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# Courtroom Battle Could Lead to Limits on Fluoridation of Drinking Water

By **Dan Ross** on June 8, 2020

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A federal court trial underway in San Francisco could spell the beginning of the end of water fluoridation in America, potentially affecting drinking water for hundreds of millions of people across the U.S.



Although fluoride can occur naturally in water, many water utilities add the chemical with the goal of improving dental health. But an alliance of groups led by Food & Water Watch, a government accountability nonprofit, have **sued the**

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**Oldies but Goodies**



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In opening statements today, plaintiffs lawyer Michael Connett said it "will be undisputed in this case that babies who are bottle-fed with fluoridated water receive the highest doses of fluoride of any age group." At the time of "their greatest vulnerability, we are exposing infants, often from the poorest, most disadvantage communities, to a very high burden of fluoride," Connett said.

But James Do, a Justice Department lawyer representing the EPA, said there are too many "uncertainties and inconsistencies" in the evidence. "Let's be one hundred percent clear here," Do said. "If EPA could conclude that there was an unreasonable risk from water fluoridation, EPA would regulate."

As [reported by FairWarning](#), water agencies first began adding fluoride in the 1940s, and today nearly 75 percent of Americans on public water systems are served fluoridated water. Fluoridation has been a lightning rod for crackpot conspiracy theories, including that it is part of a government plot to achieve mind control. Despite the outlandish nature of these fever dreams, fluoride is far from a benign chemical, health experts say.

As things stands, the Centers for Disease Control and Prevention (CDC) has set an advisory limit of 0.7 parts of fluoride per million parts of water as the optimum level to help prevent tooth decay while avoiding other problems associated with excessive fluoride exposure. These include dental fluorosis—which can lead to severe staining of the teeth, enamel erosion and pitting—and at much higher exposure levels skeletal fluorosis, a disease associated with joint pain, fractures and the bone disorder osteosclerosis.

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with high levels of naturally occurring fluoride.

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According to [the CDC](#), of approximately 275 million Americans on public water systems, more than 200 million are served water with fluoride added. An analysis by the Environmental Working Group, a research and advocacy organization, found that about 30 million people receive tap water with fluoride levels higher than the CDC recommendation.

Medical and dental authorities say that a small dose of the chemical is beneficial for dental health. The CDC claims that fluoridation reduces cavities by about 25% in children and adults. Still, a growing body of evidence suggests that Americans are routinely exposed to more fluoride than is good for them.

Experts point out that people already receive a daily dose of fluoride in toothpaste and mouthwash, and in many bottled drinks and processed foods. A key focus of the federal trial is a growing stack of scientific literature showing potential neurological harm from even low levels of fluoride.

In 2016, a [13-year study](#) conducted in Mexico found that higher prenatal exposures to fluoride were associated with lower intelligence test scores for children later on. Between 2018 and 2019, several studies from Canada found similar effects, including that more fluoride in the urine of expectant mothers corresponded with an IQ loss in male children, and that youths from areas with fluoridated water had a [higher prevalence](#) of ADHD.



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Edward Chen began its slow road to trial

in 2016, when the plaintiffs [petitioned the EPA](#) to begin the process of banning fluoridation. A court subsequently denied the EPA's [motion to dismiss](#) the petition, setting the stage for the legal showdown. In the months leading up to the trial, judge Edward Chen made several rulings that carry the potential to shape its outcome, including one that bars the EPA from providing evidence of fluoride's health benefits.

The case, being tried without a jury, was filed under the federal Toxic Substances Control Act, and this is the first time a citizen's petition under that law has made it to the trial stage, Robert Sussman, a former EPA deputy administrator, told FairWarning. "This is very much a precedent setting case which is going down a road nobody's traveled down before," Sussman said.

If the plaintiffs are successful, the case won't necessarily signal the end to water fluoridation, but could cause the EPA to limit how much fluoride can be added. Any new rules could take years to implement.

"This is a good public health exercise," said Mike Keegan, regulatory analyst for the National Rural Water Association, which represents officials of small community water systems. "You want to make sure this is an asset you're putting into the water supply."

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### 12 Comments



**Valerie** June 10, 2020 at 3:22 pm

I appreciate this article more than words can express!! This controversial topic has created so many debates it is a relief to see people taking action rooted in science; regardless of it's popularity. It never dawned on me that infants would be the most exposed + vulnerable if taking formula.... Keep up the great work!



**David Green** June 10, 2020 at 3:00 pm

At the risk of rushing to judgement, it seems pretty clear, from the testimony so far, that the EPA has given special status to fluoride that is hasn't given to any other substance it monitors. If that is found to be the case, the next question would be: Who is responsible for this bias?



## Environment Noisy, But That's Not All

By [Stuart Silverstein](#) and [Anna Boiko-Weyrauch](#)



## Labor OSHA's Wall of Shame

By [Paul Feldman](#) and [Stuart Silverstein](#)





**Kendrick Miller** June 9, 2020 at 5:17 pm

Where in the constitution are local water districts authorized to practice medicine and without the consent of the patient?



**Kendrick Miller** June 9, 2020 at 5:12 pm

There is no way that drinking water stays in your mouth and therefor on your teeth long enough to be absorbed and possibly reduce carries. The correlation between floridation and carries reduction in children is coincidental with better oral hygiene.



**Matthew Mabey** June 9, 2020 at 4:49 pm

What the article doesn't address is if there are any water providers in the US that add fluoride to drinking water to a level above the CDC recommended limit of 0.7 PPM. I would like to know, but I would be surprised if there were. I suspect that those that supply water with >0.7 PPM are all just passing along what is naturally occurring in the water, or occasionally exceed the 0.7 threshold because of natural variations in the chemistry of the raw water. I would also have liked to be told which foods and bottled beverages contain added fluoride. I was not aware such a thing was done, and I am still skeptical that it is true. A brief internet search only produced a single drink product and that was one

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By **the FairWarning staff**

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mouthwashes and the adjective processed being attached to “foods.” Fluoride occurs naturally in many drinks and foods.).

Please note that nature's way for creatures to get the fluoride for creating strong tooth enamel (and proper bones) is through ingesting it, not topically applying it to teeth. The problem is that some area's water supply and food supply does not provide an optimum level of fluoride in the average diet. Thus was born the idea of supplementation. There are numerous nutrients for which this situation exists. In the US, most flour is “enriched.” In the US, most milk has Vitamin D added. Iodine is commonly added to salt. Whether the fluoride in drinking water solution was the right solution, or even a good solution, is an open debate.

I will close by saying that, just coincidentally, my children mostly grew up in areas without fluoride added to the drinking water. We were less than completely faithful in giving them their fluoride supplement tablets every day throughout their childhood. Their mother's opinion about fluoride supplementation waxed and waned before settling on ambivalent. Probably because the data on both sides of the debate is pretty lame. I find myself sympathizing with the pro-fluoride camp, but only because of the really outrageous claims coming from segments of the anti-fluoride camp. Lame data is less offensive to me than are outrageous claims.



**Goldenberg Margaret** June 9, 2020 at 4:45 pm

We should have a choice if we want fluoride in our



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You omitted the Harvard study on lowered IQ as well as the facts that fluoride is a neurological toxin , and damages the thyroid gland . The first environmental class action suit was in response to local residents and cattle dying in Donora Pennsylvania due to toxic fluorine fumes from a fluoride processing plant. in 1948.



**Alison** June 9, 2020 at 8:40 am

Wow, "crackpot theories" but then the author goes on to admit that Mexican and Canadian studies (among many, many others) confirm that fluoridation lowers IQ. European public water systems are NOT fluoridated and they're not suffering with massive tooth decay. Hmm interesting.

Fluorine compounds or fluorides are listed by the US Agency for Toxic Substances and Disease Registry (ATSDR) as among the top 20 of 275 substances that pose the most significant threat to human health.

The Clinical Toxicology of Commercial Products, 5th Edition (1984) rates lead with a toxicity rating of 3 to 4 (3 = moderately toxic, 4 = very toxic). The EPA set 0.015 ppm as the MCL for lead in drinking water—with a goal of 0.0ppm. Yet, the toxicity rating for fluoride is 4 (very toxic), and the MCL for fluoride is currently set at 4.0ppm, over 250 times the permissible level for lead.

In 1944, the Journal of the American Dental Association (yeah, exactly) said: "With 1.6 to 4 ppm fluoride in the water, 50 percent or more past

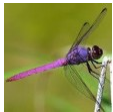




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**John Fisher** June 9, 2020 at 8:09 am

Court cases like these have lost every time they have gone to court because there is no current, compelling scientific, peer reviewed study that legitimately proves that optimal community water fluoridation causes harm to individuals. It is an equitable public health solution to supporting oral health across all economic spectra.



**Charles Miller** June 9, 2020 at 7:53 am

I agree, Elizabeth. Adding fluoride to the tap water is unneeded with today's dental products. There are also naturally occurring high levels of fluoride in some water sources that need to be reduced.



**Elizabeth Holmes** June 8, 2020 at 11:41 am

There's a big difference between topical fluoride (ON your teeth, strengthening enamel) and systemic fluoride (IN your drinking water, disrupting metabolic processes). If the goal is better dental health, money spent dosing municipal water supplies would be better spent on free fluoridated dental products for those who want them.

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