December 2, 2021

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

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,

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