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November 1, 2021

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

Re: Petition by North Carolina Communities to Require Critical Research to Understand the Health Impacts of PFAS Pollution

Dear Administrator Regan:

Several of us were present in Raleigh on October 18 when you announced EPA's new roadmap for addressing Per- and Polyfluoroalkyl Substances (PFAS). As residents of Eastern North Carolina who have suffered from PFAS pollution for decades, we were heartened by your commitment "to do whatever it takes to protect our communities from PFAS and to hold polluters accountable." Now, we are waiting to see whether EPA's actions match your words.

As you noted, the Cape Fear River "provides drinking water for 1.5 million people, many of whom are people of color or low-income" and the Chemours plant in Fayetteville has "been polluting our air and our water with these 'forever' chemicals since the '70s." As you also recognized, the recent North Carolina consent order restricting PFAS releases by Chemours "could not undo the damage that had already been inflicted upon these communities. It could not eliminate the lingering questions people had about whether PFAS was the reason a loved one developed cancer. It could not completely ease a mother's worry about years of bathing her child in contaminated water."

Cape Fear communities are still living with the legacy of long-term exposure to PFAS and struggling with the very real fears and concerns you described. Exposure to PFAS continues and these chemicals remain pervasive in our drinking water and blood. As our neighbors and family members battle unexplained and serious disorders, they have many "lingering questions" about the impact of historical, current and future PFAS pollution on their health and what they and their doctors should do to recognize and treat the symptoms of PFAS-related illness and disease.

These questions cannot be answered today because there are little or no health effects data on hundreds of PFAS released by Chemours that have contaminated air, surface water, drinking water sources, groundwater and the local food supply in the Cape Fear basin. These realities are why in October 2020 our groups petitioned EPA under section 21 of TSCA to require Chemours to fund a comprehensive research program on 54 PFAS released to the environment from its Fayetteville facility. The petition was denied by the Trump EPA but we have asked you to reconsider this disappointing decision. The Agency has now agreed to grant or deny the petition by the end of this year and we are closely watching to see what EPA does.

How EPA acts on the petition will be a litmus test of whether it addresses the PFAS crisis in Eastern North Carolina “[n]ot with empty rhetoric, but with real solutions and with a pledge to hold polluters accountable for the decades of unchecked devastation they’ve caused.” As you stated on October 18:

“I am committing to you today that everything this EPA does – from addressing PFAS to advancing environmental justice – will be about putting people first. You will never have to wonder who EPA is about. We are about you. We are about your children. We are about your neighbors and your community. And we will fight for you. Every single day.”

The best way to “fight for” our communities and “put people first” is to grant the petition in its entirety.

In your remarks on October 18, you pledged to implement a “national testing strategy that forces PFAS manufacturers . . . to disclose in great detail just how toxic their chemicals really are.” However, our review of the strategy reveals that its purpose is in fact very limited: to test a small number of PFAS representative of PFAS subcategories identified by EPA in order to set priorities for risk evaluation and possible regulation. The strategy will **not** address how the health of our communities has been, and is still being, harmed by long-term PFAS contamination of the Cape Fear River basin by Chemours and DuPont. It would thus be a serious mistake to conclude that the EPA testing strategy is a meaningful substitute for granting the petition or that, to quote your remarks, the strategy would be sufficient to “hold these polluters accountable for the harm they’ve caused.”

Of the 24 PFAS EPA has identified for testing under the testing strategy, only 7 are among the 54 substances proposed for testing in our petition. These PFAS do not include any of the 14 “Tier 1” chemicals which the petition prioritizes for comprehensive testing based on their documented presence in human blood, drinking water and other major pathways of direct human exposure. Thus, the testing orders EPA issues will provide virtually no insight into the combined health impacts of the dozens (if not hundreds) of PFAS to which Cape Fear communities have been exposed.

The testing strategy also fails to include the studies that our scientists believe are most important in providing answers to Cape Fear communities.

As we have repeatedly emphasized, EPA must require Chemours to conduct a human epidemiology study of the exposed population near and downstream of the Fayetteville plant. Studies in humans are invaluable in identifying health effects associated with chemical exposures and account for factors that contribute to human risk which are often not fully captured by rodent toxicity studies and certainly not by *in vitro* assays. There are no ongoing or completed human studies on Cape Fear communities that provide adequate data, and studies of PFAS exposure in other regions do not address the unique mix of chemicals and conditions of exposure in the Cape Fear basin. TSCA specifically authorizes EPA to issue test rules and orders requiring industry to fund human epidemiology studies. Thus, EPA has an ample legal basis for requiring Chemours to fund studies of the actual human health impacts of its polluting activities. Such studies, however, are not mentioned in the EPA testing strategy.

Similarly, the testing strategy does not call for studies of the toxicity of PFAS mixtures. This testing is critical to account for the synergistic and additive effects of simultaneous exposure to multiple PFAS. In Eastern North Carolina, for example, drinking water has been determined to contain dozens of PFAS. As a result, testing limited to individual substances would not reflect the real-world PFAS contamination to which communities have been and are now exposed. Again, EPA’s authority to require testing on mixtures under TSCA is explicitly stated in the law.

As we explained in our petition, human epidemiological research and toxicity studies of mixtures must be coupled with a detailed animal testing program on the 54 PFAS to address several health endpoints known to be of concern for the PFAS class and with basic ecotoxicity, fate and transport and physico-chemical properties testing on these substances. The limited testing envisioned by the EPA testing strategy would not begin to meet these comprehensive data needs.

In your October 18 remarks, you emphasized “that trust must be earned” and that Cape Fear communities “need to see action.” We ask you to earn our trust by granting our PFAS testing petition under TSCA in its entirety.

As EPA develops its response to the petition, we stand ready to meet with you, Assistant Administrator Freedhoff and EPA’s scientific experts to review our proposed testing program and its supporting rationale. To arrange a meeting with our groups and their science advisors, please contact our counsel Bob Sussman at 202-716-0118 or bobsussman1@comcast.net.

Again we thank you for your commitment to protect at risk communities in Eastern North Carolina.

Respectfully submitted,

Center for Environmental Health

Thomas R. Fox Senior Policy Advisor tom@ceh.org

Cape Fear River Watch

Dana Sargent Executive Director dana@cfrw.us

Clean Cape Fear

Emily Donovan Co-Founder
esdonovan@gmail.com

Toxic Free NC

Connor Kippe Policy Analyst & Advocate
connor@toxicfreenc.org

cc: Dan Utech, Chief of Staff
Alison Cassady, Deputy Chief of Staff for Policy
Assistant Administrator Michal Friedhoff
Assistant Administrator Radhika Fox
John Lucey, Special Assistant to Administrator
Tala Henry, OPPT