

FACT SHEET – TSCA WATER FLUORIDATION LAWSUIT

WHAT: TSCA stands for the Toxic Substances Control Act, which authorizes the U.S. Environmental Protection Agency (EPA) to prohibit a chemical that presents an unreasonable risk to the general public or susceptible subpopulations.

A group of non-profits and individuals petitioned the EPA in 2016 to end the addition of fluoridation chemicals into drinking water based on health risks. The EPA rejected the petition. In response, the groups sued the EPA in 2017:

Food and Water Watch et al vs Environmental Protection

Agency. A seven-day trial was held in June 2020 but the Court has yet to make a ruling. [See the full timeline and details pertaining to the lawsuit.](#)



WHY: The plaintiffs are basing their case on fluoride’s neurotoxicity (brain damage), focusing on the link found in dozens of studies between higher-ingested fluoride levels and lower IQs in children. Evidence also links higher-ingested fluoride levels to higher attention deficit hyperactivity disorder (ADHD) rates.

There is a scientific consensus that ingested fluoride is neurotoxic. The plaintiffs argue it can be neurotoxic to children at levels recommended by the U.S. Public Health Service to fluoridate water at 0.7 parts per million (ppm). The EPA denies that claim.

WHO: The plaintiffs are three non-profit organizations, *Food and Water Watch*, *Fluoride Action Network* and *Moms Against Fluoridation*, plus three individuals. The defendant is the EPA. The U.S. Department of Justice is leading its case.

Edward Chen is the U.S. district judge hearing the case. The lead attorneys are Michael Connett for the plaintiffs and Brandon Adkins for the defendants.

WHERE: The case is being held in federal court in the Northern District of California in San Francisco. Its hearings, previous trial and future trial have been/will be available to the public live on Zoom.

WHEN: Since the June 2020 trial, Judge Chen has waited for a systematic review on fluoride’s neurotoxicity to be completed by the National Toxicology Program (NTP). The final report was scheduled to be released on May 18, 2022, [when it was blocked days before publication](#) by the Department of Health and Human Services.

Following a January 12, 2023 hearing, [the judge rejected EPA’s request](#) for further delays. [The review was posted](#) on NTP’s website March 15, 2023.

On May 11, 2023, NTP’s Board of Scientific Counselors held a public meeting on NTP’s responses to outside reviews of its report. The next steps in its release have yet to be announced by NTP director Rick Woychik.

The judge has set January 29, 2024 as the start date for a second phase of the trial, which may last for up to two weeks. Shortly after the trial, he’s expected to rule on whether fluoridation is an unreasonable risk to human health.