



THE ADMINISTRATOR
WASHINGTON, D.C. 20460

November 29, 2023

The Honorable Roy Cooper
Governor of North Carolina
20301 Mail Service Center
Raleigh, North Carolina 27699-0301

Dear Governor Cooper:

Thank you for your November 3, 2023, letter highlighting the important partnership between North Carolina and the U.S. Environmental Protection Agency to protect people from dangerous PFAS chemicals. Your leadership on combating PFAS contamination and providing North Carolinians the clean, safe air and water they deserve is admirable, including your administration's actions to create PFAS standards that would support upcoming federal Safe Drinking Water Act standards for PFAS. I also want to extend my deep gratitude to the North Carolina Department of Environmental Quality for its collaboration regarding The Chemours Company's (Chemours) proposed imports of GenX material from the Netherlands to its Fayetteville Works facility.

Recently, during its review of the conditional import consent granted to Chemours, EPA, working with NC DEQ, became aware that that the company did not provide accurate information in its notifications to the Netherlands' Ministry of Infrastructure and Water Management (Ministry).

Chemours stated in the notifications to the Ministry that it would ship a certain number of metric tons total over the course of one year. EPA's September 8, 2023, Consent stated that it would "no longer be valid if any of the information contained in the notification, upon which EPA relies, is incorrect, incomplete or fraudulent." On November 13, 2023, Chemours sent the NC DEQ a letter stating "[t]here was an error in calculating the requested permitted volume that was not identified during the approval process," and the amount provided was "not a correct estimation of actual volumes." The letter stated further that the "Fayetteville Works facility will only receive as much material at one time that it can process at the PPA unit," which Chemours acknowledged was different by a factor of ten from the amount the company had initially quoted in its notification and which EPA had conditionally approved.

Therefore, because information contained in both notifications was incorrect, the September 8, 2023, Consents to the import of waste from the Netherlands into the United States are no longer valid.

In addition to the inaccurate information it provided regarding these imports, Chemours has a history of dangerous PFAS releases, which raises concerns about the company's ability to take measures that fully protect public health and the environment.

Since my time as Secretary of NC DEQ and my first days as EPA Administrator, I have prioritized actions to protect people from dangerous PFAS chemicals. EPA has developed a PFAS Strategic Roadmap that describes a whole-of-Agency approach to addressing PFAS. The roadmap contains bold new policies to safeguard public health, protect the environment, and hold polluters accountable. EPA is moving to finalize the first-ever national safeguards to protect Americans from PFAS in their drinking water. EPA has also proposed historic action to hold polluters responsible for PFAS contamination. Further, EPA has eliminated exemptions that allowed facilities to avoid reporting information on PFAS releases and is requiring the largest-ever collection of information from manufacturers and importers of PFAS and PFAS-containing products. EPA will use this data to inform additional actions. EPA also recently issued its National Enforcement and Compliance Initiatives for 2024-2027, which include a priority on “Addressing Exposure to PFAS.” When it comes to pollution from PFAS “forever” chemicals, EPA will leave no stone unturned in our efforts to protect the American people and our environment.

Thank you again for your letter. Based on our shared value of protecting public health from forever chemicals, EPA looks forward to redoubling our efforts with NC DEQ to hold polluters accountable and to safeguard the health of North Carolinians.

Sincerely,

A handwritten signature in black ink that reads "Michael S. Regan". The signature is written in a cursive, flowing style.

Michael S. Regan