Dear Administrator Regan:

Re: Concerns About PFAS Testing Strategy and Importance of North Carolina Testing Petition

We represent a broad range of national, state and local groups and individuals concerned about the growing threat to our communities and the environment from Per- and Polyfluoroalkyl Substances (PFAS).

EPA’s recent PFAS Roadmap recognizes the seriousness of the PFAS challenge and reflects your personal commitment to protect communities from PFAS “[n]ot with empty rhetoric, but with real solutions.” However, we are concerned that the Roadmap has critical limitations and will fall short of fully addressing the PFAS crisis. An overriding concern is that EPA’s PFAS testing strategy will fail to answer the urgent questions of communities about the health impacts of their long-term PFAS exposure.

The testing strategy divides the PFAS class into 70 subcategories, determines that 56 subcategories lack data and then calls for studies of “representative” chemicals in 24 subcategories using a tiered testing program. EPA’s goal is to use health and environmental effects data on these chemicals to make judgments about the hazard profile of each subcategory without testing all of its individual members.

This approach may conserve resources and help EPA set priorities for risk evaluation and risk management for the PFAS class. However, as now designed, the testing strategy will have limited value in informing exposed communities about the health impacts of PFAS pollution and assisting them and their doctors to recognize and treat PFAS-related illness and disease.

In announcing the roadmap on October 18, you eloquently described “the damage that ha[s] already been inflicted upon these communities,” pointing to “the lingering questions people ha[ve] about whether PFAS was the reason a loved one developed cancer . . . [and] a mother’s worry about years of bathing her child in contaminated water.” Communities lack answers to these “lingering questions” today as a result of the absence of adequate data on those PFAS that pose the biggest health risks because they are ubiquitous in human blood, contaminated drinking water, air and the food supply.

The EPA testing strategy is a missed opportunity to provide these answers. The 24 PFAS to be tested were selected based on whether their chemical structures are “representative” of PFAS subcategories, not on whether they are widespread in the environment and contribute to exposure
and risk. Thus, the strategy is unlikely to provide information on those PFAS with the greatest potential to harm exposed populations. Moreover, the strategy fails to emphasize the studies that will be most informative to communities, like epidemiological research, long-term animal studies for cancer and other common health endpoints linked to PFAS, and studies on PFAS mixtures representative of real-world exposure.

The TSCA section 21 petition submitted by six North Carolina groups in October 2020 would, if granted, accomplish exactly what the current EPA testing strategy would not. The petition targets 54 PFAS that have been released for decades into the environment by the Chemours (formerly DuPont) facility in Fayetteville, causing long-term contamination of drinking water sources potentially serving over 1.5 million people. There is little or no test data on nearly all of these substances. The petition seeks to require Chemours to fund a comprehensive testing program to fill these data gaps -- including epidemiological and mixture studies -- by developing essential information about the health consequences of long-term PFAS exposure. EPA’s authority under section 4 of TSCA to require Chemours to fund this testing is clear.

By granting the petition, you would demonstrate your commitment to holding polluting companies responsible for understanding the health impacts of long-term PFAS contamination that they caused. This would be an important first step in meeting the needs of devastated communities and provide the “real solutions” and “accountability” you promised to deliver on October 18.

Other communities have also suffered serious PFAS contamination and the substances causing the greatest exposure in these locations may differ from the PFAS linked to the Chemours facility in North Carolina. These other PFAS should also be priorities for testing. To guide testing decisions, EPA should review available data on the prevalence of PFAS in drinking water, groundwater, air, food and human blood, identify those substances with the greatest potential for exposure and risk and determine data gaps that warrant testing.

EPA has not explained how the testing strategy will be used to inform regulatory decisions under TSCA and other environmental laws. However, it is critical for EPA to confirm that it will not wait for the completion of testing to regulate PFAS manufacture and use. This regulation is essential to meeting one of the PFAS roadmap’s major goals -- to “Get Upstream of the Problem” by “preventing PFAS from entering the environment in the first place” and “reducing the exposure and potential risks of future PFAS contamination.” We recommend that EPA prioritize for early regulation those PFAS which are the biggest contributors to exposure and risk in our communities. A major example is GenX, a widespread drinking water contaminant in Eastern North Carolina, for which EPA’s recent toxicity assessment sets a Reference Dose (RfD) lower than the RfD for all other PFAS it has assessed and below levels found in drinking water.

In summary, EPA must require industry to fund the testing that communities desperately need and expedite restrictions on PFAS manufacture and use that “Get Upstream of the Problem” and prevent pollution at the source.

Thank you for considering our views.
Respectfully submitted,

Carrol Olinger, Community Organizer, Action NC
Wes Reutimann, Special Programs Director, ActiveSGV
Pamela Miller, Executive Director, Alaska Community Action on Toxics
Katie Huffling, Executive Director, Alliance of Nurses for Healthy Environments
Peter Raabe, Southeast Regional Director, American Rivers
Josh McClenney, North Carolina Energy Democracy Field Coordinator, Appalachian Voices
Andrew Behar, CEO, As You Sow
Linda Reinstein, President, Asbestos Disease Awareness Organization
Gabby Ross, Assateague Coastkeeper, Assateague Coastal Trust
Dean Wilson, Executive Director, Atchafalaya Basinkeeper
Judith Enck, President, Beyond Plastics
Jayla Burton, Program Manager, Breast Cancer Action
Lisette van Vliet, Senior Policy Manager, Breast Cancer Prevention Partners
Katherine Stefan, Marketing Director/Cancer Survivor, Bug Bite Thing
Joanne Stanton and Hope Grosse, Co-Founders, Buxmont Coalition for Safer Water
Myra Crawford, Executive Director, Cahaba Riverkeeper
Ellen Marks, Executive Director, California Brain Tumor Association
Dana Sargent, Executive Director, Cape Fear River Watch
Tonya Foreman, CEO, CAREE
Alanna Davis, Statewide Organizer, Carolina Jews for Justice
Hannah Connor, Senior Attorney, Center for Biological Diversity
Kathryn Alcántar, Interim Policy Director, Center for Environmental Health
Kristie Trousdale, Deputy Director, Children's Environmental Health Network

Rebecca Overmyer-Velázquez, Coordinator, Clean Air Coalition of North Whittier and Avocado Heights

Emily Donovan, Co-Founder, Clean Cape Fear

Katie Bryant, Co-Founder, Clean Haw River

Lynn Thorp, National Campaigns Director, Clean Water Action

Amit Rosner, Co-Founder, Clearya

Dave Arndt, Advocate, Climate, Environment and Social Justice

Rebecca Drohan, White Oak Waterkeeper, Coastal Carolina Riverwatch

Shaina Kasper, Water Program Director, Community Action Works

Patrick MacRoy, Deputy Director, Defend Our Health

Sanja Whittington, Executive Director, Democracy Green

Beverly Spencer, Treasurer, Democratic Women of Pitt County

Dr. Eveangel H. Savage, CEO, Dr. Eveangel H. Savage LLC

Dr. Yoshi Newman, Coordinator, Dragonfly Wellness

Tanya Trevisan, Co-Founder, Duxbury Safe Water Committee, Inc.

Eve Gartner, Managing Attorney, Toxic Exposure & Health Program, Earthjustice

Sandra Cannon, EcoPurchasing Consultant, EcoPurchasing Consultants

Letha Muhammad, Director, Education Justice Alliance

Iliana Santillan, Executive Director, El Pueblo

Krista Early, Advocate, Environment North Carolina

Linda Shosie, Owner & Founder, Environmental Justice Task Force in Tucson

Elijah Yetter-Bowman, Business Owner & Filmmaker, Ethereal Films

Lawrence Higgins, Co-Founder, Fairfield Water Concerned Citizens
Catherine Dodd PhD, RN, Advisor, Families Advocating for Chemical and Toxics Safety
Kathy Greggs, Co-Founder/President, Fayetteville Police Accountability Community Taskforce
Stel Bailey, CEO, Fight For Zero
Shannon Smith, Interim Executive Director, FracTracker Alliance
Kara Kenan, Executive Director, Going Beyond the Pink
Patricia Wood, Executive Director, Grassroots Environmental Education
Lisa Ramsden, Senior Oceans Campaigner, Greenpeace USA
Hannah Testa, Founder and Director, Hannah4Change
Emily Sutton, Haw Riverkeeper, Haw River Assembly
Dr. MK Dorsey, Partner, IberSun Solar
Cheryl Cail, Member, Idle No More South Carolina
Melissa Jung, Program and Outreach Manager, Inland Ocean Coalition
Christine Carpenter, President, Iowa Breast Cancer Edu-action
José Bravo, Executive Director, Just Transition Alliance
Arnie Leriche, Retired EPA Career Engineer
Leah Segedie, Founder, Mamavation
Cheryl Osimo, Executive Director, Massachusetts Breast Cancer Coalition
Laurene Allen, Co-Founder, Merrimack Citizens for Clean Water
Pat Elder, Director, Military Poisons,
Rachel Bartels, Waterkeeper, Missouri Confluence Waterkeeper
Hartwell Carson, French Broad Riverkeeper, MountainTrue
Stel Bailey, Co-Facilitator, National PFAS Contamination Coalition
Heidi Sanborn, Executive Director, National Stewardship Action Council
Daniel Rosenberg, Senior Attorney, Natural Resources Defense Council

Tony Spinola, Co-Founder, Need Our Water

La’Messia Whittington, Campaigns Director, NC Black Alliance

Tiffany Gladney, Policy Director, NC Child

Carrie Clark, Executive Director, NC League of Conservation Voters

Angelia James, Advisory Team Member, North Carolina Black Women’s Roundtable

Shavon Leach, Digital Campaign and Organizing Director, North Carolina A. Philip Randolph Educational Fund

Kerri Allen, Coastal Advocate, North Carolina Coastal Federation

The Rev. Dr. Jennifer Copeland, Executive Director, North Carolina Council of Churches

Katie Craig, State Director, North Carolina Public Interest Research Group

Cynthia Satterfield, State Director, N.C. Sierra Club

Dave Henson, Executive Director, Occidental Arts and Ecology Center

Kristin Schafer, Executive Director, Pesticide Action Network

Loreen Hackett, Founder, #PFOAProjectNY

Eva Geierstanger, Founder & Leader, Plastic Free Gen Z

Dianna Coheb, CEO & Co-Founder, Plastic Pollution Coalition

Susana Almanza, Director, PODER

Tim Whitehouse, Executive Director, Public Employees for Environmental Responsibility

Sandra Curtis, Researcher, Public Health Institute

Stella J. Adams, Owner, S J Adams Consulting

Elizabeth Hitchcock, Director, Safer Chemicals Healthy Families

Robert M. Gould, MD, President, San Francisco Bay Physicians for Social Responsibility
Martin Wolf, Director, Sustainability & Authenticity, Seventh Generation
Heather Deck, Executive Director, Sound Rivers
Geoff Gisler, Senior Attorney, Southern Environmental Law Center
Katie Day, Environmental Science and Policy Manager, Surfrider Foundation
Jonelle Kimbrough, Executive Director, Sustainable Sandhills
Andrea Amico, Co-Founder, Testing For Pease
Jan Dell, Independent Engineer, The Last Beach Cleanup
Heather Hulton VanTassell, Executive Director, Three Rivers Waterkeeper
Alexis Luckey, Executive Director, Toxic Free NC
Joanie Steinhaus, Gulf Program Director, Turtle Island Restoration Network
Anita Desikan, Research Analyst, Union of Concerned Scientists
Simeon Brown, Law Student, Vermont Law School
Daniel E. Estrin, General Counsel and Advocacy Director, Waterkeeper Alliance
Janice Schroeder, Core Member, West Berkeley Alliance for Clean Air and Safe Jobs
Aida Bond, Advocate, Who Am I Support Group of NC
Tina Christensen, Executive Director, Winyah Rivers Alliance
Ericka Faircloth, Co-Director, Women AdvaNCe
Jamie McConnell, Deputy Director, Women's Voices for the Earth
Sandy Wynn-Stelt, Individual, Resident of Belmont, Michigan
Edgar Miller, Riverkeeper/Executive Director, Yadkin Riverkeeper
Yolanda Mukombe, Consultant, YGM Consulting LLC
Diane Cotter, Founder, Your Turnout Gear and PFOA
Yayoi Koizumi, Founder, Zero-Waste Ithaca
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