

Thank you for the honor and privilege to testify on behalf of the 500,000 residents in southeastern North Carolina suffering from PFAS contamination in our air, soil, water, food supply, and now sea foam. My name is Emily Donovan. I am the co-founder of Clean Cape Fear. We are a grassroots community group based in Wilmington, NC that formed eight years ago after learning DuPont/Chemours used our region for nearly half a century as a PFAS sacrifice zone. I am also on the leadership team of the National PFAS Contamination Coalition, a network of over 42 community groups in 26 states fighting PFAS contamination nationwide.<sup>1</sup> We are living the real world consequences of regulatory inaction on PFAS.

When my community first learned about Chemours and PFAS we were in shock and mass protests erupted all over the City of Wilmington. Our region is known for its pristine beaches, and beautiful waterways. I live in the fastest growing county in North Carolina and our state is consistently one of the top five fastest growing states in the nation. We quickly learned PFAS contamination was and still continues to threaten our way of life.

When my community realized the toxic levels of GenX and other PFAS in our tap water were all unmonitored and unregulated we spent the last eight years engaging local, state, and federal leaders begging for justice, accountability, and an end to all our PFAS exposures. We fought alongside communities just like ours to establish first ever federal drinking water standards.<sup>2,3</sup> Now, this current administration is working to weaken and roll back what many of us believe are lifesaving protections.<sup>4</sup>

In 2017, our public trust was severely broken when we learned about DuPont/Chemours and PFAS. We realized Wilmington's public water district knew about GenX and other PFAS in the local tap water for a full

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<sup>1</sup> <https://pfasproject.net/>

<sup>2</sup> Hagerty, V. (2017, June 7) "Toxin taints CFPWA drinking water." StarNews

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<https://www.nrdc.org/press-releases/nrdc-analysis-peer-reviewed-study-finds-epa-misses-pfas-chemicals-already-present>

<sup>4</sup>

<https://earthjustice.org/press/2025/epa-seeks-to-roll-back-pfas-drinking-water-rules-keeping-millions-exposed-to-toxic-forever-chemicals-in-tap-water>

year before a local journalist accidentally stumbled on an academic study and alerted the public.<sup>5</sup> In the absence of regulations or guidelines, Cape Fear Public Water Utility Authority (CFPUA) struggled to act in the best interests of full disclosure to the public. As we dug deeper into the culture of the water utility industry we quickly learned many water districts are often industry and developer paradises rather than true stewards of public health.

Immediately, Clean Cape Fear began demanding regular PFAS testing and monitoring of the public tap water in our area. We requested those results be publicly accessible and, to this day, our community can check PFAS levels directly from CFPUA and Brunswick County Public Utility's websites.<sup>6</sup> No court order required. Both utilities began the process of voluntarily upgrading their treatment processes to immediately address our extreme PFAS exposures through drinking water. Our region's tap water has repeatedly shown some of the highest levels of PFAS in public drinking water per multiple nationwide tap water studies.<sup>7,8</sup> Ratepayers have been forced to absorb these clean up costs that we didn't create.

Pretreatment programs exist for a reason, they fix pollution leaks within municipal systems before they contaminate nearby drinking water supplies. We oppose any permit shields for passive receivers because we believe it would reward utilities for turning a blind eye in towns where industrial employers hold outsized influence within local government. Permit shields don't truly protect ratepayers, they protect pollution; and downstream communities, like mine, end up paying the ultimate price.

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<sup>5</sup> <https://www.wect.com/story/35675718/cfpua-learned-initial-genx-findings-in-may-2016-chair-calls-for-review/>

<sup>6</sup> <https://www.cleancapefear.org/watertesting>

<sup>7</sup> [https://www.ewg.org/sites/default/files/u352/EWG\\_PFAS-TW\\_Report\\_C03.pdf](https://www.ewg.org/sites/default/files/u352/EWG_PFAS-TW_Report_C03.pdf)

<sup>8</sup>

<https://www.nrdc.org/press-releases/nrdc-analysis-peer-reviewed-study-finds-epa-misses-pfas-chemicals-already-present>

In October 2018, CFPUA halted its land-application program of biosolids and voluntarily began sending this waste to a designated hazardous waste landfill. This was done in an effort to avoid further unnecessarily contaminating the region and local agricultural lands with PFAS. This action proves the precautionary principle is possible, functional, and won't bankrupt a community. The median income of residents living in New Hanover County is below the national average meaning it's reasonable to assume the efforts our community has taken to proactively clean up PFAS pollution, which we didn't cause, is achievable and favorable by most residents when faced with similar situations.<sup>9</sup>

In our experience, it's a false narrative to assume communities would rather live with toxic, cheap tap water. What we want is for every entity in the process to remain vigilant and held responsible without exceptions or loopholes. Airports don't make weapons or pack our bags but they are responsible for ensuring nothing unsafe enters or leaves the premises. Allowing utilities to avoid responsibilities for their wastestreams is like saying banks shouldn't be held accountable for money laundering because they didn't commit the original crime. A wastewater plant without accountability stops being a crucial point for monitoring and filtration and, instead, simply becomes a funnel.

We know PFAS don't break down easily with conventional treatments. When wastewater treatment plants accept these dangerous forever chemicals from multiple point sources within its system with no proper monitoring, enforcement, controls or accountability, these utilities end up concentrating the PFAS pollution and passing it downstream. Permit shields turn public infrastructure into a delivery system for a class of chemicals called "forever" for a reason.

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<sup>9</sup> <https://datausa.io/profile/geo/new-hanover-county-nc>

Frankly, we believe lawmakers and federal regulators have not gone far enough in protecting our health and ensuring PFAS polluter pays. We believe the entire class of PFAS should be designated as hazardous waste under Resource Conservation and Recovery Act (RCRA). This would ensure more comprehensive monitoring, tracking, and polluter pay programs available to local governments.<sup>10</sup>

Last month, a new study came out confirming what we already suspected, short chain PFAS (like GenX) are now becoming the predominant PFAS in municipal wastestreams—not PFOA and PFOS.<sup>11</sup> Yet, here we are today discussing the benefits of weakening the accountability chain regarding PFOA and PFOS hazardous substance designations.

I can't stress this enough, we still don't know the full risk associated with our existing exposures. I don't believe the American people gave lawmakers a clear mandate last year to roll back any progress communities like mine have made on holding PFAS polluters accountable. In fact, I think it's the opposite. We've seen tremendous bipartisan support for nearly every effort we make in gaining justice for our community from PFAS polluters.

When we lacked access to adequate health information regarding risks from our PFAS exposures, we joined forces with the National PFAS Contamination Coalition to help the National Academies of Science, Engineering and Medicine organize community liaisons to inform the first ever national clinical guidance on PFAS.<sup>12</sup> This action now helps educate clinicians on how to properly monitor and treat PFAS exposures. But it's still not enough and doesn't cover exposures from more commercially relevant PFAS, like GenX.

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<https://greensciencepolicy.org/news-events/press-releases/communities-petition-epa-to-regulate-hazardous-pfas-chemicals>

<sup>11</sup> <https://pubs.acs.org/doi/full/10.1021/acs.est.5c09949>

<sup>12</sup> <https://www.nationalacademies.org/read/26156/chapter/1#ix>

In 2019, we partnered with environmental nonprofits and petitioned the EPA to use its full authority under the Toxic Substance Control Act (TSCA) to issue a comprehensive suite of test orders on 54 PFAS we documented coming from Fayetteville Works.<sup>13</sup> The EPA granted our petition but then only approved approximately 5% of the test orders we requested. We quickly learned even when Congress amends TSCA to empower the EPA to hold polluters accountable, the EPA often is either unwilling or unable to use its full power to meet the needs of harmed communities. This benefits no one but PFAS polluters.

Over the years, I've been invited to share my community's contamination story and have heard health and environmental experts call PFAS "the worst toxic chemical crisis the world has ever known." I learned women carry a body burden, and children are being born already contaminated. I've heard health experts say things like "seven year olds should not have liver disease" and "PFAS block chemotherapy treatment in ovarian cancer patients."<sup>14</sup>

I often hear scientists say when they study PFAS health effects they have yet to find a major bodily system or organ that isn't adversely impacted in some way when exposed to PFAS. In 2021, EPA scientists did a cohort study in NC and found an increase in multimorbidities related to several PFAS found in public tap water.<sup>15</sup> Meaning, residents with multiple PFAS in their tap water had an increased risk of developing more than one disease than residents without PFAS in their tap water. Refusing to regulate PFAS is making us sicker and buried in medical debt.

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<sup>13</sup> <https://www.cleancapefear.org/legal>

<sup>14</sup> <https://cleanairenc.org/blog/2024/08/26/nc-breathe-day-1/>

<sup>15</sup> <https://pmc.ncbi.nlm.nih.gov/articles/PMC9374186/>

My community still does not know the full extent of our PFAS contamination crisis. We now know the PFAS pollution from the Chemours Fayetteville Works facility has impacted half a million residents using public water supplies in our region, and over 11,000 private well owners and counting spanning 10 counties. We know Chemours is not the only source of PFAS pollution threatening our way of life, but it is by far the largest source. We are also concerned about more than just contaminated tap water.

A couple of years ago, Clean Cape Fear partnered with NC State scientists to test the sea foam along New Hanover and Brunswick county beaches. For years, we noticed unusual sea foam blooms happening near the mouth of the Cape Fear River. Concerned residents wondered if these sea foam blooms contained PFAS.

Over a nine-month study period, Clean Cape Fear collected sea foam samples along our local shorelines. The majority of foam samples contained total PFAS levels ranging from 10,000 ppt to 8,000,000 ppt—one of the highest levels ever recorded in literature to date.<sup>16</sup> The compound most frequently detected was PFOS.

Although PFOS is no longer in commercial use it was designated as a hazardous substance by the U.S. EPA last year, and a possible human carcinogen by the International Agency for Research on Cancer earlier this year.<sup>17,18</sup> While we don't know the exact source of the extreme levels of PFOS found in the sea foam along our shorelines, we do know the Department of Defense operates the world's largest munitions depot at Sunny Point Military Ocean Terminal near the mouth of the Cape Fear River in Brunswick County.<sup>19</sup>

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<sup>16</sup> <https://www.cleancapefear.org/sea-foam>

<sup>17</sup> <https://www.epa.gov/superfund/designation-perfluorooctanoic-acid-pfoa-and-perfluorooctanesulfonic-acid-pfos-cercla>

<sup>18</sup> <https://www.iarc.who.int/news-events/iarc-monographs-evaluate-the-carcinogenicity-of-perfluorooctanoic-acid-pfoa-and-perfluorooctanesulfonic-acid-pfos/>

<sup>19</sup> <https://www.starnewsonline.com/story/news/local/2024/08/12/things-to-know-about-military-ocean-terminal-sunny-point-in-brunswick-county-nc/74504443007/>

Tourism along Brunswick County beaches is a significant economic driver for the area bringing in over \$1 billion annually.<sup>20</sup> The discovery of these toxic levels of PFAS contaminating our local beaches is yet another public health threat lawmakers and regulators have no idea how to address. These chemicals shouldn't be here and many residents are concerned about the health impacts of children, pets and the medically fragile playing in this type of foam.

Let's be clear, PFAS cleanup is already being paid for. The only question is who pays—the polluters, or the public? Because PFAS polluters upstream from my community have failed to control their wastestreams, residents in my region are self paying for pricey water filtration and entering into lengthy and expensive legal battles.<sup>21</sup> We are also paying in hidden ways, like with our health and inability to enjoy the most basic human rights.<sup>22</sup> Our freedom to take a sip of water,<sup>23,24</sup> enjoy our local beaches,<sup>25</sup> grow backyard gardens,<sup>26</sup> breathe freely,<sup>27</sup> eat local fish and seafood,<sup>28</sup> or grab a beer with loved ones<sup>29</sup> are under constant threat and we regularly wonder if these activities will increase our PFAS exposures.

In 2022, when Chemours announced plans to expand production of PFAS, Clean Cape Fear partnered with the University of Berkeley's Environmental Law Clinic to submit a formal communication to the United Nations Human Rights Council (UNHRC). This action resulted in the UNHRC investigating our claims and nine UN special rapporteurs calling out DuPont, Chemours, state and federal regulators for failing to protect us from

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<sup>20</sup> <https://www.wect.com/2024/09/12/brunswick-county-rakes-over-1-billion-tourist-spending/>

<sup>21</sup> <https://www.cfpua.org/785/Legal-action-against-Chemours-and-DuPont>

<sup>22</sup>

<https://www.ohchr.org/en/press-releases/2024/02/us-companies-dupont-and-chemours-generated-extensive-contamination-toxic>

<sup>23</sup> <https://pmc.ncbi.nlm.nih.gov/articles/PMC7375159/>

<sup>24</sup> <https://research.ncsu.edu/high-levels-of-short-chain-pfas-found-in-wilmington-residents-blood/>

<sup>25</sup> <https://pubmed.ncbi.nlm.nih.gov/40864629/>

<sup>26</sup> <https://pmc.ncbi.nlm.nih.gov/articles/PMC11622232/>

<sup>27</sup> <https://pubs.acs.org/doi/abs/10.1021/acs.est.4c07043>

<sup>28</sup> <https://www.ncdhhs.gov/news/press-releases/2023/07/13/ncdhhs-recommends-limiting-fish-consumption-middle-and-lower-cape-fear-river-due-contamination>

<sup>29</sup> <https://pmc.ncbi.nlm.nih.gov/articles/PMC12060270/>

business-related human rights abuses. These UN experts were alarmed by the United States and the Netherlands' "apparent breach of international law" regarding the export and import of PFAS-hazardous waste—regardless of the US's lack of hazardous waste designations and laws for PFAS.<sup>30</sup>

We know what happens when lawmakers, environmental and health regulators fail to hold PFAS polluters fully accountable. We saw what happened in Parkersburg, WV. We know voluntary stewardship agreements don't work. My community is living proof. When accountability is optional, contamination becomes the business model.

Creating unnecessary loopholes within CERCLA will negatively impact North Carolina's already impaired water supplies. My friends in Pittsboro, NC have equally suffered from high levels of PFAS in their tap water. The source of Pittsboro's PFAS comes from upstream municipalities who chronically allowed PFAS users to flush industrial waste containing PFAS into municipal sewer systems without proper pretreatment before releasing the toxic waste into downstream drinking water supplies, like Pittsboro's.<sup>31</sup> If municipal wastestreams are granted unnecessary permit shields it will limit incentives towns have to test, monitor, and control PFAS waste entering their systems.

Let me be crystal clear. This is a public health crisis—not an economic debate. Real people are dying not knowing if their exposures to PFAS caused their rare or recurrent cancers. Children are growing up without a parent, questioning their faith and asking hard questions like why God would be so cruel as to make their parents suffer.

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<https://www.ohchr.org/en/press-releases/2024/02/us-companies-dupont-and-chemours-generated-extensive-contamination-toxic>

<sup>31</sup> <https://www.theguardian.com/us-news/2021/apr/02/pfas-testing-forever-chemicals-pittsboro-north-carolina>



I testified before the House Energy & Commerce Committee in 2018 and shared stories about my friends Tom Kennedy, Sarah McLaughlin, Kara Kenan, Margaret Musacchio, and Bob Musacchio. Tom died in 2022 at the age of 51 from stage 2b non-genetic breast cancer that metastasized to his brain and bones into stage 4 terminal cancer. He endured six years of grueling, painful chemotherapy treatments. Sarah also died in 2022 at the age of 48 from stage 3 colon cancer that returned three times. Other friends came forward like Chris and Amy who died from illnesses prematurely in their late 40s and early 50s.

Kara Kenan still lives in Leland, NC. She was diagnosed, three years after moving to the Wilmington area, with Invasive Ductal Carcinoma, Stage 3b--a form of breast cancer that feeds on estrogen hormones. Her tumor was approximately the size of a large lime, which was alarming considering she completed a breast exam a few months prior that showed no signs of cancer. Her lymph nodes were impacted as well. After moderately aggressive chemotherapy and 30 radiation treatments, she's completed a 7-year treatment of estrogen suppressing drug therapy. Kara has also undergone a cholecystectomy to remove her failing gallbladder that simply stopped working--it was non-fatty with no stones. Kara was in her mid 30s when she was diagnosed with breast cancer. She is a decorated veteran who served in 9/11 and Operation Iraqi Freedom with the US Air Force, Air National Guard. She served her country for six years. Kara is married and has a school aged daughter who is best friends with my own child. Continuous medical procedures and the threat of recurring cancer is robbing her and her family from the best years of their lives.

Kara's mother, Margaret Musacchio, is 70 and has a rare blood cancer with no previous family history, no diet risk factors or genetic makeup precursors. She was diagnosed in 2016 with Thrombocythemia after

completing multiple lab tests and undergoing a bone marrow biopsy. This blood cancer causes her bone marrow to produce too many platelets. She was on oral chemotherapy for 10 years and still the disease progressed. Now diagnosed with secondary myelofibrosis, there are only palliative treatments available. This disease puts Margaret at increased risk for stroke, anemias, and potentially, another aggressive acute myeloid leukemia. Based on her progression, Margaret likely has only a couple years of life remaining. She has lived in the Wilmington area for the last 25 years.

Margaret's husband, Robert Musacchio, is in his late 70s. He is Kara's stepfather. He was diagnosed with blood cancer about a month before Margaret received her diagnosis back in 2016. What started as Stage 0 Chronic Lymphocytic Leukemia has also progressed to Stage 2 CLL. Robert is currently undergoing treatment at Duke 2-days per week (which requires a 3-hour drive each way and expensive hotel stays). In June 2017, Robert was also diagnosed with a very aggressive bladder cancer, high grade invasive papillary urothelial carcinoma Stage pT1. He had a cystoscopy procedure to diagnose, then a Turb T procedure to scrape the inside of his bladder to remove the small cancer seen during the diagnostic procedure and a chemotherapy solution was applied in his bladder. More cancers were found at that time and he underwent a radical cystoprostatectomy in July 2017 and also had his appendix and prostate removed during the surgery. Robert now lives with a urostomy appliance to enable him to void urine as he no longer has a bladder. He lived a healthy lifestyle, was an avid runner and was a nonsmoker. Robert, his wife, and his stepdaughter are all being robbed from the best years of their lives and wonder on a daily basis if the PFAS contaminated water they

cooked with, bathed in, cleaned their clothes with, and regularly drank is to blame for their rare and bizarre medical conditions.

Again, when we talk about PFAS we should be framing it in terms of the public health crisis it has become. Time and quality of life are luxuries many of us are running out of in my community. I pray you will have the courage to preserve our existing PFAS regulations and laws and partner with contaminated communities to make this a more just world free from PFAS pollution. The best time to solve our PFAS contamination crisis was 50 years ago. The second best time is right now. Each of you have the power to protect our most valuable economic resource--human life--from continued exposure to these dangerous forever chemicals.