



A California court's troubling decision in the EPA fluoride lawsuit

Tooth decay is the [most common chronic disease](#) among U.S. children and adults. Fluoride is a mineral that plays a critical role in preventing decay and promoting health equity. For these reasons, we are deeply concerned about the September 24th decision by the federal district court for the Northern District of California. This decision instructed the Environmental Protection Agency (EPA) to issue a new rule about fluoride in drinking water.

- The California court's decision referred to the National Toxicology Program (NTP) [fluoride report](#) more than 120 times. Clearly, the court based its decision heavily on the NTP report. Yet the court overlooked the fact that the NTP said its report was **not** designed as an evaluation of water fluoridation. And the "association" that the NTP found was for water that contained much higher levels of fluoride. It is surprising that the court would reach a conclusion that the NTP was unwilling to reach.
- The way in which the California court interpreted the NTP report is also at odds with the highly respected National Academies of Sciences. After reviewing drafts of the NTP report, the National Academies advised the NTP to "make it clear" that its report's conclusions do **not** apply to [lower fluoride levels](#), "including those typically associated with drinking-water fluoridation."
- The California court made a big leap to describe fluoridated water as having an "unreasonable risk." In doing so, the court ignored the conclusions of numerous scientific panels around the globe — not only the National Academies of Sciences in the U.S., but also Ireland's [Health Research Board](#) and Australia's [National and Medical Research Council](#).
- Nowhere in its decision does the California court order the EPA to ban water fluoridation. Instead, the agency was asked to draft a new rule in this area. The EPA may issue a new rule or it might appeal this decision. Given the circumstances, it would be both hasty and unwarranted for a community to end fluoridation.
- The court should have considered the weaknesses in the NTP report. For example:
 - 62% of the studies analyzed by the NTP came from lower-quality journals — journals which are not indexed by the U.S. [National Library of Medicine](#).
 - A number of these studies came from a journal called *Fluoride*, which was created decades ago by people who opposed fluoridation. According to the [Pew Center on the States](#), *Fluoride* has published "a number of flawed or scientifically incomplete studies."