

# Federal Court Rules That Water Fluoridation Poses an 'Unreasonable Risk' to Children

*The ruling requires EPA to take regulatory action to eliminate the risk, in a decision that could end the use of fluoridation chemicals throughout the U.S.*

SAN FRANCISCO, CA, UNITED STATES, October 1, 2024 /EINPresswire.com/ -- After a precedent-setting 7-year legal battle in federal court, an [historic ruling](#) by the United States District Court of the Northern District of California has ordered the U.S. Environmental Protection Agency (EPA) to take regulatory action to eliminate the “unreasonable risk” to the health of children posed by the practice of water fluoridation, according to the Fluoride Action Network.

(17-CV-02162-EMC (KAW), Food & Water Watch, Inc., et al. v. US Environmental Protection Agency, et al.)

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The scientific literature in the record provides a high level of certainty that a hazard is present; fluoride is associated with reduced IQ. The qualitative evidence is superior.”

*Senior Judge Edward Chen*

The verdict is a significant loss for the EPA and the promoters of fluoridation because the court found that their claims of safety—made for over 75 years—were not supported by evidence.

Senior Judge Edward Chen wrote, “the Court finds that fluoridation of water at 0.7 milligrams per liter (“mg/L”) – the level presently considered “optimal” in the United States – poses an unreasonable risk of reduced IQ in

children...the Court finds there is an unreasonable risk of such injury, a risk sufficient to require the EPA to engage with a regulatory response.”

"In all, there is substantial and scientifically credible evidence establishing that fluoride poses a risk to human health; it is associated with a reduction in the IQ of children and is hazardous at



**Federal court ruling:** ... the Court finds that fluoridation of water at 0.7 milligrams per liter (“mg/L”) – the level presently considered “optimal” in the United States – poses an unreasonable risk of reduced IQ in children.

Federal court rules that fluoridation creates an unreasonable public health risk.

dosages that are far too close to fluoride levels in the drinking water of the United States... Reduced IQ poses serious harm. Studies have linked IQ decrements of even one or two points to, e.g., reduced educational attainment, employment status, productivity, and earned wages.”

The ruling did not specify exactly what measures must be adopted by the EPA, but under the Toxic Substances Control Act (TSCA), once the court rules that a chemical poses an unreasonable risk, the EPA is obligated by law to restrict or eliminate the risk.

The Court warned, “One thing the EPA cannot do, however, in the face of this Court’s finding, is to ignore that risk.”

Notable excerpts from the ruling:

-“There is little dispute in this suit as to whether fluoride poses a hazard to human health. Indeed, EPA’s own expert agrees that fluoride is hazardous at some level of exposure. And ample evidence establishes that a mother’s exposure to fluoride during pregnancy is associated with IQ decrements in her offspring.”

-“The pooled benchmark dose analysis concluded that a 1-point drop in IQ of a child is to be expected for each 0.28 mg/L of fluoride in a pregnant mother’s urine. This is highly concerning, because maternal urinary fluoride levels for pregnant mothers in the United States range from 0.8 mg/L at the median and 1.89 mg/L depending upon the degree of exposure. Not only is there an insufficient margin between the hazard level and these exposure levels, for many, the exposure levels exceed the hazard level of 0.28 mg/L.”

-“There is significant certainty in the data set regarding the association between fluoride and reduced IQ...The scientific literature in the record provides a high level of certainty that a hazard is present; fluoride is associated with reduced IQ. The qualitative evidence is superior.”

-“The size of the affected population is vast. Approximately 200 million Americans have fluoride intentionally added to their drinking water at a concentration of 0.7 mg/L...Other Americans are indirectly exposed to fluoridated water through consumption of commercial beverages and food manufactured with fluoridated water...and over 300,000 exclusively formula-fed babies are exposed to fluoridated water.”

FAN’s attorney, Michael Connett, said, “The Court has done what EPA has long refused to do: applied EPA’s risk assessment framework to fluoride. It’s a historic decision.”

The lawsuit was brought under TSCA, which allows citizens to petition the EPA to evaluate whether a chemical presents an unreasonable risk to public health, and it empowers citizen groups to challenge the EPA in court after denial of a petition.

FAN submitted a petition under Section 21 of TSCA in 2016 requesting a ban on the addition of

fluoridation chemicals to water. When the EPA denied the petition, FAN filed suit in federal court in 2017.

After a two-week bench trial held in 2020, the trial was placed in abeyance as the court awaited the finalization of the National Toxicology Program's (NTP) systematic review of fluoride neurotoxicity. However, in 2022, pressure from pro-fluoridation interest groups led to NTP's report [being blocked](#) from public release by top officials in the U.S. Department of Health & Human Services. Plaintiffs submitted documents obtained via the Freedom of Information Act exposing this intervention to the court. This discovery led to a legal agreement forcing the report to be made public and prompting Chen to continue the trial.

A second phase of the bench trial was held during the winter of 2024. In May, the [NTP published](#) the first part of their report, finding a "large body" of evidence that fluoride exposure is "consistently associated with lower IQ in children." An accompanying NTP meta-analysis is soon to be published in a journal.

This is the first time a citizen's petition has gone to trial, and the first time a citizen group has won a trial under TSCA. The case creates precedent for watchdog groups to force the EPA to adequately regulate chemicals that pose an unreasonable risk to health.

Stuart Cooper, FAN's Director, says, "The ONLY way to effectively eliminate the risk is to end fluoridation. Communities are voluntarily adding this neurotoxin to public water supplies. The harm is needlessly self-inflicted, but the solution is simple: ban fluoridation chemicals."

Connett says, "In our view, attempts by the EPA to appeal or delay this ruling will only result in harm to hundreds of thousands of additional children."

Policymakers at the local and state level do not need to wait to take action. The federal government doesn't mandate fluoridation, and thus local policymakers can take action immediately. The ruling provides a thorough assessment based upon extensive scientific research and expert testimony.

Cooper added, "The public didn't sign up to have a neurotoxin added to their drinking water. While a cavity can easily be filled, damage to the brain is permanent and the consequences are lifelong."

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