

Plaintiffs Ask Federal Court to Ban Fluoridation Chemicals

A group of non-profits petitioned the U.S. EPA to end the addition of fluoridation chemicals into drinking water due to fluoride's neurotoxicity.

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Paul Connett, PhD

[Fluoride Action Network](https://fluoridealert.org/)
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Plaintiffs Ask Federal Court to Ban Fluoridation Chemicals;
International Experts to Testify;
Purported Benefits of Fluoride Off the Table.

Trial of a groundbreaking case challenging fluoridation of U.S. public water supplies has moved to within a month of start, with several significant rulings by the judge in the case, according to Fluoride Action Network (FAN), lead plaintiff.

The rulings affect the scope of testimony, excluding consideration of fluoridation's purported benefits, and affirm that three international experts will be able to testify for the groups and individuals seeking to stop fluoridation because of its hazards.

The lawsuit falls under the Toxic Substances Control Act of 1976 (TSCA). Under Section 6 of TSCA, EPA has the authority to prohibit “the particular use” of a chemical substance if it presents an unreasonable risk to the general public or susceptible subpopulations.

The plaintiffs will provide evidence to show that:

- Neurotoxicity is a hazard of fluoride exposure;
- This hazard exists at the doses ingested in fluoridated areas; and
- The risk is unreasonable.

With COVID-19 impacting court proceedings along with the rest of the country's activities, the trial is scheduled by video for two weeks beginning June 8. The compressed schedule will allow 12 hours of testimony for each side.

According to Paul Connett, PhD, executive director of FAN, the case seeks to end fluoridation, a practice endorsed by the U.S. Public Health Service 70 years ago and today reaching more than 200 million Americans through water systems in thousands of communities.

The trial will focus on scientific studies pointing to fluoride's neurotoxicity to children whose mothers received higher levels of fluoride during pregnancy, such as pregnant women living in fluoridated communities.

"This case is groundbreaking for the opposition to fluoridation," said Paul Connett. "For years the claims of the public health establishment and the dental profession have assured us that fluoridation was 'safe and effective,' and evidence to the contrary was routinely dismissed.

"The science on fluoride's developmental neurotoxicity to young children has changed the game," Connett said. "Several well-conducted and government-funded mother-offspring studies indicate that fluoride has the potential to lower the IQ of children. They clearly show the risk to children from fluoridated water is too great."

International Experts to Testify

Under the Court's May 8 rulings, three top experts in neurotoxicity will be allowed to testify, in spite of the objections of the EPA legal team. They include Dr. Philippe Grandjean of Harvard and the University of Southern Denmark, Dr. Howard Hu of the University of Washington, and Dr. Bruce Lanphear of Simon Fraser University in British Columbia. The three have led groundbreaking studies on fluoride neurotoxicity, childhood lead poisoning, and prenatal mercury poisoning, noted Chris Neurath, FAN's science director.

Also due to testify for the plaintiffs is Kathleen Thiessen, PhD, a risk assessment scientist at Oak Ridge Center for Risk Analysis. She served on the National Research Council Panel that published the landmark 2006 review, "Fluoride in Drinking Water: A Scientific Review of EPA's Standards."

The U.S. government and the American Dental Association have endorsed and actively advocated fluoridation as a tooth decay preventative since 1950, but it has remained controversial.

Countries accounting for 95 percent of the world's population, including 97 percent of Europe,

do not fluoridate their water. The policy and practice will now get a closer look over two weeks as scientific witnesses make the case that fluoride is a developmental neurotoxicant. Testimony will focus especially on harm to children exposed to fluoride in the womb and to infants through baby formula made with tap water in fluoridated communities.

Opposing the plaintiffs' hazard scenario will be the EPA and its hired experts from the consulting firm Exponent Inc., known for servicing large corporations.

The plaintiffs submitted a Citizens Petition under Section 21 of TSCA to the EPA in November 2016 requesting a ban on the addition of fluoridation chemicals to water. When the EPA denied the Petition they filed suit in federal court.

Originally scheduled for trial in August of 2019, the case was delayed because of the federal government shutdown in 2018-2019 and then again because of the coronavirus in 2020. On April 10, the Court had a teleconference with lawyers and set the new date of June 8, making it clear that an in-courtroom trial would not be possible but that the case would proceed with a virtual trial using electronic means.

Plaintiffs are represented by Michael Connett and C. Andrew Waters of Waters Kraus and Paul of El Segundo, Calif. The EPA is represented by the Environmental Defense Section of the U.S. Department of Justice.

An online [Press Kit](#), found here, provides further information on the case.

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