



20190729 Brian Arndt's requests for restricted document release & Medical review prior to Appeal Court Hearing

In The District Court

At Hamilton

ACR 110/19

Under the Accident Compensation Act 2001

In the matter of AN APPEAL UNDER S 149 OF THE ACT

Between BRIAN CLINTON ARNDT

And ACCIDENT COMPENSATION CORPORATION

First Respondent

And NEW ZEALAND REFINERY LIMITED

Second Respondent

MY MEMORANDUM IN ADVANCE OF INITIAL CASE

MANAGEMENT CONFERENCE

Dated: 29 July 2019

Brian C Arndt,

Matamata, Waikato. 3400

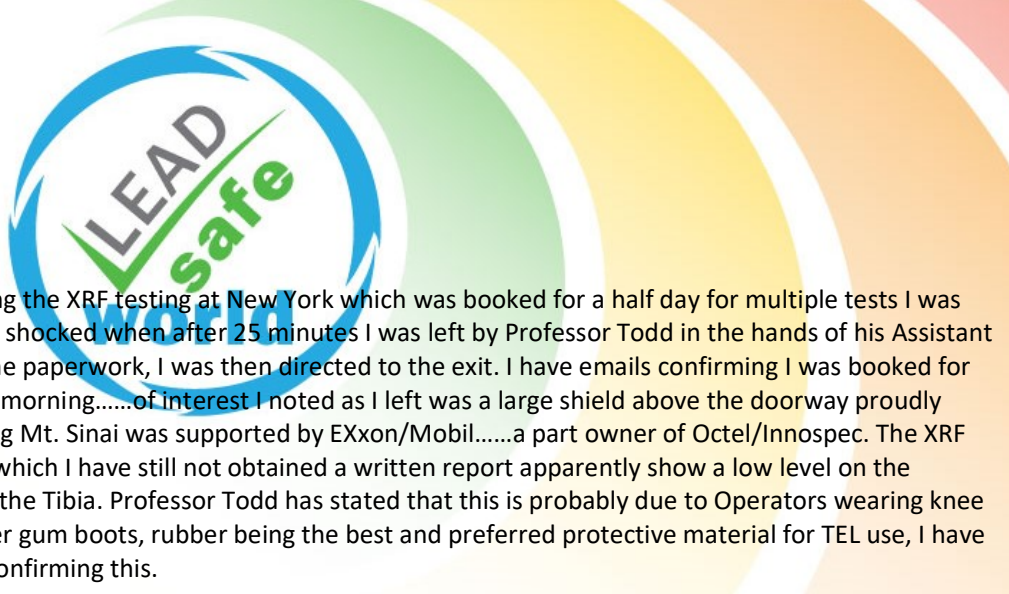


MAY IT PLEASE THE COURT

1. My appeal concerns the first respondent's the Accident Compensation Corporation (ACC) decision to decline my application for:-
 - (a) Cover for multiple work related injuries and cancers.
 - (b) Entitlements for treatments and procedures that I have had to finance personally.
 - (c) In excess of loss of 54 years of my life's enjoyment.
2. I claim that my multiple medical concerns relate to excessive exposure to Organic Lead whilst employed at the New Zealand Refining Company Limited (NZRC) as a Shift Operator from early 1965 (March) to late 1975 (Oct.)
3. My application is based on evidence from the International Agency for Research on Cancer (IARC) and multiple other International Agencies and Research Groups. In addition there are papers from Auckland Archives that I've properly and legally obtained. In addition I present a Teeth Analysis prepared at the University of Otago. All of this evidence has been made available to ACC. Please note the Lead in Teeth was 1659% above N/C.
4. This memorandum highlights some of the evidence that has been recovered by me taking over 6 years of diligent research which culminates in the presentation to the initial case management conference set for 2.45 pm this Tuesday, 30th July 2019.

Issues.

5. I have had Neurological, Psychological, Sexual Dysfunction and Balance Problems which last to this day. I have had physical injuries ie a broken neck C5/C6 with Cancers of the Lung, Breast and Prostate as well as reoccurring multiple Squamous Cancers. Some of these health worries started within 4 months of employment and are still ongoing.
6. (a) NODS and ACC have relied heavily on reports from a Dr. Jim Mcleod and Dr. David Prestage, both of these Doctors are Occupational Physicians and I believe are on current contract to the ACC. These reports are not truly correct in what they state. It is of note that NZRC destroyed all Employment and Operational Records circa 1977 when the "Manual Lead Transfer and Blending Plant" was replaced with a fully "Automated Lead Blending Plant". This Plant was fully sealed, supplied through a dedicated pipeline from the Refinery Jetty. A dedicated ship came at regular intervals from Octel/Innospec, the manufacturers in England.
6. (b) There are 2 types of Diagnostic X-rays for ascertaining Lead absorption being K Fluorescence X-rays and XRF. The former uses a Radioactive Potassium injection into the body which irradiates any heavy metals absorbed into the bones. The latter uses a weak strength radioactive beam of low intensity aimed at bone areas near the skin's surface.
7. ACC's attempts claiming to have tried to have a K X-ray here was incorrect as I have evidence that there is a unit at Auckland Hospital/University/Nuclear Science/Radiology controlled by a Dr. Qasar. This was much needed to substantiate my Teeth Analysis from my teeth extraction in Jan. 2016. It is of note that I could taste lead coming out from the tooth sockets for the next 2 days. Again I draw your attention to the Teeth Analysis by Dr. Malcolm Reid of the University of Otago.
8. As per IARC and other Research Institutions it is agreed that TEL readily passes through the skin damaging the second and third epidermal layers thereby causing re-occurring Squamous Cancers.



9. Following the XRF testing at New York which was booked for a half day for multiple tests I was somewhat shocked when after 25 minutes I was left by Professor Todd in the hands of his Assistant to finish the paperwork, I was then directed to the exit. I have emails confirming I was booked for the whole morning.....of interest I noted as I left was a large shield above the doorway proudly proclaiming Mt. Sinai was supported by EXxon/Mobil.....a part owner of Octel/Innospec. The XRF results of which I have still not obtained a written report apparently show a low level on the surface of the Tibia. Professor Todd has stated that this is probably due to Operators wearing knee high rubber gum boots, rubber being the best and preferred protective material for TEL use, I have an email confirming this.

It was diagnosed by my Orthopedic Surgeon in 1980 following my broken neck that I had damaged the nerve canal through the C5 Vertebrae. And in this canal runs the nerve system that controls the involuntary muscles. To maintain good bodily functions he directed I was to take daily 2 well raised dessert spoons of Psyllium. This I have faithfully done ever since and as well it is now also accepted that large amounts of Vitamin C in conjunction with the psyllium help and assist with the removal of heavy metals from the body. I have taken high levels of Vitamin C since my Lung operation in 1989, currently I now take 3000 units daily along with 14-15 grams of MSM with well recorded health benefits. These natural medications may also help account for the lower Tibia Lead Levels.

10. The Reviewer in March 2019 took part of a paragraph from IARC Monograph Vol.87 "That Organic Lead is not a known Carcinogen" and based her decision on this but failed to quote the balance of the paragraph which clearly states the transformation of the Organic Lead while in the bones to which it is readily attracted metabolizes into 2 Ionic Lead Compounds that have the characteristics of Inorganic Lead which is a Class 2a Carcinogen. The same Monograph also says in the absence of Human Testing, tests done on Animals of these compounds are deemed equally to apply to Humans as a Class 2a Carcinogen. I draw attention to this because IARC is considered to be the highest Authority on Cancers.

At the completion of the recent Review and the phone link was turned off along with the recorder the Reviewer went on to ask what, did I know about the Refinery Workers from Takahiwai and Iwi and Bream Bay Beach re the Lead Pollution and Health issues saying this had to be put right. I have 2 witnesses to this conversation being my 2 support people.

11. My appeal raises 3 issues:

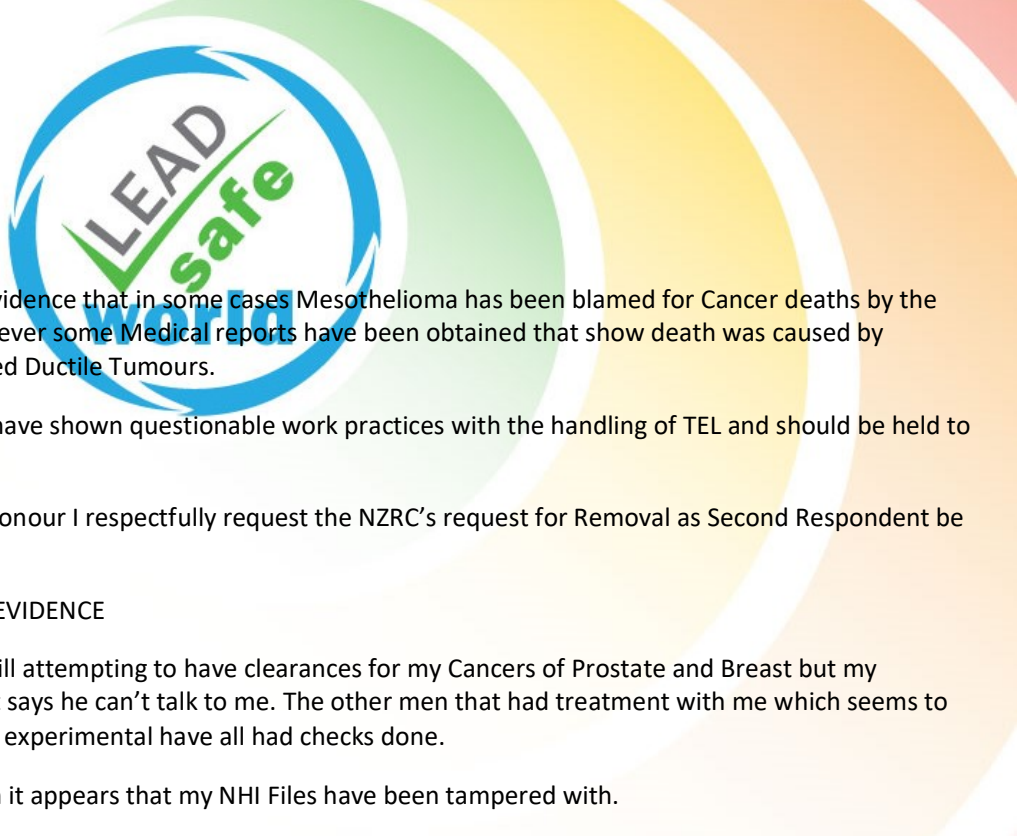
- (a) TEL is readily absorbed into the body through the skin.
- (b) In the blood it is also carried to the brain causing Neurological Problems etc.

TEL in the bones metabolizes into 2 particular ionic compounds which have the same characteristics as inorganic Lead which is a 2a Carcinogen. Please see IARC Monograph Vol. 87.

- (c). I claim for loss of enjoyment of life for 54 years including Broken Neck, Teeth Damage and finally removal, internal Cancers, multiple re-occurring Squamous Cancers and ongoing Psychotic and Neurological Damage.

12. I file this Appeal against both ACC and NZRC. NZRC used TEL at an excessive amount of 9 grams per Liter which equates to 36 grams per US Gallon purely as a cost saving profit maker. The recommended usage of TEL in America England and Europe was up to 2 grams per US Gallon.

Many men and Women have died from exposure with TEL associated with the Refinery and local services.



There is evidence that in some cases Mesothelioma has been blamed for Cancer deaths by the NZRC however some Medical reports have been obtained that show death was caused by unidentified Ductile Tumours.

13. NZRC have shown questionable work practices with the handling of TEL and should be held to account.

14. Your Honour I respectfully request the NZRC's request for Removal as Second Respondent be Denied.

FURTHER EVIDENCE

15. I am still attempting to have clearances for my Cancers of Prostate and Breast but my Oncologist says he can't talk to me. The other men that had treatment with me which seems to have been experimental have all had checks done.

In addition it appears that my NHI Files have been tampered with.

16. I am still trying to have Independent Specialists to ascertain my Health position but it maybe several months.

TIMETABLING

17. (a) I respectfully ask your Honour can Court Orders be Given for Files that are Restricted until 2043/48 and some for 100 years to be released to be read by your Honour or a Court Authorized Officer to enable the Truth to be told.

(b) That I be given assistance to obtain Independent Medical Reviews as needed. Reports to be given jointly to ACC and my Doctor.

Dated 30th July 2019

Signed B C Arndt