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Most PFAS Get Approved Through Loopholes. Advocates are Pushing to Change This.

Despite health risk, EPA grants exemptions for approving new toxic “forever chemicals”

Washington, D.C. – Today, Earthjustice [filed a petition](#) on behalf of a diverse coalition of community organizations, first responders, and environmental advocates asking the Environmental Protection Agency (EPA) to close regulatory loopholes in the Toxic Substances Control Act (TSCA) that companies repeatedly exploit to get new PFAS approved. Today’s petition argues that PFAS pose far too much risk to health to allow companies making or using new PFAS to circumvent the individual safety review process TSCA mandates.

“The nation is awash in PFAS. Yet EPA continues to approve new PFAS even though it knows the risks such chemicals may pose to human health and the environment,” says **Suzanne Novak, Earthjustice staff attorney**. “Even worse, EPA allows companies to circumvent the regular safety review process for new PFAS in violation of TSCA and in ways that have already impacted entire communities. That must stop.”

Proper enforcement of TSCA is critical for regulating new potentially toxic chemicals and protecting public health. While TSCA permits exemptions from the rigor of a full review in some cases, such exemptions may be used only for chemicals that “will not present an unreasonable risk” of harm. More often than not, companies bring new PFAS to market through these exemptions, resulting in either no safety review of the chemical or a curtailed one, all while the public is kept in the dark. But PFAS are dangerous even at very low levels of exposures and do not fall in the “will not present unreasonable risk” category. Despite knowing the wide-ranging serious health risks posed by well-studied PFAS, and that new PFAS may have similar effects, EPA continues to approve new PFAS via exemptions to the standard review process. All PFAS should be robustly reviewed.

“Chemical companies need to be held accountable for the products they make and release into our air, soil, water and food supply,” said **Emily Donovan, Co-Founder of Clean Cape Fear**, based in Wilmington, NC. “For decades the EPA broke our public trust by failing to monitor and regulate PFAS. The EPA has the power to restore our broken trust and close these dangerous PFAS loopholes.”

“PFAS,” which stands for per- and polyfluoroalkyl substances, are a class of thousands of chemicals that [don't easily break down](#), and that can [persist in human bodies](#) and in the environment for decades. PFAS are linked to serious health effects, such as cancer, immune system dysfunction, and liver and kidney damage. As a result of their pervasiveness, [more than 95 percent](#) of the U.S. population has PFAS in their bodies, according to the [Centers for Disease Control and Prevention](#) (CDC).

Chemicals in this class of [more than 5,000 substances](#) are found in products like nonstick pans, food packaging, waterproof jackets, and carpets to repel water, grease, and stains. They’re also used in firefighting foam often used on military bases and at commercial airports. Even [personal care products](#) like waterproof makeup, dental floss, sunscreen, shampoo, and shaving cream contain PFAS. Approving more PFAS without proper evaluation is not only risky, but unnecessary.

“Bucks and Montgomery County residents look to the federal government to protect, not poison, them,” said **Joanne Stanton, Co-Founder of Buxmont Coalition for Safer Water**. “First the Navy spent decades contaminating

our water with toxic PFAS firefighting foam. And now we learn that EPA is not conducting the required safety reviews when allowing companies with local facilities to produce new PFAS. EPA must change course immediately."

"Our communities are still demanding adequate testing on existing PFAS in our water, air, and food. These chemicals can be passed through the placenta when a mother is pregnant or be passed through breastfeeding to infants," said **La'Meshia Whittington, Deputy Director of Advance Carolina**. "In Black communities, this chemical has now become generational. We have yet to receive toxicity data or clarity on what these mixtures of various PFAS chemicals are doing to us. It is not only ludicrous but dangerous to allow new PFAS when we're still fighting for accountability and recovery from existing PFAS."

"The public has been told that new PFAS compounds would be safer than those they are replacing, but studies have shown otherwise. Due to EPA's fast-tracked review that allows companies to evade thorough toxicity review, people are being exposed to new PFAS that may harm their health and they don't even know about it. This is outright wrong and must be stopped," said **Tracy Carluccio, Deputy Director, Delaware Riverkeeper Network**.

"In North Carolina, Black, brown and low wealth populations are fighting against the cumulative impact of layered exposure to various PFAS. We are exposed through fast food consumption, carpet, PFAS in air emissions that impact franchise, plant, and farmworker," said **Sanja Whittington, Executive Director of Democracy Green**. This is just a fraction of the ways PFAS has corroded our lives and lands. We absolutely cannot have new PFAS enter into consumer products without adequate testing, corporate accountability, and thorough studies on our communities in regard to current PFAS."

Earthjustice is representing Clean Cape Fear; Buxmont Coalition for Safer Water; Delaware Riverkeeper Network; Advance Carolina; Merrimack Citizens for Clean Water; Alaska Communities Against Toxics; Democracy Green; International Association of Fire Fighters; Safer Chemicals, Healthy Families; Environmental Defense Fund; Union of Concerned Scientists; Defend Our Health; Natural Resources Defense Council (NRDC); the BlueGreen Alliance; and, the National PFAS Contamination Coalition, which is comprised of more than 30 grassroots groups in areas contaminated by PFAS.

To learn more about TSCA and how EPA mismanages PFAS and other chemical reviews read this [report by Earthjustice and Environmental Defense Fund](#).