

Water Fluoridation: Victory in Legal Case to Force the U.S. Environmental Protection Agency (EPA) to End the Addition of Fluoride to the Public Water Supply

Excerpts from Fluoride Action Network (FAN) special news bulletin

By [Coalition Preparing Federal Lawsuit to End Fluoridation](#)

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Coalition Preparing Federal Lawsuit to End Fluoridation

Region: [USA](#)

Theme: [Environment](#), [Law and Justice](#),
[Police State & Civil Rights](#)

Lawsuit Update

More exciting news for the concerned citizens around the world working tirelessly to educate Municipal Councillors and Government officials on the dangers of ingested fluoride aka Hydrofluorosilicic Acid added to the drinking water supply.

FAN (Fluoride Action Network) wins second round in court case!

On February 7, 2018, the Fluoride Action Network (FAN), together with a coalition of environmental and health groups (see Plaintiffs below), **won a second major victory in our legal case to force the U.S. Environmental Protection Agency (EPA) to end the deliberate addition of fluoride to the public water supply (water fluoridation).**

Our victory was the ruling from Federal Judge Edward M. Chen, of the Northern District Court of California, when he dismissed EPA's motion to limit discovery:

“The EPA moves for a protective order limiting the scope of review in this litigation to the administrative record, a request that would effectively foreclose Plaintiffs from introducing any evidence in this litigation that was not attached to their administrative petition. The text of the TSCA, its structure, its purpose, and the legislative history make clear that Congress did not intend to impose such a limitation in judicial review of Section 21 citizen petitions. The Court therefore **DENIES** the EPA's motion.”

Re: February 7, 2018: [Order Denying Defendant's \[EPA\] Motion to Limit Review to the Administrative Record](#)

Our attorney, **Michael Connett**, noted: “If you look at the legislative history, Congress wanted a robust mechanism for citizen oversight over EPA. This court's decision highlights for environmental groups that Congress created a powerful tool.” ([Inside EPA, Feb 20, 2018](#))

Had the EPA prevailed we would have been prohibited from including any new fluoride neurotoxicity study published after our Petition was submitted in November 2016. With the court's ruling we can now include the major [12-year study by Bashash et al.](#) published in September 2017. This study is critical in demonstrating that fluoride is neurotoxic and has no place in the public water supply.

The Bashash study

It is difficult to overstate the importance of this study, especially since it was funded by these U.S. agencies: National Institutes of Health, National Institute of Environmental Health Sciences and the EPA.

The authors from several universities in Canada, the U.S. and Mexico, followed over 300 mother-child pairs in Mexico City for a 12-year period. They found a strong relationship between the mothers' exposure to fluoride (as measured in their urine) and lowered IQ in their offspring at 4 and again at 6-12 years of age. The urine levels of the pregnant woman in the study were the same as is found in pregnant women in the U.S. (0.5 to 1.5 mg/Liter, or ppm). At these levels the authors reported a loss of 6 IQ points.

The lead investigator of this study, Dr. Howard Hu from the University of Toronto, commented on the study in the Canadian [National Post](#): "This is a very rigorous epidemiology study. You just can't deny it. It directly related to whether fluoride is a risk for the neurodevelopment of children."

This study adds another level of scientific rigor to our case. **We should never deliberately expose an unborn child or bottle-fed infant to a known neurotoxic (i.e. brain-damaging) substance but that is precisely what we are doing every day with water fluoridation.**

Our TSCA lawsuit is attempting to force the US EPA to end this reckless practice. As Michael Connett stated in response to EPA's attempt to dismiss our case: "in a nation besieged by neurological disorders of poorly understood etiology, both in young children and the elderly, minimizing exposures to known neurotoxic substances must be a public health priority [[page 4](#)]."

Below, is the list of Petitioners and Individuals in the lawsuit and some important details on the latest news. Also, you will find the TSCA timeline to date.

It's just a matter of time when ALL decision makers realize that citizens have rights, and, the autonomy to protect those rights.

IT'S OUR HEALTH ~ IT'S OUR RIGHT ~ IT'S OUR CHOICE!

Kindest Regards,
Liesa Cianchino
Chair Concerned Residents of Peel to End Fluoridation
Founding Member Worldwide Alliance to End Fluoridation
(CA)Past Board Member (US)Moms Against Fluoridation

The TSCA Lawsuit Timeline

The Toxic Substances Control Act (TSCA) authorizes EPA to prohibit the “particular use” of a chemical that presents an unreasonable risk to the general public or susceptible subpopulations. TSCA gives EPA the authority to prohibit drinking water additives.

On November 22, 2016, a Citizens Petition under Section 21 of TSCA was presented to the U.S. EPA requesting that they exercise its authority to prohibit the purposeful addition of fluoridation chemicals to U.S. water supplies. We made this request on the grounds that a large body of animal, cellular, and human research shows that fluoride is neurotoxic at doses within the range now seen in fluoridated communities.

The Petition was submitted by the Fluoride Action Network together with the Food & Water Watch, American Academy of Environmental Medicine, International Academy of Oral Medicine and Toxicology, Moms Against Fluoridation, Organic Consumers Association, and various individuals (see * The Petitioners below).

November 22, 2016: Fluoride Action Network (FAN), together with a coalition of environmental, medical and health groups, collectively known as the “Petitioners” (see *below), served the EPA with a [Petition calling on the Agency to ban the addition of fluoridation chemicals to public water supplies due to the risks these chemicals pose to the brain. The Petition was submitted under Section 21 of the Toxic Substances Control Act \(TSCA\) because it authorizes EPA to prohibit the “particular use” of a chemical that presents an unreasonable risk to the general public or susceptible subpopulations. TSCA also gives EPA the authority to prohibit drinking water additives.](#)

February 27, 2017: EPA denied the TSCA Section 21 Petition. [Read their reasons here.](#) In their decision the EPA claimed, “The petition has not set forth a scientifically defensible basis to conclude that any persons have suffered neurotoxic harm as a result of exposure to fluoride in the U.S. through the purposeful addition of fluoridation chemicals to drinking water or otherwise from fluoride exposure in the U.S.”

April 18, 2017: [FAN et al.’s response](#) to EPA’s rejection of Petition.

September 25, 2017: [Motion to Dismiss FAN et al. Petition](#) by the Department of Justice, on behalf of the EPA.

October 25, 2017: [FAN et al. response](#) to EPA’s rejection of Petition.

October 25, 2017: [Amicus Curiae Brief](#) of the Natural Resources Defense Council and Safer Chemicals, Healthy Families in Support of Neither Party. Their brief against EPA’s basis to dismiss our section 21 Petition focused on EPA’s unacceptable demand: “must evaluate all of a chemical’s conditions of use”

November 30, 2017: Hearing with arguments from both parties. Michael Connett, JD, put forward the arguments of why EPA’s Motion to Dismiss should be denied.

December 21, 2017: [Court rules in our favor and denies EPA's Motion to Dismiss.](#)

December 14, 2017: The [EPA requests court](#) for “a protective order limiting review to the administrative record and an order striking Plaintiffs’ Jury Demand.”

January 5, 2018: [FAN et al. submitted a brief in opposition to EPA’s motion to the court](#) for a sweeping order that would exempt this “civil action” from Federal Rule of Civil Procedure 26(b) and deny Plaintiffs their right to discovery.

January 5, 2018: The [National Resource Defense Council \(NRDC\) submitted an Amicus Curiae Brief](#) in opposition to EPA’s motion to limit petitioner’s right to discovery. They state, “To the contrary, the language, structure, and history of section 21 all support the district court’s consideration of new evidence.” The NRDC involvement supports neither party on the merits of the case.

January 15, 2018: [The U.S. EPA’s Reply](#) “in Further Support of Motion to Limit Review to Administrative Record.”

January 18, 2018: [The Defendant, EPA, “Answer” to FAN et al’s “Complaint of Fluoride’s harm submitted April 18, 2017.](#) EPA’s response to each (107) paragraph in [FAN et al’s “Complaint” of April 18, 2017](#), concluding: “Except as expressly admitted or otherwise stated herein, EPA denies each and every allegation in Plaintiff’s Complaint.”

February 7, 2018: The Court ruled in our favour: [Order Denying Defendant’s \(EPA\) Motion to Limit Review to the Administrative Record](#)

The Petitioners

Fluoride Action Network
Food & Water Watch
American Academy of Environmental Medicine
International Academy of Oral Medicine and Toxicology
Moms Against Fluoridation
Organic Consumers Association

Individuals:

Audrey Adams, a resident of Renton, WA (individually and on behalf of her son),
Jacqueline Denton, a resident of Asheville, NC (individually and on behalf of her children),
Valerie Green, a resident of Silver Spring, MD (individually and on behalf of her children),
Kristin Lavelle, a resident of Berkeley, CA (individually and on behalf of her son),
Brenda Staudenmaier from Green Bay, WI (individually and on behalf of her children)

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