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**PRESS RELEASE**

***UN Takes Action on PFAS Contamination in North Carolina  
Recognizing a U.S. Violation of International Human Rights Law***

IMMEDIATE RELEASE: The United Nations (U.N.) took action over the holiday weekend and recognized that the PFAS contamination crisis occurring in the lower Cape Fear region of North Carolina is a U.S. violation of international human rights law. On Thanksgiving day, the U.N. published [five letters](#) sent to DuPont, Chemours, Corteva, the United States, and the Netherlands in September. These letters were in direct response to a [communication filed](#) by Berkeley Law's Environmental Law Clinic on behalf of Clean Cape Fear, a local grassroots community group, in April seeking redress for human rights violations associated with PFAS exposures coming from the Chemours Fayetteville Works facility.

Per U.N. protocol, the letters were made public 60 days after they were sent to give recipients time to respond to the allegations. Three recipients responded to the U.N. letters—Chemours, the Netherlands, and Corteva. The United States and DuPont have yet to respond.

The U.N. letters to Chemours, DuPont, and Corteva express “serious concern regarding human rights and environmental impacts” from activities associated with Fayetteville Works. Those concerns include “apparent disregard for the wellbeing of community members,” “purposeful suppression and concealment of information on the toxic character of PFAS,” and “failure to fully assume responsibility and adequately address the negative impacts” on communities in the lower Cape Fear River watershed. The U.N. Human Rights Council further stated: “We remain preoccupied that these actions infringe on community members’ right to life, right to health, right to a healthy, clean and sustainable environment, and the right to clean water, among others.”

"We are grateful to see the United Nations take action on behalf of all residents in our region suffering from decades of human rights abuse related to our PFAS contamination crisis," said Emily Donovan, co-founder of Clean Cape Fear. "Clearly, the U.N. recognizes international law is being violated in the United States. We find it profoundly troubling that the United States and

DuPont have yet to respond to the U.N.'s allegation letters."

In a letter sent to the Netherlands, the U.N. focused on exports of PFAS waste from Chemours' Dordrecht facility in the European Union to Fayetteville Works in North Carolina. At a policy level, Clean Cape Fear is encouraged that the Netherlands recognizes PFAS must be regulated as a chemical class, and is urging this approach to the European Chemicals Agency as EU-wide policy.

With respect to its exports of GenX waste to Fayetteville Works, the Netherlands acknowledges that exporting waste to nations that are not parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (such as the U.S.) is only allowed for exports intended for recovery and reuse, and "prohibits exports intended for disposal." It thus assures the U.N. that here, "the receiving facility will recover this waste in an environmentally sound manner." However, this flatly contradicts Chemours' statement in its response letter to the U.N., that "[w]astewater and waste acids from the reclamation process at the Fayetteville Works PPA plant are shipped offsite for incineration."

Last month, Bloomberg Law [reported](#) that Chemours acknowledges that less than half of the liquids it receives from Dordrecht are recoverable GenX, and that "the remaining residues are incinerated at licensed US facilities." This likely violates the Basel Convention.

Clean Cape Fear also believes Chemours' response to the U.N. allegations is classic corporate gaslighting. First, Chemours is not "a relatively new company"—its high-level employees are experienced historic Dupont executives. Second, Chemours has focused its response mainly on GenX, when its PFAS pollution along the Cape Fear River encompasses hundreds of other PFAS chemicals. And even with respect to GenX, Chemours continues to [fight](#) EPA's effort to establish a health advisory level, denying the chemical's adverse health impacts.

"We believe the vast majority of residents in southeastern North Carolina place a higher value on human health and well being than on corporate profits," says Harper Peterson, co-founder of Clean Cape Fear and former Mayor of Wilmington, NC. "Unfortunately, our state and federal agencies have not measured up to the task at hand in protecting the public's health and safety. Fortunately, a small and persistent voice of local residents and community groups, demanding accountability, has not been deterred. Our voice has now garnered the attention and support of the U.N. and its Human Rights Council. The battle is on a higher ground now, framed by international law and violations of basic human rights."

The one thing Chemours' letter does finally make public is that the company knew about, tried internally to address, and actively suppressed information about its PFAS pollution problem well before the public learned of it independently in 2017. This is morally outrageous.

"If corporate malfeasance had a name in NC, it would be Chemours," says Rebecca Trammel, leadership team member of Clean Cape Fear and founder of Catalyst Consulting & Speaking, LLC. "Impunity is the accomplice of injustice. It is the obligation of governments and regulatory agencies to ensure that innovation, economic gain, and progress are in service of humanity, not at its expense. I extend my deepest thanks to the United Nations for its defense of our right to safe water and life itself. "

Particularly outrageous to Clean Cape Fear is that Chemours' response letter, in discussing the

company's efforts under a Consent Order to ensure safe drinking water for the region, focused solely on private well owners' water. It omitted mention of the half-million public utility customers who have had to self-pay for their own water filtration. These residents have not been provided alternative water supplies (i.e., bottled water or water delivery vouchers) while they wait on their public water systems to install critical and costly filtration upgrades.

"Currently, as Chemours plans to expand its operations, it's crucial to prioritize action over rhetoric in combating PFAS contamination," says Kirk deViere, a former North Carolina state senator on the leadership team of Clean Cape Fear. "Living within 20 miles of the Chemours facility and representing numerous individuals impacted by this pollution, I am thankful for the United Nations lending its support and influence to our fight for clean air and water."

Additionally, Chemours did not cite *any* peer-reviewed science or epidemiological studies to show that GenX or the newer PFAS it has released into the surrounding environment are safe, because it has refused to fund any independent science. Instead, it is erroneously treating the resulting data gap as evidence of safety. Chemours also failed to adequately respond to the U.N.'s request for information regarding measures "taken to ensure health care services to affected communities."

"I am relieved the U.N. has chosen to recognize the PFAS contamination crisis in our region and the ensuing violation of bodily integrity, which is a core principle of medical ethics for a reason," says Dr. Kyle Horton, MD, leadership team member of Clean Cape Fear and CEO of the nonprofit On Your Side Health. "Chemours' actions have threatened the health of those living in the Cape Fear Region both by violating the sanctity of our bodies, and by impeding the advancement of the science necessary for healthcare providers to protect their patients. I am hoping that the U.S. government will respond, and match the acuity and the gravity of the global PFAS crisis. The health impacts from PFAS are already evident in recent recommendations in the National Academies' [\*Guidance on PFAS Testing, Exposure, and Clinical Follow-Up\*](#). Although the Guidance is soundly evidence-based, it is not being implemented—and neither are harmful outcomes linked to PFAS being recognized in our communities—because of policy failures that undermine our health and safety."

The U.N. also raised concerns regarding the United State's failure to commit to conducting human health studies of residents of the lower Cape Fear River basin. The U.N.'s letter to the United States discusses frankly that "relevant public authorities failed to offer Cape Fear River watershed residents the information necessary for them to fully understand the impacts of their exposure to the range of PFAS released from the Fayetteville Works facility and for them to seek redress."

Part of these allegations center on a three year fight, led by Clean Cape Fear and other North Carolina groups, that involved [petitioning](#) the U.S. EPA to require Chemours to fund comprehensive human health and toxicity studies on the specific PFAS associated with Chemours' Fayetteville Works plant. This effort is the subject of ongoing litigation between the community groups and the agency.

"It's telling that the big actors here—Dupont and EPA—have not yet responded to the Special Rapporteur's allegations," says Claudia Polsky, director of the UC Berkeley Environmental Law Clinic. "Dupont's actions are directly responsible for decades of air and water pollution from Fayetteville Works that has poisoned drinking water for hundreds of thousands of utility customers and well owners in the Cape Fear River watershed. EPA, through its uneven leadership on PFAS,

has also abdicated its moral responsibility to protect communities from toxic PFAS.”

“The Biden Administration deserves praise for committing to set stringent standards for certain PFAS in drinking water,” says Polsky, but “EPA’s work is far from complete. It must show similar political courage in providing North Carolina residents the information they need to protect their communities’ health; in turning off PFAS at their source, by preventing expansion of the Fayetteville Works facility; in regulating PFAS as a class, as the Netherlands proposes, rather than trying to define some PFAS as non-PFAS and thus avoid their regulation; and critically, in ceasing to parrot the chemical industry’s false narrative that PFAS are key to the clean energy transition.”

Clean Cape Fear hopes the U.N.’s action will induce shareholders to bring Dupont and Chemours in line with international human rights law. Both are publicly traded companies. Here, it is noteworthy that this matter is a rare case of the Human Rights Council sending allegation letters to transnational corporations, rather than solely to national governments. We also hope that the risk of being named a violator of international human rights laws will give the U.S. EPA the political courage to do what it must to curb toxic PFAS pollution in North Carolina and nationwide.

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 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*.

The UC Berkeley Environmental Law Clinic trains students to enhance environmental health and justice by deploying the law to protect those least politically empowered. The Clinic also works to ensure that the life experiences of its clients’ members inform the highly technical regulatory space in which health-consequential decisions are made.

#### INTERVIEW OPPORTUNITIES:

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