

ATMOSPHERE AMERICA SUMMIT 2023

POLICY PANEL PFAS



PEER
PUBLIC EMPLOYEES
FOR ENVIRONMENTAL
RESPONSIBILITY



ABOUT PEER

- Protecting Whistleblowers
 - Shining the Light
 - Improving Governance
 - Building Networks
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- Founded in 1992
 - 12 staff. Staff in 6 states.
 - All our work is pro bono
 - Our financial support comes from foundations, individuals, and case settlements



Credit: Caught Between Conscience and Career



PEER's Work on PFAS

PFAS is an issue of great concern for federal employees at all levels of government. PFAS contamination:

- Destroys livelihoods
- Is very costly
- Builds distrust
- Most importantly, causes real human health harms

Despite increased scientific understanding, publicity about PFAS contamination, and class action lawsuits, there is a general feeling that the federal government and Congress are not acting with the urgency the moment requires.





The Problem of Industry Capture The Past

The Environmental Working Group has a timeline of industry knowledge of harms of PFAS beginning in 1950s on their website

<https://www.ewg.org/research/decades-polluters-knew-pfas-chemicals-were-dangerous-hid-risks-public>

The Problem of Industry Capture

The Present

While this email is to announce a staff party in the Office of Pesticides Programs after 1000th study waived, weak laws and EPA's deference to industry pressures are the norm in all of EPA's chemical programs

-----Original Appointment-----

From: Craig, Evisabel <Craig.Evisabel@epa.gov>

Sent: Thursday, September 20, 2018 12:31 PM

To: OPP HED; Lowit, Anna

Cc: Keigwin, Richard; Messina, Edward; OPP Division Directors; OPP Deputy & Associate Directors

Subject: HASPOC 1000 waiver celebration

When: Thursday, September 20, 2018 12:30 PM-1:30 PM (UTC-05:00) Eastern Time (US & Canada).

Where: Room 10100

Hi all,

Please join HASPOC this Thursday as we celebrate reaching **1000** studies waived!
There will be cake in the 10th floor main conference room.



An invitation to a party at the Office of Pesticide Programs celebrating the waiving of 1,000 toxicity tests. Screenshot: The Intercept



EPA, PFAS and Refrigerants

HOW A DUPONT SPINOFF LOBBIED THE EPA TO STAVE OFF THE USE OF ENVIRONMENTALLY FRIENDLY COOLANTS

Chemours asks in letter to the EPA for help promoting its HFO refrigerants, to stave off natural coolants that cause far less global warming.

By Sharon Lerner

<https://theintercept.com/2018/08/25/chemours-epa-coolant-refrigerant-dupont/>



EPA's Approach to Defining PFAS

PEER IS SUING EPA UNDER THE FREEDOM OF INFORMATION ACT TO FIND DOCUMENTS RELATED TO ITS “WORKING DEFINITION” OF PFAS.

We have found different offices define PFAS differently, although EPA has made public pronouncements about a “working definition of PFAS.”



EPA's Approach to Defining PFAS

Update: *EPA's Office of Pollution Prevention and Toxics (OPPT) recently stated it “is no longer using a ‘working definition’ to characterize the universe of PFAS subject to the office’s various PFAS testing, reporting and regulatory efforts. Moving forward, OPPT intends to continue to explain the rationale for identifying specific PFAS substances it believes are appropriate to include within the scope of each individual action.”* EPA email May 2023



What this Means for the Immediate Future

- No universal definition of PFAS
- Piecemeal legislation at the federal, state and local level and increased litigation and consumer pressures
- Piecemeal approach is an unworkable solution
 - No capacity to evaluate all PFAS
 - PFAS doesn't know different EPA offices (water, air, solid waste, etc)
 - Pollution doesn't know political boundaries
 - Precursors turn into terminal end products



Thank you!

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