



Toxic Substances Control Act (TSCA) Lawsuit Timeline Summary

- November 2016** ● Watchdog organizations serve the U.S. Environmental Protection Agency (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.
- February 2017** ● EPA [denies](#) the petition.
- April 2017** ● Fluoride Action Network (FAN) and other organizations [sue](#) EPA.
- November 2017** ● Court holds hearing on EPA's Motion to Dismiss.
- December 2017** ● Court [rules](#) in plaintiffs' favor, denying EPA's motion to dismiss, noting: "the purpose of citizen petitions is to ensure the EPA does not overlook unreasonable risks to health or the environment."
 - EPA files a [motion](#) asking the Court to limit the scope of evidence to the administrative record.
- February 2018** ● Court [rules](#) in plaintiffs' favor, denying the EPA's motion to limit review to the administrative record, thus allowing use of important new scientific studies published since the case was initiated.
- October 2018** ● Court [denies](#) EPA's motion to prevent plaintiffs from deposing an EPA representative on EPA's fluoride safety standards.
- April 2019** ● Court denies EPA's motion to prevent plaintiffs from deposing additional EPA scientists. Court also denies EPA's motion to prevent plaintiffs from obtaining documents regarding National Toxicology Program (NTP) review of fluoride.
- September 2019** ● Court denies EPA's motion to delay the trial.
- December 2019** ● Court [denies](#) EPA's motion for summary judgment. This means our case will go forward. Trial is scheduled for two weeks beginning April 20, 2020 and will run for two weeks.
- April 2020** ● Trial postponed on 3/17/20 due to the coronavirus outbreak.
- May 2020** ● Pre-trial hearing. Court denies EPA's motion to prevent plaintiffs' experts from testifying at trial. Court grants plaintiffs motion to exclude the issue of fluoride's purported benefits at trial, agreeing that benefits are not relevant to risk evaluations under TSCA.
 - [Trial declarations](#) from plaintiffs' witnesses submitted.
- June 2020** ● **Court holds a 7-day trial, marking the first time in TSCA's 45 year history that citizen groups have taken a TSCA petition all the way to a federal trial.**
- August 2020** ● The Court places the case "in abeyance" in part to consider the pending findings from the NTP.
- November 2020** ● Plaintiffs file [supplemental](#) petition to EPA asking the Agency to reconsider its denial.
- January 2021** ● EPA denies plaintiffs' supplemental petition.
- April 2021** ● Court grants plaintiffs' motion to supplement their pleadings to introduce additional evidence on standing.
- June 2021** ● Plaintiffs file motion to lift pause on the trial.
- January 2022** ● Status hearing. The Judge reiterates his desire to wait until the NTP publishes the final version of their review on fluoride's neurotoxicity before continuing with the trial.
- October 2022** ● **Plaintiffs introduce evidence showing that political pressures have prevented NTP from releasing its long awaited report. Court [grants](#) plaintiffs' motion to lift the stay and permit additional discovery into the NTP review.**
- December 2022** ● After extensive negotiations, the Department of Justice agrees to produce a copy of NTP's suppressed report on fluoride. The report is produced under a strict protective order.
- January 2023** ● Status hearing. Court [rules](#) against EPA's request for additional delay of the trial, acknowledging that "justice delayed is justice denied". Court sets a timeline for the final phase leading to a verdict.
- March 2023** ● Court denies EPA's motion to prevent plaintiffs from conducting depositions into the suppression of the NTP report.
- October 2023** ● Status hearing. The expiration of the CARES Act means that our attorneys will [present](#) live from the federal courthouse in San Francisco during the second phase of the trial.
- January 16 2024** ● Pre-trial hearing. Plaintiffs introduce evidence that key EPA witness lied under oath. The trial will be live streamed on Zoom.
- January 31 - February 14 2024** ● **Second Phase of Fluoride Trial**