

Testimony of Edward F. Fogarty, III  
Senate Political Subdivisions Committee on HB1323  
April 1, 2021

Translational considerations across infectious disease public health matters into political subdivisions in this pandemic have been a great difficulty for all involved. I would like to propose a simple addendum to the committee regarding HB1323. If section 1 had an additional line of clarification, I believe it would help both camps here in deliberations. The needs of society for freedom of economic activity and gatherings without prohibitions/requirements of social distances as well as public safety needs can be met by this bill with a simple addendum of language.

The problem with the societal debate on the umbrella term of face coverings, is that there are major distinctions between respirators and anything less protective than fitted N95/N99 respirators that we use in medicine when dealing with the ongoing pandemic of tuberculosis. Tb has long met the criteria for a pandemic and has great similarities as well as differences well summarized here in one of the world's top medical journals:

[https://www.thelancet.com/journals/lanres/article/PIIS2213-2600\(20\)30151-X/fulltext](https://www.thelancet.com/journals/lanres/article/PIIS2213-2600(20)30151-X/fulltext)

Greg Poland, MD from Mayo Clinic summarized quite nicely last year the importance of N95 respirators, but at the time due to supply chain concerns, felt their use should be restricted to medical professionals. <https://newsnetwork.mayoclinic.org/discussion/covid-19-mayo-clinic-expert-answers-questions-about-masks-after-cdc-updates-its-recommendation/>

There is an obvious political dividing line in the Great Plains playing out right in HB1323. This is a fuzzy line in the sand but basically relates to the amount of rain available annually for farming. West of the 100th meridian is too dry for farming and the sunsets tend to be prettier for all the dust in the air as many of us out west can confirm to our eastern Great Plains city friends and family.

There is a major reason for this beauty which paradoxically creates some risks to pulmonary health. Dust particulates, including erionite (similar to asbestos) filter evening sunlight into incredible deep reds. Dust levels in the last 3 days in Bismarck remind us of Dust Bowl conditions. The dust hazards out west should prompt considerations for N95/N99 respirators for our first responders and really all North Dakotan's overall respiratory health. As our western ND scoria rock adds to the beauty of the sunsets, it also the risks of respiratory illnesses and the government should provide fitted N95/N99 masks to protect us all from these harms especially here in the capitol over the last 3 days.

Furthermore, North Dakota government should be offering fit testing to the public for N95/N99 masks before promoting unproven vaccine technologies that risk "Pathogenic Priming" - which risks our citizens having worse reactions to vaccines with additional strains of COVID19. I CC'd the 'lame duck' legislature of the 66th Session regarding such concerns written in an email to one of my fellow UND Faculty Colleagues, Michael LeBeau, MD as appended to the end of this testimony.

In conclusion, I am asking this Committee amend HB1323 such that there is a provision for mandated RESPIRATORS by North Dakota Political Subdivisions wishing the language of HB1323 which forbids mandates for FACEMASKS. By allowing RESPIRATORS to be mandated in preference to poor "technology" of cloth masks, we will avoid worsening the risks of other pulmonary infections by policies that really don't justify the costs. The "return on investments" in cloth and surgical masks as seen all over the parking lots of windy ND should also have a mandated collection biohazard unit at all ND businesses just like insulin needles.

Thank you for our time and consideration together today. Please know that my prior 2/4/21 testimony is available in written and video formats for your further learning/education on these matters,

Edward F. Fogarty, MD





Informed consent disclosure to vaccine trial subjects of risk of COVID-19 vaccines worsening clinical disease

[Details](#)

To: -Info-Dept. of Health, Michael.LeBeau@SanfordHealth.org <Michael.LeBeau@sanfordhealth.org>, Cc: Burgum, Doug & 143 more



<https://onlinelibrary.wiley.com/doi/epdf/10.1111/jcp.13795>

The cytokine storms of ADE will be difficult to distinguish from CoVID19 itself. Our consents issues to vaccination are rarely as thorough as we have in other areas of research / clinical medicine. For instance, there has never been a disclosure of the lack of need of a vaccine if you are already immune to the disease for which you are being sold a vaccine.

As you can see, I addressed these the ethical need in the use of diagnostics in medicine within the vaccine industry back in March of 2008 here:

[https://bismarcktribune.com/news/opinion/mailbag/a-proposal-on-vaccinations/article\\_e41b2f91-d75f-511d-92d7-eeef199e8f91.html](https://bismarcktribune.com/news/opinion/mailbag/a-proposal-on-vaccinations/article_e41b2f91-d75f-511d-92d7-eeef199e8f91.html)

Folks, that is what I have given the moniker "Ethical Vaccinomics" - if there is anywhere in the world we ought to be more conservative in our use of resources on culture alone, it's ND. There is a lot of over spend by our state on vaccines across the board anyway. Why not be ethical and diagnostically appropriate in our approach?

I also addressed these Ethical Vaccinomics approaches in 2017 with HB1434 testimony:



APX A  
ndHB1434.pdf

[So we have these matters complicating the pandemic fight and they are matters of great ethical importance.](#)

For all of you who understand that there is a racketeering operation between SD and ND that involves Sanford Health and it's use of an outpatient MRI facility between 2012 and 2019 for critical care ICU patients, some of you might find this email interesting in that I am basically scientifically defining and defending Kelby Krabbenhoft here: <https://www.twincities.com/2020/11/19/sanford-health-ceo-i-got-covid-19-so-i-dont-have-to-wear-a-mask-as-a-symbolic-gesture/> I support Kelby's approach here, these masks and lockdowns are psychoneuroimmunologically devastating.

The UNIMPEACHABLE best way to treat severe COVID19 with with hyperbaric chambers and maybe it's to the whole ND hospital complex got on board with that, ventilators cannot compete on the grounds of physics with the oxygenation problems of patients with a severe multi-infarct/ischemia producing viral capillary infection. NYU has done the Phase 1 trial and Sanford, CHI, Altru, Trinity and Essentia could use CARES act funding to purchase hyperbaric chambers. The old Bismarck Surgical Associates Building where Sanford is bringing COVID19 patients soon/now is perfectly suited to be a 10-15 monoplace chamber clinic, I am hoping that can occur DURING the pandemic rather than after.

<https://pubmed.ncbi.nlm.nih.gov/32931666/>

I will remind you all we are in a War and I am identifying assets/approaches we can all use to save our fellow citizens from death and prevent the more severe complications of COVID19.

<https://pubmed.ncbi.nlm.nih.gov/32708578/>

Thank you again for an open mind in these learning endeavors. I believe whole heartedly in my old friend Dr. LeBeau and his abilities to help with the potential of some of the above concepts getting implemented. IV Mucomyst in severe COVID19 is quite simple and I have used it years ago in some of his nephrology patients to protect them from radiological pharmaceuticals which are nephrotoxic when overused by our cardiology colleagues in efforts to save hearts.

Yours in Education,  
TFMD

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<https://www.cramer.senate.gov/news/press-releases/president-trump-signs-sen-cramers-hyperbaric-oxygen-therapy-legislation>

Dear Dr. Wynne:

I am one who does enjoy Dr. Fogarty's perspective on these SARS-Cov-2 issues. He sometimes gets a little too technical for some of us and holds his opinions very strongly.

I never thought he was speaking for UND, just as I do not speak for the whole Senate. He does not even use his UND e mail although we use our [ND.gov](#) e mail.

We need to listen to all voices and it is a good idea to be sure we get plenty of oxygen, Vitamin D and enough zinc (☺).

Sincerely,

Howard

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