9525*

Motion adopted Resolution M-4217 to approve the request.

6. Approval of Claim Vouchers

Request: Approve claim vouchers for April 17, 2023.

Motion approved claim vouchers in the amount of \$3,861,375.34.

Public Hearings (Item 7)

7. Modera Apartments MFTE

Staff Report: 062-23

A RESOLUTION of the City Council of the City of Vancouver approving a development agreement with Columbia Waterfront, LLC for an 8 year property tax exemption for market rate housing with a public benefit contribution for the property located at 600 Boise Place, Vancouver, WA 98660 (Exhibit A).

The project is located on the Vancouver waterfront at 600 Boise Place. The applicant is requesting an 8-year multi-family housing limited property tax exemption for a market rate housing. The project is a sixteen-story, 299-unit apartment building with 287 associated parking spaces. The proposed development will include studio, one-bedroom, and two-bedroom units. The total estimated development cost is \$134 million.

Over the 20-year period following construction, the project (with the exemption) will generate over \$18 million in taxes benefiting all taxing districts (ports, schools, county, city, etc.). A total of \$3.25 million in taxes will directly benefit the City of Vancouver. Total estimated foregone tax revenue for all districts during the exemption is \$4.43 million. The forgone taxes specific to the City of Vancouver during the exemption would be \$1.59 million. Land value property taxes and per unit utility taxes will still be collected during the exemption. It is also anticipated that new residents will support downtown businesses during and after the exemption period.

As a market rate project, a public benefit contribution with a value equal to \$1,109,250 (25% of the estimated foregone tax amount) is required. The applicant noted that Vancouver Waterfront is already well served with a completed park, public art, and infrastructure. Therefore, the applicant is proposing to satisfy the public benefit contribution by providing funding towards future affordable housing investments. The proposed public benefit contribution for future affordable housing projects can be used for land banking or construction of permanent affordable units where funding can leverage more and larger unit types and at deeper levels of affordability. The public benefit contribution payment amount will be required prior to issuing the final tax certificate. The advantage of this funding is also likely to last longer than the duration of the 8-year tax exemption.

The project requires a development agreement and therefore also falls under the City interim green building policy. Per the applicant's consultant the building is being constructed to exceed the minimum LEED gold score. The City green policy staff have reviewed the applicant's LEED summary indicating that the project satisfies the City's green building policy.

Request: On April 17, 2023, following a public hearing, adopt a resolution authorizing the City Manager or designee to execute a multi-family housing limited property tax exemption certificate and take any and all action necessary to enforce the terms thereof.

Bryan Monroe, Associate Planner, 360-487-7958

Bryan Monroe, Associate Planner, provided an overview of the Modera Apartments MFTE.

Council discussed the item with staff.

Mayor McEnerny-Ogle opened the public hearing and received testimony from the following community members:

- Kimberlee Goheen, La Center, WA

There being no further testimony, Mayor McEnerny-Ogle closed the public hearing.

Motion by Councilmember Paulsen, seconded by Councilmember Hansen, and carried 6-1 to approve Resolution M-4218. Councilmember Fox voted No.

Communications

A. From the Council

B. From the Mayor

C. From the City Manager

Interstate Bridge Replacement Program

Katherine Kelly, Senior Transportation Policy Advisor, discussed the Interstate Bridge Replacement Program.

Vancouver Police Department Update

Jeff Mori, Police Chief, discussed the Vancouver Police Department Update.

County Population Forecast Presentation

Bryan Snodgrass, Principal Planner, discussed the County Population Forecast.

Adjournment

8:10 p.m.

DocuSigned by:
Anne McEnerny-Ogle
6C89D9069EC3424...
Anne McEnerny-Ogle, Mayor

Attest:

DocuSigned by:
Natasha Ramras
BCF6734E40E94AE...
Natasha Ramras, City Clerk

The written comments below are those of the submitter alone and are not representative of the views of CVTV or the City of Vancouver, its elected or appointed officials, or its employees.

From: [REDACTED]
To: [City Council](#)
Subject: Public Comment #7
Date: Monday, April 17, 2023 12:13:05 PM

[You don't often get email from [REDACTED]. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

CAUTION: This email originated from outside of the City of Vancouver. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I'm requesting that city council hold off on approval. We need public feedback. This request isn't affordable the working people. The 1600 for a 500 Sq. studio isn't affordable if someone is making minimum wage. Sorry for the delay in get the comment submitted.

Thank you,
Leah Perkel

Sent from my iPhone

From: [Delapena, Amanda](#)
To: [Dollar, Sarah](#)
Subject: FW: Submission: City Council Contact Form
Date: Wednesday, April 12, 2023 11:01:12 AM
Attachments: [letter to planning commission.docx](#)

Sarah,

Written comment for Council regarding short-term rentals.

Amanda Delapena

From: Scott <webresponse@cityofvancouver.us>
Sent: Tuesday, April 11, 2023 11:55 AM
To: City Council <council@cityofvancouver.us>
Subject: Submission: City Council Contact Form

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City of Vancouver, Washington



City Council Contact Form

Submitted date: Tuesday, April 11, 2023 - 11:54am

Contact Information

First name:

Scott

Last name:

Dickinson

Email address:

[REDACTED]

Street address:

[REDACTED]

ZIP code:

98663

Inquiry Information

Subject:

Recipient:

All of Council

Message:

Please see my letter concerning Short Term Rentals in Vancouver.

Upload a file:

[letter_to_planning_commission.docx](#)

4-11-2023

Dear Planning Commission Members,

Thank you for your time and your efforts on the Short Term Rental topic. This issue is very important to my wife and me. We own 2 STR's in Vancouver, one of which's sole purpose is to help pay for my mother-in-law's Alzheimer's care.

I want to contain my talking points to two areas in this letter. The benefits of Short Term Rentals to the community and how STR's are no treat to traditional lodging choices.

Point number one is that STR's improve the visual image of neighborhoods. Short Term owners pay attention to how the house looks to attract guests. It's all about the curb appeal. Our guests are generally more discriminative. They have chosen a certain house online to stay, based on many factors. One of which is how the home looks. STR homes look better than traditional rentals.

Also, STR's help employ other members of our community. Every time a guest checks out, a cleaner is employed to get that home ready for the next guest. Landscapers, maintenance personnel and contractors are hired to keep the home attractive. Improvements made to Short Term Rentals make neighborhoods better.

Point number two is the false premise that short term rentals take away from other lodging businesses. That is not true. STR's are an alternative, not a replacement. STR guests like the communal setting with loved ones or friends. They like the peace and quiet and privacy of a neighborhood vs. the more industrial and public setting of a hotel. Many of these guests need somewhere to stay while looking for a new home. Staying in a traditional lodging choice for a month or two is not financially affordable and there are really no long-term rental options for less than a year.

We do not restrict competition in other industries. For instance, in the restaurant world if you want pizza, Thai food or burgers, no one will disagree that customers should have a choice. It should be the same with lodging. So, if some customers prefer a Short Term Rental, that should be the visitors' choice. Please don't take that choice away.

And to be clear, owner occupancy requirements will be a death sentence to 90% of STR's in Vancouver. And will simply move the STR stays outside of Vancouver, and losing the lodging taxes that go along with them. And the ancillary benefits to other businesses such as restaurants, retail, service providers, etc. But rest assured, the Genie is out of the bottle.... Short Term Rentals are a preferred place of stay for many guests and pushing them out of Vancouver is pushing away visitors and tourists. And Taxes. Vancouver should embrace this paradigm shift in lodging choices, not live in the past.

Thank you for your time and thank you again for your work on this issue.

From: [Wynn Grich](#)
To: [Harris, Rep. Paul](#); [Dollar, Sarah](#); [Reform Clark County - Rob Anderson](#); [Rebecca Messinger](#)
Subject: Fwd: REMINDER: TSCA Lawsuit Hearing This Tuesday
Date: Monday, April 10, 2023 2:09:20 PM

CAUTION: This email originated from outside of the City of Vancouver. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please send to councils and MELNECK. Put on public record and confirm that you did. Thanks from Wynn.

Everyone else watch the hearings. Stewart Connett in SF is seeing the EPA to stop adding poison to our water. The government has brain damage studies, reproduction malfunction studies, and cancer studies. Support Fluoride Action Network. Org. Help the whistle blowers save lives.

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

From: **Fluoride Action Network** <mail@networkforgood.com>
Date: Mon, Apr 10, 2023, 1:41 PM
Subject: REMINDER: TSCA Lawsuit Hearing This Tuesday
To: <1955wecg@gmail.com>

Image



TSCA Lawsuit Hearing This Tuesday

Dear Friends:

IMPORTANT REMINDER: The next status hearing for our [federal lawsuit](#) against the US Environmental Protection Agency (EPA) over the neurotoxicity of fluoridation chemicals will be held on **Tuesday, April 11th at 2:30PM (US Pacific) / 5:30PM (US Eastern)**.

Watch the trial live on Zoom:

<https://cand-uscourts.zoomgov.com/j/1619911861?pwd=TjVma1lnMIJlNHR3ZE9QMkFjNkFndz09>

Webinar ID: 161 991 1861

Password: 912881

You can also join by phone, [click here for the telephone number based on your location](#).

Our legal team has asked the Court to increase the number of allowable participants from 100 to 500 to accommodate a larger audience, as the Court has done in the past. However, if you are unable to watch or listen to the hearing for any reason, FAN will provide an overview of the proceedings in a follow-up bulletin as well as on social media. If a recording of the hearing is made available by the Court at some point in the future we'll also share that with you as soon as it's posted.

We expect the focus of the hearing to be on the timeline for the remainder of the trial. This will include setting the dates for the second phase of testimony and cross examination of expert witnesses centered around the National Toxicology Program's systemic review on fluoride neurotoxicity. Other topics and procedural matters may also be discussed at Tuesday's status hearing.

You can [read the synopsis](#) of the last status hearing in January, where the Court denied the EPA's motion to delay the case

indefinitely, and ultimately agreed with FAN's argument to [compel the NTP to release their final report](#) to the public. You can read the NTP report and see FAN's analysis below:

- [*Suppressed Government Report Finding Fluoride Can Reduce Children's IQ Made Public Under EPA Lawsuit*](#)
- [*Government Report Finds No Safe Level Of Fluoride In Water: Fluoridation Policy Threatened*](#)

Thank you,

Stuart Cooper
Executive Director
Fluoride Action Network

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Fluoride Action Network
North Sutton, New Hampshire
info@fluoridealert.org



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From: [Wynn Grcich](#)
To: [Dollar, Sarah](#); [Rebecca Messinger](#); [Harris, Rep. Paul](#)
Subject: Watch "What's in the Pfizer Documents? | Naomi Wolf" on YouTube
Date: Saturday, April 15, 2023 6:27:33 PM

CAUTION: This email originated from outside of the City of Vancouver. Do not click links or open attachments unless you recognize the sender and know the content is safe.

https://youtu.be/T9Y_W_30hsM.

Send this to the council members and MELNECK. Put on public record and confirm you did. Thanks from Wynn.

From: [Wynn Grcich](#)
To: [Dollar, Sarah](#); [Rebecca Messinger](#)
Subject: Drug the councils should talk about.
Date: Saturday, April 15, 2023 6:40:37 PM

CAUTION: This email originated from outside of the City of Vancouver. Do not click links or open attachments unless you recognize the sender and know the content is safe.

https://thenewamerican.com/zombie-drug-contributing-to-rise-in-overdose-deaths-in-american-cities/?mc_cid=80dec56b1b&mc_eid=d27f993d23. Send to council members and MELNECK. Put on public record and confirm that you did. Thanks from Wynn

From: [Wynn Grcich](#)
To: [Dollar, Sarah](#); [Rebecca Messinger](#); [Harris, Rep. Paul](#)
Subject: Fwd: Dates Set For Second Phase Of Federal Fluoride Trial
Date: Friday, April 14, 2023 12:39:30 PM

CAUTION: This email originated from outside of the City of Vancouver. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please send this to council members and MELNECK. Put on public record and confirm that you did. Thanks from Wynn.

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

From: **Fluoride Action Network** <mail@networkforgood.com>

Date: Fri, Apr 14, 2023, 11:17 AM

Subject: Dates Set For Second Phase Of Federal Fluoride Trial

To: <[REDACTED]>

Image



Dates Set For Second Phase Of Federal Fluoride Trial

Dear Friends:

After nearly three years of delay by the National Toxicology Program (NTP) and the U.S. Environmental Protection Agency (EPA)--and only due to numerous legal victories by our attorneys to move the case forward--the moment we've been waiting for has arrived!

Mark your calendars, the start date for the final phase of our [federal lawsuit](#) against the EPA over the neurotoxicity of fluoridation chemicals has been scheduled for **January 29th, 2024**. The Court has set aside two weeks to hear testimony and cross-examination of expert witnesses focused on new evidence and science published since the last trial dates in 2020, including the [NTP's 6-year systematic review](#) of fluoride's neurotoxicity.

The start date was agreed upon by both parties, and was the earliest practical date based on the calendars for the Court and attorneys, as well as the procedural guidelines and timetables laid out by the Court at the start of the trial. This schedule also ensures that our expert witnesses will have ample time to review and assess the evidence.

Attorneys for the EPA agreed to proceed without the published NTP report, acknowledging that while the NTP does appear to be making progress they may never officially publish their findings that low-levels of fluoride cause cognitive impairment during brain development in children. The judge also stated that he's willing to move forward without the published NTP report.

The NTP has announced that their [Board of Scientific Councilors](#) (BSC) will hold a public meeting on May 4th. The BSC is charged with evaluating "the adequacy of NTP responses to external peer review and federal agency comments received." A BSC working group will present [their findings](#) to the full council, then hear an hour of public testimony from stakeholder organizations. The BSC will then decide if the NTP report needs to be amended at all, which amendments to make, and make a final recommendation to the NTP Director, Rick Woychik, Ph.D. This all comes after the report went through an unprecedented multi-tiered peer review process that no other monograph in history has undergone, including being reviewed **twice** by the National Academies of Science, Engineering, and Medicine (NASEM), reviewed by a select group of

external subject matter experts, and reviewed by various pro-fluoridation agencies within HHS.

Once Dr. Woychik has the BSC recommendation in hand, he will then presumably decide if the report will ever be made public, though [evidence obtained by FAN through the Freedom of Information Act](#) indicates that the decision will likely be political rather than science-based, and made instead by Assistant Secretary of Health, Dr. Rachel Levine.

FAN's lead attorney, Michael Connett, asked the Court to allow additional depositions of the government officials involved in blocking the NTP report from the public. However, the judge chose to keep depositions limited for the time being, saying that he wanted to focus on the science rather than the politics. From my perspective, the judge appeared to be indicating that he would give the weight to the NTP report that it deserved, and not be swayed at all by political-based criticisms of the NTPs work or behind-the-scenes maneuvering to keep the report from being published.

At the end of the day, our two major goals of getting the judge to hold a second phase of the trial and getting a concrete date scheduled for its start were both achieved. The finish line appears to be in sight!

The Court will hold its next status hearing at 2:30PM (Pacific) / 5:30PM (Eastern) on Tuesday, July 11th.

I'd also recommend reading independent journalist Derrick Bronze's [great coverage of the status hearing](#).

Thank you,

Stuart Cooper
Executive Director
Fluoride Action Network

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Fluoride Action Network
North Sutton, New Hampshire
info@fluoridealert.org



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