

The US Safe Drinking Water Act (SDWA) Prohibits Adding Fluoride to Our Tap Water

“SDWA applies to every public water system in the United States...

The most direct oversight of water systems is conducted by state drinking water programs. States can apply to US EPA for ‘primacy,’ the authority to implement SDWA within their jurisdictions, **if they can show that they will adopt standards at least as stringent as US EPA’s and make sure water systems meet these standards.**” – “Understanding the Safe Drinking Water Act” ([EPA 2004](#))

Safe Drinking Water Act

(Enacted December 20, 2019)

Coverage: Section 1411 (p. 4)

“National primary drinking water regulations... shall apply to each public water system in each State.”

Standards: Section 1412(b)(11) (p. 15)

“No national primary drinking water regulation may require the addition of any substance for preventive health care purposes.”

State Primary Enforcement Responsibility: Section 1413(a)(1) (p. 22)

“A State has primary enforcement responsibility for public water systems during any period for which the Administrator determines... **that such state has adopted drinking water regulations that are no less stringent than the national primary drinking water regulations” under Section 1412(b).**

Adding “any substance for preventive health care purposes” is “less stringent” than the national primary drinking water regulation, therefore this common-sense standard prohibits adding to drinking water:

Vitamin D to prevent rickets • Folic acid to prevent birth defects
Lithium to prevent depression • Vaccines to prevent viral infections

It also prohibits every public water system from adding fluoride for “preventive health care purposes” – the CDC’s stated purpose for the “fluoridation of drinking water.”



An EPA *policy*, however, allows states to fluoridate their water systems.

But policies do not override Safe Drinking Water Act regulations.

EPA Policies are Not Legally Binding Requirements

- [Oversight of the Safe Drinking Water Act \(2000\)](#)

“What is EPA’s official policy on the fluoridation of drinking water?”

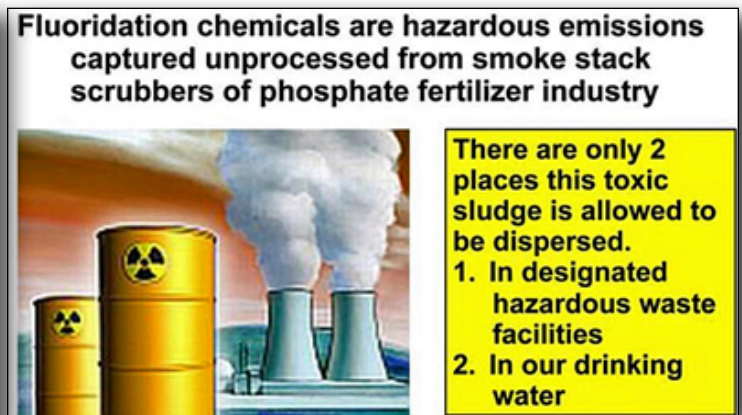
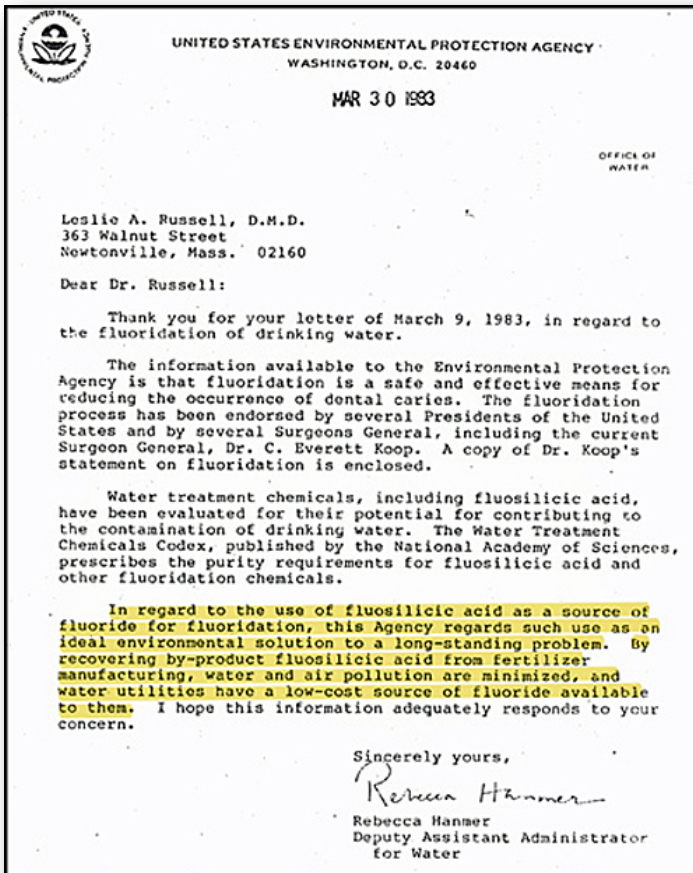
Response. “As you no doubt are aware, the Safe Drinking Water Act prohibits EPA from requiring or supporting the addition of any substance (including fluoride) to drinking water for preventive health care purposes. **Those decisions are made on a State or local basis and do not directly involve EPA.**” – Robert Perciasepe, Assistant Administrator of the Office of Water (p. 112, Question 2)

- [EPA Guidance; Administrative Procedures for Issuance and Public Petitions \(2020\)](#)

“Guidance document means an Agency statement... that **sets forth a policy** on a statutory, regulatory, or technical issue, or an interpretation of a statute or regulation.” (Definitions, p. 35)

“The EPA issues non-binding guidance... Guidance documents come in a variety of formats, including interpretive memoranda, **policy statements**, manuals, bulletins, advisories, and more.” (p. 9, footnote 8)

“The EPA proposed new procedures for developing and issuing guidance documents... Implementing these procedures will lead to enhanced transparency and help to **ensure that guidance documents are not improperly treated as legally binding requirements** by the EPA or by the regulated community.” (p. 8)



“In regard to the use of fluosilicic acid as a source of fluoride for fluoridation, this Agency regards such use as an ideal environmental solution to a long-standing problem. By recovering by-product fluosilicic acid from fertilizer manufacturing, water and air pollution are minimized, and water utilities have a low-cost source of fluoride available them.” – Rebecca Hammer (1983)
– EPA Deputy Assistant Administrator for Water

No doubt the [million dollars per day benefit](#) to the phosphate fertilizer industry is used to “encourage” this policy.