

March 16, 2021

Honorable Michael Regan
Administrator
US Environmental Protection Agency Mail Code 1101A
1200 Pennsylvania Ave. NW
Washington, DC 20460

Re: Meeting Request and Request to Reconsider Denial of Petition by North Carolina Communities to Require Critical Research on the Health Impacts of PFAS Pollution

Dear Administrator Regan:

Congratulations on your confirmation as the new EPA Administrator!

We are six public health and environmental justice groups in Eastern North Carolina. Our groups represent communities impacted by widespread contamination of the Cape Fear River basin by Per- and Polyfluoroalkyl Substances (PFAS) manufactured for decades at the Chemours (formerly DuPont) facility in Fayetteville. As a life-long North Carolina resident and Secretary of the state's Department of Environmental Quality (DEQ) for the last four years, we know you have deep first-hand knowledge of our communities and the serious threat to human health and the natural environment they face from PFAS pollution.

You bring to your role as EPA Administrator a history of leadership on environmental justice and a track record of using the State's regulatory authority to address Chemours' decades-long pollution of drinking water supplies. In your confirmation hearing, you affirmed that advancing environmental justice and combating PFAS pollution will be among your highest priorities at EPA. These are also critical goals of the Biden Administration.

We call on you to show early leadership by reversing a troubling and unsupportable decision by your predecessor that denies North Carolinians the scientific data to understand the long-term health consequences of PFAS exposure and refuses to hold Chemours responsible under the Toxic Substances Control Act (TSCA) for critical health and environmental studies that should have been performed decades ago.

As frontline North Carolina communities, we believe it would be valuable to share our perspective on PFAS pollution with you directly and request a meeting as soon as possible.

On October 14, 2020, our groups petitioned the Environmental Protection Agency (EPA) under section 21 of TSCA to require health and environmental effects testing on 54 PFAS manufactured at the Chemours facility. The 54 PFAS have been found in human blood, drinking water, groundwater, soil, air, and locally produced food adjacent to and downstream of the Fayetteville plant as a result of the company's operations. Despite this extensive exposure, EPA has failed to use its broad testing authority under TSCA to require any health effects studies on PFAS and testing by Chemours has been minimal. Cape Fear communities thus lack adequate information on the harm to health which they may have suffered and health professionals lack the tools to provide effective care and treatment.

The October 14 petition builds on existing scientific understanding of PFAS as a class by proposing that the 54 PFAS produced by Chemours be tested for the adverse health and environmental effects that have been linked to well-studied class members, such as PFOA and PFOS. These end-points include cancer, thyroid disease, birth defects, hormone disruption, decreased fertility, and immune system suppression. The proposed testing includes studies in laboratory animals as well as research into the relationship between health outcomes and PFAS exposure among people in Cape Fear communities. Studies to determine effects on fish and how the PFAS behave in the environment would also be conducted.

On January 7, 2021, the previous Administration denied the petition. The denial affirmed EPA's "high concern" about PFAS and did not dispute that all PFAS are of concern for numerous health effects based on the properties of the class. Nor did it deny that most of the 54 PFAS have been detected in the environment, resulting in exposure by North Carolina residents and putting them at risk of harm. Instead, the denial claimed that the petitioners had failed to "prove" that adequate test data is lacking for each of the 54 PFAS. This claim is disingenuous given EPA's own recognition in its 2019 [PFAS Action Plan](#) that "[t]here are many PFAS of potential concern to the public that may be found in the environment [and] [m]ost of these PFAS lack sufficient toxicity data to inform our understanding of the potential for adverse human or ecological effects." Moreover, it is EPA's responsibility – not petitioners' -- to be informed about the amount of information available on these PFAS and to use its TSCA authority to fill data gaps where this information is inadequate.

To eliminate any doubt about the need for testing, petitioners' scientific consultants have now accessed several public data-bases for relevant information on the 54 PFAS. As expected, this comprehensive search shows that, overwhelmingly, these PFAS lack most or all of the studies proposed in our petition. To the extent data are available, they are extremely limited and generally fail to adequately address critical PFAS-specific end-points. Thus, there is no possible basis for EPA to continue to refuse using its broad TSCA authority to require testing on the 54 PFAS.

Last week, we submitted to the Acting Administrator a formal request for reconsideration of the petition denial and are attaching another copy for your consideration along with a letter of support for our petition from nearly 70 public health and environmental justice groups.

We look forward to sharing our concerns with you in person. Your staff should contact our counsel Bob Sussman at bobsussman1@comcast.net to arrange a meeting.

Respectfully submitted,

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