



Our Earth Is Worth Fighting For

PROTECTING COMMUNITIES FROM TOXIC PFAS CONTAMINATION

PFAS FACTS:

- ▶ **PFAS are manmade chemicals** found in firefighting foam and in everyday consumer products like food packaging, stain-resistant furniture and carpeting, clothing, non-stick cookware, and more.
- ▶ **PFAS are persistent, bioaccumulative, and toxic and have been linked to cancer**, thyroid disorders, infertility, hormone problems, delayed puberty, obesity, A.D.H.D. and other neurodevelopmental issues, and many other health problems.
- ▶ Given the extent of PFAS contamination and the wide number of contributors to the problem, **we must take a comprehensive approach to protect communities from these dangerous chemicals.** Ultimately, the federal government must:
 - ▶ **Stop production and use of PFAS**
 - ▶ **Clean up**
 - ▶ **Hold polluters accountable**

Perfluoroalkyl and polyfluoroalkyl substances (PFAS) are a class of over 4,500 man-made chemicals that have been used for decades in firefighting foam, especially on military installations and airports, and in everyday consumer products like pizza boxes, food wrappers, stain-resistant furniture and carpeting, clothing, shoes, cosmetics, non-stick cookware, and more. PFAS are often called “forever chemicals” since they do not naturally break down in the environment and can accumulate in the human body. Evidence continues to mount that they pose a serious threat to our health, and even at low-levels, PFAS have been linked to cancer, autoimmune disorders, thyroid disorders, diabetes, elevated cholesterol, liver damage, infertility and other health problems. For children and infants, the impacts of PFAS exposure include lower birth weight and size, hormone problems, delayed puberty, obesity, A.D.H.D. and other neurodevelopmental issues. Nearly every person in America has PFAS in their blood due to exposure from contaminated drinking water, soil, and food packaging, consumer products, manufacturing processes, and even through the air.

The extent of known PFAS contamination of our communities continues to grow at an alarming rate, with no end in sight. A recent study by the Environmental Working Group, based on data from the Environmental Protection Agency (EPA), estimates that more than 1,500 drinking water systems serving over 110 million people may be contaminated with PFAS.¹ Currently no federal drinking water standard exists for PFAS, and the EPA has only set a “health advisory level” of 70 parts per trillion, which the US Agency for Toxic Substances & Disease Registry has said may

be up to 10 times higher than the necessary level to adequately protect public health.²

Despite this growing crisis, the Trump administration has been slow to take meaningful action. The EPA recently released a PFAS Action Plan, but it is incredibly insufficient in scope and the proposed actions are focused on only PFOA and PFOS, two of the thousands of PFAS chemicals. In late April 2019, the EPA proposed draft screening levels of PFOA and PFOS to be used in determining if contaminated sites reach the threshold of requiring cleanup; however, the proposed levels are inadequate to protect drinking water and higher than levels already established by many states. The failure of EPA to seriously contend with PFAS contamination in this regulation does not bode well for its upcoming proposal of drinking water standards, due in the fall of 2019, and other future actions. Overall, it is clear that the Trump administration is abdicating its responsibility to take significant and real action on a problem that grows daily and jeopardizes the health of communities and our environment.

States Are Not Waiting to Act

States are on the front lines of PFAS contamination and are not waiting for the federal government to act. They are taking the lead to find and monitor PFAS exposure, reduce and eliminate PFAS use, clean up contamination, and hold polluters accountable. Some recent examples include:

- ▶ **NEW JERSEY:** 1 in 5 New Jersey residents drink water contaminated by PFAS, so in March 2019, Governor Phil Murphy’s Department of Environmental Protection

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published the strictest standards in the nation for PFOA and PFOS, two of the most well known PFAS chemicals, at 14 parts per trillion and 13 parts per trillion, respectively. In addition, the administration required five companies to provide a detailed accounting of their manufacture, use and discharge of PFAS chemicals as well as pay for the investigation and cleanup of contaminated sites.³ In May 2019, the Murphy administration sued Dupont, 3M and others for knowingly manufacturing and selling toxic firefighting foam that has contaminated the state's drinking water.⁴

- ▶ **MICHIGAN:** Declaring that the state “can no longer wait for the Trump administration to act,” in March 2019, Governor Gretchen Whitmer reestablished the Michigan PFAS Action Response Team to study the science around PFAS exposure. With nearly 1 in 10 water systems in the state testing positive in 2018 for PFAS contamination, Governor Whitmer also directed the Department of Environmental Quality to begin developing drinking water standards for PFAS that will protect Michiganders’ health.⁵
- ▶ **NEW YORK:** One of the first and most aggressive states in identifying and addressing PFAS contamination, in February 2019, New York Attorney General Tish James brought suit against 3M, Tyco, Chemguard, Buckeye Fire Equipment, and National Foam for their PFAS contamination of drinking water across the state from firefighting foam used at industrial manufacturers, oil storage, airports, and training facilities.⁶
- ▶ **MAINE:** Governor Janet Mills created a task force to develop a state action plan as well as identify the highest health risks and determine how to best allocate the state's limited resources to tackle the problem. In response to high PFAS contamination of a dairy farm in the state, the Maine Department of Environmental Protection is requiring wastewater treatment plants to test sludge for PFAS before the material is used as a

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compost or fertilizer on farms.⁷

- ▶ **WASHINGTON:** A year after becoming the first state to ban PFAS as a class in food packaging, in May 2019, the state passed one of the strongest toxic chemical policies in the nation to protect both human and orca health. The new law allows the Department of Ecology to require disclosure, restrict the use of and ban five classes of harmful chemicals, including PFAS, in a wide range of products from carpets to electronics to building materials.
- ▶ **VERMONT:** In May 2019, Governor Phil Scott signed into law one of the most stringent drinking water limits in the country for PFAS, requiring water systems to monitor their water to ensure it does not exceed a combined limit of 20 parts per trillion for five PFAS chemicals, with the potential for adding more.⁸
- ▶ **MINNESOTA:** In 2018, Minnesota won their lawsuit against 3M with the company agreeing to pay \$850 million to provide safe drinking water and clean up contamination. Some of this settlement will go towards the city of Lake Elmo, which recently won another \$4.5 million in cash and farmland from 3M to help clean up their PFAS contaminated wells and lake.⁹

These are just a few of the recent examples of states taking action against these toxic chemicals, but many others recognize the growing problem of PFAS contamination and are working to protect the health of their constituents.

Congress Must Drive Action

While action in the states is incredibly important, they cannot tackle this problem alone—they need the resources, investment, and capabilities of the federal government to supplement their work. Since the Trump administration continues to drag its feet, it is up to Congress to take the bold steps necessary force our federal agencies to do the right thing. It is absolutely critical that any approach taken towards addressing PFAS regulate them as a class. There are thousands of PFAS chemicals—it simply would take too long to regulate them one by one, and while we do not have data on the safety of every PFAS chemical, we know enough to require that all PFAS should be considered equally toxic until proven otherwise.¹⁰

Given the extent of PFAS contamination and the wide number of contributors to the problem, we must take a comprehensive approach to protect communities from these dangerous chemicals. Ultimately, the federal government must:

- ▶ **STOP PRODUCTION AND USE OF PFAS:** We must immediately stop approval of new PFAS chemicals and prohibit the manufacture and use of all existing PFAS chemicals as soon as possible, including in firefighting foam.
- ▶ **CLEAN UP:** This includes identifying and disclosing where PFAS are made, how they are released into the environment, and what products they are in. We will need significant investment in research and development, including on human health risks, creation of new testing methods, and treatment, removal and disposal of these chemicals. The federal government also needs to assist states in the clean up of drinking water and contaminated sites.
- ▶ **HOLD POLLUTERS ACCOUNTABLE:** The producers of these chemicals need to be accountable for contamination and for continuing to make and use these chemicals while withholding evidence of health risks. The costs of clean up should not be paid by taxpayers and consumers, but



by those who have profited from the contamination.

Numerous bipartisan bills have been introduced in both the U.S. House and Senate that make progress towards the ultimate goals outlined above. None of them alone is a silver bullet—a comprehensive, multipronged approach must be taken to protect public health and the environment from toxic PFAS chemicals.

TAKE ACTION BY:

- ▶ Joining the House PFAS Task Force led by Rep. Dan Kildee and Rep. Brian Fitzpatrick.

CO-SPONSOR HOUSE BILLS:

- ▶ H.R. 2600: prohibits manufacture of PFAS under TSCA Section 6
- ▶ H.R. 535: designates PFAS as hazardous under Superfund (CERCLA)
- ▶ H.R. 2377: requires EPA to set a drinking water standard for PFAS
- ▶ H.R. 2533: provides grants to water systems to remove PFAS

- ▶ H.R. 2570: establishes a cleanup trust fund
- ▶ H.R. 2577: requires PFAS reporting under Toxic Release Inventory
- ▶ H.R. 2827: bans PFAS used in food wrappers and packaging

CO-SPONSOR SENATE BILLS:

- ▶ S. 638: designates PFAS as hazardous under Superfund (CERCLA)
- ▶ S. 858: requires medical monitoring of DOD firefighters
- ▶ S. 950: requires USGS to conduct a survey and monitoring
- ▶ S. 1023: provides health coverage for veterans exposed to PFAS
- ▶ S. 1105: requires establishment of registry of veterans exposed to PFAS

Endnotes

- 1 Environmental Working Group, *Report: Up to 110 Million Americans Could Have PFAS-Contaminated Drinking Water*, May 2018. <https://www.ewg.org/research/report-110-million-americans-could-have-pfas-contaminated-drinking-water#.WwgkC-ZPBJ>
- 2 US Department of Health and Human Services, Agency for Toxic Substances and Disease Registry (ATSDR), "Toxicological Profile for Perfluoroalkyls Draft for Public Comment," June 2018. <https://www.atsdr.cdc.gov/toxprofiles/tp200.pdf>
- 3 Jon Hurdle, "DEP Says Five Companies Must Pay for PFAS Contamination in NJ," NJ Spotlight, March 2019. <https://www.njspotlight.com/stories/19/03/25/dep-says-five-companies-must-pay-for-pfas-contamination-in-new-jersey/>
- 4 Scott Fallon, "Murphy administration sues DuPont, 3M and other companies over toxic firefighting foam," North Jersey.com, May 2019. <https://www.northjersey.com/story/news/environment/2019/05/14/duPont-3-m-toxic-firefighting-foam-nj-lawsuit/3667269002/>
- 5 Beth LeBlanc, "Whitmer orders DEQ to develop PFAS drinking water standards," The Detroit News, March 2019. <https://www.detroitnews.com/story/news/local/michigan/2019/03/26/whitmer-orders-deq-develop-pfas-drinking-water-standards/3276807002/>
- 6 Danielle Muoio, Marie French, "State sues over more PFAS sites," Politico New York Energy, February 2019. <https://www.politico.com/states/new-york/newsletters/politico-new-york-energy/2019/02/27/de-blasio-embraces-congestion-pricing-trash-talk-pfas-lawsuit-185053>
- 7 Kevin Miller, "Task force on PFAS 'forever chemicals' begins work this week," Press Herald, May 2019. <https://www.pressherald.com/2019/05/19/task-force-on-pfas-forever-chemicals-begins-work-this-week/>
- 8 National Law Review, "Vermont Governor Signs Law Setting Strict PFAS Limits," May 2019. <https://www.natlawreview.com/article/vermont-governor-signs-law-setting-strict-pfas-limits>
- 9 Kirsti Marohn, Matt Septic, "3M, Lake Elmo settle for \$2.7M, land transfer in drinking water lawsuit," MPR News, May 2019. <https://www.mprnews.org/story/2019/05/21/3m-lake-elmo-reach-tentative-settlement-in-pfas-drinking-water-lawsuit>
- 10 Dave Andrews, "EWG proposes PFAS standards that fully protect children's health," Environmental Working Group, May 2019. <https://www.ewg.org/research/ewg-proposes-pfas-standards-fully-protect-children-s-health>