



Press Release
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NORTH CAROLINA GROUPS OPPOSE EPA EFFORT TO BLOCK SUIT REQUIRING HEALTH TESTING BY CHEMOURS

EPA lawyers make misleading claim that it “granted” the groups’ petition for PFAS testing when in fact it failed to require Chemours to conduct studies on health impacts of PFAS pollution

WILMINGTON, NORTH CAROLINA – Today six North Carolina community and environmental justice groups announced that they will strongly oppose EPA’s motion to throw out their lawsuit to order the Agency to require Chemours to fund studies that are vital to protecting the health of North Carolina communities harmed by PFAS pollution. Often called “forever chemicals,” PFAS have raised significant concern in the U.S. and globally because of their persistence and potential to bioaccumulate, along with their widespread presence in living organisms, products, and the environment, and demonstrated adverse health effects at low doses

The suit, pending in the Federal District Court for the Eastern District of North Carolina, was filed after EPA denied an October 14, 2020 [petition](#) under the Toxic Substances Control Act (TSCA) to require a comprehensive research program on 54 PFAS to which Cape Fear communities have been exposed in their drinking water, air, food, and soil.

The six groups who filed the petition and are now suing EPA are: Center for Environmental Health, Cape Fear River Watch, Clean Cape Fear, Democracy Green, the NC Black Alliance, and Toxic Free NC.

On December 28, 2021, EPA claimed that it was “granting” the petition but refused to require nearly all the health studies requested by the communities. These studies would shed light on whether the 54 PFAS cause cancer, birth defects, damage to the liver and immune system and other harmful effects. Little or no health data are currently available that would help Cape Fear communities, and others like them across the U.S., understand how they have been harmed by PFAS exposure.

TSCA grants citizens a legal remedy to force EPA to act where it has unlawfully failed to protect health and the environment. However, because EPA claimed that it “granted” the petition, its lawyers assert that the federal court in Wilmington has no power to hear the communities’ case.

Bob Sussman, counsel for the groups, said: “Congress granted members of the public the right to hold EPA and polluters accountable in court if the Agency wrongly refuses to require testing under TSCA. But EPA’s lawyers are trying to block us from exercising this right through the fiction that EPA granted what we asked for. If this tactic succeeds, it will set a harmful precedent that will deny other communities meaningful access to the courts.”

“We believe EPA’s new health advisory levels for several PFAS make it clear they know these chemicals are extremely dangerous. Our highly-exposed community needs to know just how dangerous and the polluter – not taxpayers – should pay for this work,” said **Dana Sargent of Cape Fear River Watch**.

“The EPA’s request to dismiss our case is a slap in the face to the 500,000 residents in southeastern North Carolina who are chronically drinking levels of PFAS in our tap water exceeding EPA’s Lifetime Health Advisory Limits,” said **Emily Donovan, Co-Founder, Clean Cape Fear**. “We don’t want to sue the EPA, but we raised our children on this water and deserve access to the information these health studies would provide.”

“The ‘Forever Chemical’ PFAS will forever impact our communities and facilitate health disparities for decades,” said **Sanja Whittington of Democracy Green**. “The CDC has found PFAS in the blood of 97% of Americans. We petitioned EPA under TSCA because corporate accountability is a must to provide for testing of PFAS for the benefit of those impacted and remediation of harm caused by this invasive toxic element that irresponsible corporations have carelessly unleashed on the unsuspecting citizens of North Carolina. We are dismayed that EPA is trying to deny us access to the courts.”

“With its announcement of new health advisory levels, EPA has acknowledged that “forever chemicals” are harmful even at low concentrations. Yet the agency still refuses to use its full authority under TSCA to hold Chemours accountable to study the health impacts of widespread, decades-long pollution of our communities. Water across our state is contaminated at levels significantly higher than the new health advisory. North Carolina deserves environmental justice and accountability for polluters,” said **Alexis Luckey of Toxic Free NC**.

“Black and Brown communities are already suffering from the crushing burden of cumulative impact in their respective communities, in addition to having to bear the impact of ingesting these forever chemicals,” said **Jovita Lee, Program Director for the North Carolina Black Alliance**. “It is imperative that our communities have access to the courts in order to ensure that the same regions aren’t continuously exposed to chemicals that have not been tested.”

“The courts must protect our right under the law to hold EPA accountable for failing to force Chemours to take responsibility for the human health consequences of years of putting unstudied PFAS into the Cape Fear watershed,” **Michael Green, CEO of CEH**. “The financial interests of industry should no longer trump protection of front-line communities.”