

# CONGRESS MUST PROTECT FAMILIES FROM DANGEROUS CHEMICALS IN DRINKING WATER



Credit: toolstotal.com

**Every day millions of Americans drink water contaminated with potentially harmful levels of PFAS**, a class of chemicals used in Teflon pans and other fire or water repellent products. In fact, if you live in the United States, you likely have PFAS in your body. PFAS exposure is linked to serious medical problems, including cancer, infertility, and impaired fetal development. Yet, PFAS are virtually unregulated by the federal government. No enforceable rules to protect our families from PFAS exist. This must change now.

## WHAT ARE PFAS?

- Per- and polyfluoroalkyl substances, or PFAS, are a family of approximately 5,000 man-made organic chemicals.
- PFAS are used in non-stick cookware like pans, fabric stain-protective coatings, fast food wrappers, microwave popcorn bags, personal care products, and firefighting foams.
- The carbon-fluorine bonds of PFAS means these are resistant to degradation in the environment; can persist for decades in water and air; and accumulate in our bodies over time.

## HOW ARE PEOPLE EXPOSED TO PFAS?

- Drinking water is the main pathway.
- PFAS enter drinking water through firefighting foam used at military bases and commercial airports; industrial sites; and run-off or leaching from contaminated solids from wastewater treatment plants.
- PFAS are present in our food supply due to leaching from packaging, fish ingesting contaminated water, and irrigating vegetables with contaminated water.
- Workers involved in making or processing PFAS and PFAS-containing materials may be exposed by inhaling them or absorbing them through their skin.
- People, particularly infants and toddlers, may ingest PFAS from hand-to-mouth transfer from surfaces treated with PFAS-containing stain protectants such as carpet.

## MEDICAL HARMS ASSOCIATED WITH PFAS

- Kidney cancer and testicular cancer
- Impaired liver function
- Impaired fertility
- Impaired fetal development
- Chronic intestinal inflammation
- Disruption of critical thyroid hormones
- Weakened immune system
- High cholesterol
- A potentially fatal complication of pregnancy called preeclampsia
- Elevated blood pressure during pregnancy

## WHY IS THIS HAPPENING NOW?

- Manufacturers like 3M and Dupont spent decades studying and covering up evidence of the negative human and environmental impacts of PFAS.
- Current screening methods can detect only a fraction of the approximately 5,000 PFAS, so many PFAS are undetectable to researchers.
- The Environmental Protection Agency fails to regulate PFAS as it doesn't require polluters to notify communities when PFAS use happens nearby, or alert families when PFAS are released in the environment. In addition, EPA's approval requirements for new chemicals is riddled with loopholes. For example, EPA allows companies to skirt notice requirements for PFAS if they are produced in low volume, as byproducts, or if they are used for test marketing.



Credit: Alex Proimos

## WHAT ABOUT THE CHEMICAL INDUSTRY'S NEWER PFAS FORMULATIONS—DO THEY SOLVE THE PROBLEM?

- Certain older PFAS like PFOA and PFOS are no longer manufactured in the U.S. because they have been linked to serious medical conditions and harm to the environment; but,
  - PFOA and PFAS remain in our environment and bodies because they were made and used domestically for decades, and are resistant to degradation;
  - imported products still contain those “legacy” PFAS; and,
  - many other PFAS can transform into PFOA and/or PFOS in the body when ingested.
- Industry says the replacement PFAS have “significantly improved health and safety profiles,”\* but no studies demonstrate that replacement PFAS are safe.
- Indeed,
  - replacement PFAS are similarly persistent as legacy PFAS;
  - replacement PFAS are highly mobile in the environment, posing an even greater potential for long-range contamination than legacy PFAS;
  - EPA recently concluded that exposure to a commonly used replacement PFAS is likely to be associated with adverse health risks at lower doses than PFOA.
  - available remediation methods like activated carbon filters are largely ineffective for absorbing and removing the replacement PFAS from water.
- Leading government scientists have acknowledged PFAS cannot be regulated individually. Rather, “[a]pproaching PFAS as a class for assessing exposure and biological impact is the best way to protect public health.”\*\*

\*See <https://fluorocouncil.com/fluorocouncil-launches-new-website-highlighting-benefits-of-fluorinated-chemistries/>.

\*\*[September 26, 2018] Testimony before the United States Senate of Dr. Linda Birnbaum, the Director of the National Institute of Environmental Health Sciences (NIEHS) and National Toxicology Program (NTP) of the National Institutes of Health (NIH).



## WHAT SHOULD THE FEDERAL GOVERNMENT DO?

- **Prohibit the manufacture of any new PFAS, or the significant new use of any existing PFAS, immediately.**
- **Regulate PFAS as a class of compounds.**
- **Change military specifications and FAA regulations to permit the use of PFAS-free firefighting foams.**
- **Prioritize development of methods to detect and analyze PFAS in water and soil;**
  - immediately adding all PFAS that can be detected to the Unregulated Contaminant Monitoring Rule (UCMR) of the Safe Drinking Water Act (SDWA); and,
  - developing a National Primary Drinking Water Regulation for PFAS in accordance with safe levels of exposure as established by independent scientists.
- **Ensure that communities and local governments are aware of the release of PFAS in their communities by:**
  - adding PFAS to the Toxics Release Inventory (TRI) of the Emergency Planning and Community Right to Know Act (EPCRA), § 313 so that facilities must report to EPA and the public when PFAS are released into the environment;
  - designating the class of PFAS as toxic pollutants under Clean Water Act § 307;
  - designating the class of PFAS as hazardous substances under Clean Water Act § 311;
  - revising the Toxic Substances Control Act (TSCA) Chemical Data Reporting Rule to require reporting of PFAS with no threshold.
- **Ensure clean-up of PFAS contamination and accountability of polluters by:**
  - listing PFAS as hazardous substances under:
    - Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) § 101
    - the Solid Waste Disposal Act (SWDA) § 1002;
  - significantly increasing Defense Environmental Restoration Program budget and target for PFAS clean up;
  - providing money to states to clean up PFAS in water and soil;
  - permitting civil suits against PFAS polluters where an imminent and substantial endangerment to health or environment may exist and/or for payment of medical monitoring to exposed persons with or without present injury or disease; and,
  - establish rules requiring manufacturers of products intentionally containing PFAS to accept such PFAS products from customers and destroy and dispose of them in a health-protective manner.

**There is no scientific, legal, or public health basis for failing to take all of these necessary actions.**

**For more information, please contact:**

**Suzanne Novak** (snovak@earthjustice.org) or **Christine Santillana** (csantillana@earthjustice.org).



**EARTHJUSTICE**  
BECAUSE THE EARTH NEEDS A GOOD LAWYER