



Know your environment.
Protect your health.

Comments submitted by Olga Naidenko, VP, Science Investigations, Environmental Working Group, for consideration by the National Environmental Justice Advisory Council

Presented during the August 19, 2020, public meeting

These comments are presented on behalf of Environmental Working Group, a nonprofit research and advocacy organization based in Washington, D.C. As announced by the EPA, at this meeting, the NEJAC will discuss and deliberate on the topic of the reuse and revitalization of Superfund and other contaminated sites.

The reclamation and reuse of contaminated sites is an important public health and policy priority. To meet the goal of an effective, lasting remediation prior to reuse, all contaminants at each site should be removed and/or sequestered in a manner that will fully protect the health of nearby communities in both the short- and long-term.

As new studies in toxicology and epidemiology are published, we learn that chemicals that may previously have been viewed as inert and that might not have been regulated are, in fact, harmful to human health. Thus, consideration of these emergent contaminants, and appropriate remediation, must be a part of contaminated site reuse.

With these comments, we would like to bring to the NEJAC's attention the family of toxic, persistent chemicals known as PFAS. Per- and polyfluoroalkyl substances are a group of thousands of chemicals, hundreds of which are used in commerce. During the February 2020 NEJAC meeting, there were public comments that focused on PFAS pollution in drinking water. These chemicals contaminate water, air and soil on a global scale. They have also been detected in the blood of virtually every American. Different PFAS are associated with numerous health effects, including increased risk of cancer; harm to the immune system, such as reduced responsiveness to vaccines; harm to development and reproduction, such as reduced birth weight; harm to the endocrine system, such as changes in hormone levels; as well as metabolic changes, such as increased cholesterol.

As communities across the country discover that their drinking water, groundwater or soil are contaminated with PFAS, they seek options for PFAS removal. However, existing treatment options themselves produce PFAS-laden wastes that require disposal. With these comments, we also submit a peer-reviewed study published last month, which addresses the problem of PFAS disposal. This study by Stoiber et al. (2020) documented how the current methods of managing PFAS-containing waste can perpetuate the cycle of contamination. For example, incineration or landfilling PFAS does not effectively contain or destroy these chemicals but rather ends up just returning either the same substances or their breakdown products back into the environment.



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Research shows that airborne PFAS can travel several miles from facilities emitting PFAS, like incinerators or industrial sites. Communities near the waste disposal sites, such as incinerators and landfills as well as sites where hazardous wastes were disposed in the past, are most at risk from various toxic contaminants.

As of August 2020, there are no national-level regulations governing PFAS disposal in the United States, except for military applications. PFAS-containing wastes have not been classified as hazardous. What this means is that as contaminated sites undergo remediation, there is no requirement for ensuring that PFAS materials or contaminants get tackled in a manner that protects human health. This situation poses a risk for public health, especially for the communities that live at or near such sites.

We request that NEJAC urge the EPA to quickly propose and finalize this rule designating two notorious PFAS, PFOA and PFOS, as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), known also as Superfund. The EPA's PFAS Action Plan has mentioned the EPA's rulemaking effort to designate PFOA and PFOS as CERCLA hazardous substances.¹ Hazardous substance designation will give EPA the ability to ensure that PFOA and PFOS contamination is addressed before contaminated sites are used for new purposes. This designation is essential for ensuring that the cleanup and reuse of contaminated sites take care of all toxic contaminants that may be present, not just those that were identified decades ago. Future regulatory efforts should also address other members of the PFAS class.

In summary, the Environmental Working Group urges the NEJAC to consider both historical and current PFAS contamination and to ensure that fence-line communities remain protected from the health risks of PFAS as this Council develops its recommendations on the topic of contaminated sites' reuse.

Submitted on behalf of Environmental Working Group,

Olga V. Naidenko

¹ <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201910&RIN=2050-AH09>