

MEDIA MENTION

Erik Baptist Discusses Implications of TSCA-Related Water-Fluoridation Lawsuit

Bloomberg Law

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Erik C. Baptist, partner in Wiley's Environment & Product Regulation Practice, was quoted in a May 8 *Bloomberg Law* story about a federal judge's exclusion of evidence regarding the benefits of fluoride in an upcoming trial about whether the U.S. Environmental Protection Agency (EPA) should ban the fluoridation of drinking water.

Judge Edward M. Chen of the U.S. District Court for the Northern District of California said in a May 8 pretrial ruling that the Toxic Substances Control Act (TSCA), as amended in 2016, bars the EPA from considering a chemical's potential benefits in assessing whether it poses an unreasonable health risk, *Bloomberg Law* reported.

The court will review fluoride using a two-stage process established by the 2016 TSCA amendments, according to the article. It will first hold a trial to review the potential health risks of fluoride in drinking water. If the court finds that the chemical creates an unreasonable risk, it will then review how the EPA should proceed with a rule to manage the risk, including consideration of potential benefits as part of that second phase.

Mr. Baptist said regardless of what conclusions Judge Chen eventually reaches, the EPA's position on when it can consider a chemical's benefits is important – and its conclusion may affect risk evaluations it conducts in the future.

The amended TSCA "fully supports the interpretation that a risk evaluation may consider the health and environmental benefits of a particular chemical substance," Mr. Baptist told *Bloomberg Law*.

Related Professionals

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Practice Areas

Environment & Product Regulation
Toxic Substances Control Act (TSCA)

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