



Written by [Veronika Kyrylenko](#) on July 30, 2025

Trump's EPA Fights Court Ruling on Fluoride's Harms

The Trump administration's Environmental Protection Agency (EPA) continues a major legal battle that began nearly 10 years ago. Earlier this month, the EPA [officially filed an appeal](#) against a federal court ruling that found that fluoride in drinking water poses a risk to children's brain development.

The case, originally filed by parents and the Fluoride Action Network (FAN), challenged the EPA's 2016 decision to reject a petition under the Toxic Substances Control Act (TSCA). That petition sought a ban on adding fluoride to public drinking water due to health concerns.



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Now, the unconstitutional agency has chosen to press forward with the appeal first initiated in the final days of the Biden administration.

Court Orders EPA to Take Action

In September 2024, U.S. District Judge Edward Chen ruled that the fluoridation of water at the standard level of 0.7 milligrams per liter "poses an unreasonable risk of reduced IQ in children."

Key evidence in the ruling came from the National Toxicology Program (NTP) under the U.S. Department of Health and Human Services (HHS). The NTP [systematically reviewed](#) the research and identified a significant link between fluoride exposure and reduced IQ in children. Their findings showed that even fluoride levels as low as 1.5 mg/L could pose health risks.

As [reported](#) by *The New American*, the judge concluded that the risk was sufficient to warrant regulatory action. However, Chen clarified that his authority under TSCA only allowed him to direct the EPA to respond, not to dictate what that response should be. That action could range from a public warning to a national ban.

EPA's Arguments on Appeal

In its joint appeal with the Department of Justice, the EPA didn't dispute the science behind the ruling. [According](#) to FAN attorney Michael Connett:

In its brief, EPA does not challenge the merits of the Court's determination that fluoridation poses an unreasonable risk. Instead, EPA challenges various legal aspects of the case.

The government lays out three core objections.

First, it claims the plaintiffs lack standing, particularly if their water contains naturally occurring fluoride rather than fluoride added by local utilities. Second, the agencies say the court improperly considered scientific studies published after the original 2016 petition. Finally, they argue that Judge Chen overstepped his authority by delaying a ruling after the close of the trial's first phase in 2020.



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Per the filing:

The district court violated TSCA Section 21 by permitting Plaintiffs to rely on evidence not first presented to EPA in the petition and reviewed by EPA in denying the petition. The court's final merits ruling overwhelmingly relied on voluminous evidence that did not even exist at the time of the original petition.

In short, the EPA wants the ruling thrown out. Instead of complying with the judge's order to take action, the agency is asking a higher court to reverse or invalidate the decision based on procedural grounds.

Kennedy and Zeldin's Public Pledge

At an April [press conference](#) in Salt Lake City, HHS Secretary Robert F. Kennedy Jr. and EPA administrator Lee Zeldin announced federal steps to address the health risks of fluoridation.

Kennedy condemned the practice, saying,

"It makes no sense to have fluoride in our water. The evidence against fluoride is overwhelming."

He cited such health risks linked to fluoride as IQ loss, ADHD, kidney and thyroid damage, and increased fracture risk. Kennedy directed the Centers for Disease Control and Prevention (CDC) to stop recommending fluoridation and to form an independent task force to reassess the science and update the "optimal" fluoride level. As of today, the [CDC's page](#) on community water fluoridation continues to call the practice "a cornerstone strategy for prevention of cavities in the U.S."

In parallel, Zeldin said the EPA would use its six-year review process under the Safe Drinking Water Act to re-evaluate fluoride's health risks.

Both officials commended Utah for becoming the first state to ban fluoride in public drinking water.

Kennedy has remained silent on social media since the EPA formally filed its appeal. However, before that, he had frequently posted about the risks of fluoride.

Is It MAHA?

Kennedy has long opposed federal water fluoridation. Days before the 2024 election, he [pledged](#) that "on January 20, the Trump White House will advise all U.S. water systems to remove fluoride," citing its links to bone cancer, IQ loss, and thyroid disease. The message reached over 24 million users on X. He also [praised](#) an October 4 court ruling against the EPA's approval of fluoride, calling it a "dangerous neurotoxin."

But the fluoride issue is only one of several disappointments for the MAHA base. In just six months, the FDA has approved three Covid mRNA shots, including one for ["at-risk" infants](#) and young children. Kennedy, once a leading vaccine critic, now [supports](#) the measles, mumps, and rubella (MMR) shot — once described by him as "the tip of the spear" in the vaccine safety debate.

Meanwhile, the EPA has launched sweeping deregulation. In March, Zeldin [announced](#) 31 rollbacks, calling it the "greatest day of deregulation in U.S. history," dismantling safeguards regarding clean air,



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toxic chemicals, and industrial emissions.

In May, the EPA [rolled back or delayed](#) major per- and polyfluoroalkyl substances (PFAS) drinking water protections. The agency extended deadlines for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS), while rescinding standards for several other PFAS found in drinking water. Often called “forever chemicals” because they do not break down in nature, PFAS accumulate in water, soil, and the human body, where they are linked to cancer, liver damage, immune dysfunction, and developmental harm.

Unconstitutional Enabler

The Constitution delegates no explicit authority to the federal government to regulate the environment, leaving such responsibilities to the states. Yet, rather than respecting that boundary, the EPA has clearly evolved into a bureaucratic shield for corporate polluters — loosening oversight of toxic air emissions, rolling back standards on “forever chemicals,” and now delaying action on fluoride. By overstepping its constitutional bounds, the agency is failing both the law and the public it purports to protect.



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