



TSCA Lawsuit Hearing On Thursday

Dear Friends:

IMPORTANT REMINDER: The next status hearing for our [federal lawsuit](#) against the US Environmental Protection Agency (EPA) over the neurotoxicity of fluoridation chemicals will be held on **Thursday, January 12th at 1:30PM** .

Watch the trial live on Zoom:

<https://cand-uscourts.zoomgov.com/j/1619911861?pwd=TjVma1lnMIJINHR3ZE9QMkFjNkFndz09>

Webinar ID: 161 991 1861

Password: 912881

You can also join by phone, [click here for the telephone number based on your location](#).

Our legal team has asked the Court to increase the number of allowable participants from 100 to 500 to accommodate a larger audience, as the Court did during the trial. However, if you are unable to watch or listen to the hearing for any reason, FAN will provide an overview of the proceedings in a follow-up bulletin, as well as on social media. The hearing will also be recorded by the Court and released to the public in the coming weeks, which we will share as soon as it's made available. (**It's important to note that the public still cannot record the hearing.)

A Little Background

- For a quick update, please [watch this short video](#) we shared two weeks ago from our Attorney, Michael Connett.
- [Watch the last status hearing](#) held in October.
- To help understand these proceedings, I suggest [reading our coverage](#) of the hearing and also the written [Court Order](#) that resulted from the hearing.

In short, at the October hearing, Attorney Michael Connett argued successfully on behalf of our motion to end the stay on the trial--after a two year delay--and re-open discovery so attorneys and the Court could examine the final draft of the National Toxicology Program's (NTP) report on fluoride neurotoxicity that was supposed to be published in May of 2022. The Department of Justice--on behalf of the EPA--has since complied with the Court by turning over the final NTP draft, though it is under protective order and cannot be made public at this time. It also remains unpublished by the NTP, and the agency's Director has stated that a decision has yet to be made whether their report on neurotoxicity will ever be published.

FAN also argued for a second-phase of the trial where experts could be deposed and provide testimony on the NTP report and any additional evidence that is allowed by the Court. The Judge appeared to agree with this idea, and indicated that he would determine how the case would proceed at the January 12th status hearing.

Latest Court Filings

Lawyers for the EPA [filed documents](#) on December 22nd asking the Court to delay the trial indefinitely until the NTP can decide whether to publish their neurotoxicity review. Included in this filing was [a statement from Richard Woychick, PhD](#), the Director of the National Institute of Environmental Health Science (NIEHS) and the National Toxicology Program (NTP). In reading these statements, you'll see that the NTP report may never be published, that Dr. Woychick claims the decision to postpone the publication of the report was his decision, and that it was due to representatives of the CDC, FDA, and National Institute of Dental and Craniofacial Research at NIH (NIDCR) being upset that the authors of the NTP report didn't agree with their criticisms of the report.

In response to these filings by the Defendants, our legal team [sent a letter to the court](#) opposing the EPA's request for additional delay. Our lawyers pointed out that the EPA made "no assurance [the NTP review] will actually be published, let alone in a timely manner." The letter also shares evidence collected through Freedom Of Information Act requests showing that the May 2022 Monograph obtained by the Court was the final assessment of the NTP's scientists, and that it was Dr. Woychick's boss, HHS Secretary of Health Rachel Levine, who made the decision to block the public release of the NTP neurotoxicity review.

Independent journalist, Derrick Bronze, who has been following and covering the trial since its start, wrote an article on the suppression of the report by HHS, CDC, and the NIH's Office of the Director. Stories were also published by *InsideEPA*, *Bloomberg Law*, and *Law360*, however all of these are behind paywalls. Click [this link](#) to read Derrick Bronze's article.

Thank you,

Stuart Cooper
Executive Director
Fluoride Action Network