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PRESS RELEASE

Clean Cape Fear Responds to U.S. EPA Designating PFOA & PFOS as Hazardous Substances under Superfund Law

IMMEDIATE RELEASE: Today the Biden EPA took another historic step in addressing the nation's PFAS contamination crisis by listing PFOA and PFOS as hazardous substances under CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act). Read the EPA press release [here](#).

“Since learning about extreme levels of PFAS in our tap water,” said Emily Donovan, co-founder of Clean Cape Fear, “we’ve been forced to live with water we don’t feel safe using while also enduring rate hikes to clean up a crisis we didn’t create. Chemical companies like DuPont and Chemours profited off of PFAS for decades at our expense. Finally, the Biden EPA is beginning to hold PFAS polluters accountable. While there is no price tag big enough to bring back all the lives cut short or traumatized by decades of PFAS exposures—this is a step in the right direction.”

EPA’s announcement is focused on two forever chemicals, PFOA & PFOS, both phased out of production in the U.S. over ten years ago. Chemours’ Fayetteville Works Facility produced PFOA for over ten years between 2010 - 2014. In 2013, a Fayetteville Works onsite monitoring well [reported](#) PFOA levels as high as 7,300 ppt. Solid waste from Fayetteville Works was also sent to the [Sampson County Landfill](#) which further spread extreme levels of total PFAS into the neighboring communities.

Today’s announcement is important to low-income communities and communities of color who, historically, are targets of environmental racism and injustice by simply living in communities near industrial polluters or waste sites highly contaminated with PFOA and PFOS.

This is the first time in over 40 years the EPA has used its direct authority under CERCLA to add chemicals to the hazardous substances listing that were not previously added under other environmental laws. While this rule will not automatically trigger site cleanups of PFOA or PFOS contamination, it will provide state and federal regulators with access to more legal enforcement tools to make polluters pay for clean-up.

This designation will now allow regulators to expand Superfund priority sites in North Carolina to include those specific to PFOA and PFOS contamination. It will also give the EPA authority to take emergency action and use funds to provide highly contaminated communities with alternative drinking water—something that was denied to over 500,000 public water users in New Hanover, Pender, and Brunswick counties who were exposed to extreme levels of PFAS coming from Chemours’ Fayetteville Works Facility for decades.

“Superfund is a slow process,” says Donovan. “We don’t expect today’s announcement to have an immediate impact on the needs of our communities. Especially when we were exposed to hundreds of other PFAS—like GenX and Nafion byproduct 2. Ultimately, we need the EPA to regulate PFAS as a class. We will keep fighting until all PFAS are designated as hazardous substances.”

Clean Cape Fear remains concerned about the exclusion of GenX from the hazardous substance designation as Chemours continues to seek approval to import GenX waste from its Netherlands facility to Fayetteville. This concern was recently echoed by UN human rights experts in an official [public statement](#) released by the UN Human Rights Council in February.

The EPA has made clear it does not plan to target water utilities, farmers, or firefighters to pay for PFOA and PFOS cleanup. These “passive receivers” will be protected under a special “enforcement discretion” memo issued with today’s rule. The U.S. military—a major polluter of PFOA and PFOS, will no longer be allowed to claim “sovereign immunity” and avoid responsibility for forever chemical cleanup from its sites.

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Clean Cape Fear works to restore and protect the local drinking water, air, soil, and food supply from PFAS contamination. Co-founders Donovan, Jessica Cannon, and Harper Peterson, along with local activists, formed Clean Cape Fear around a dining room table in 2017 after protests erupted in their community over Chemours’ slow response to public questions regarding extreme levels of GenX and other PFAS in local tap water. Using reporting from The New York Times and The Intercept, Clean Cape Fear members pieced together the similarities between their story and the PFAS debacle in Parkersburg, W.Va. that prompted the docudrama *Dark Waters*.

INTERVIEW OPPORTUNITIES:

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For liability or complex CERCLA questions please contact NRDC or EWG for comments:

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