RESPONSE TO CALL FOR INPUT – FOREVER CHEMICALS (PFAS) & HUMAN RIGHTS

Submitted By:

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Submitted to the Special Rapporteur on toxics and human rights to inform the Special Rapporteur's 2026 thematic report to the UN Human Rights Council

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The undersigned groups and individual urge the Special Rapporteur to discuss PFAS-related human rights violations in the United States (U.S.) in the forthcoming thematic report. The Request for Input recognizes many of the human rights implications presented by PFAS, and the Special Rapporteur documented concerns in his February 2024 finding that U.S. companies disregarded the rights of North Carolina residents by denying them clean and safe water—a finding that remains relevant and timely.[1] We do not repeat the concerns already recognized by the Special Rapporteur, and incorporate by reference the Communication from Clean Cape Fear that led to the 2024 finding.[2]

This is a critical moment to call attention to PFAS-related human rights violations in the U.S.: the Trump administration has already taken steps to rollback safeguards and is threatening more; use of PFAS is expanding; and new PFAS are being approved routinely. It is important to shine a light on what is happening in the U.S. since so much of the country is exposed to dangerous levels of PFAS and it is responsible for much of the global PFAS pollution. It is also important for the thematic report to call for international standards, bans, and regulatory structures that can be used in the U.S. to disprove scientific distortions and profit-motivated concerns about regulation, and to provide models for local governments.

A. PFAS Use and Exposure Proliferate in the U.S. While U.S. Regulators Fail to Protect Communities

1. The U.S. Government is responsible for an alarming amount of PFAS exposure and impact globally because of the actions of its own military, as well as: a) not regulating PFAS in a timely manner when it learned decades ago of their dangers;[3] b) ongoing derelictions in not regulating PFAS as a class; and c) failing to require development of safe alternatives for functionally useful PFAS.

2. Although the U.S. Department of Defense (DoD) was aware of serious harms associated with aqueous film-forming foam (AFFF) containing PFAS as early as the 1970s, it recklessly continued to use AFFF for decades, even after effective alternatives were available. Indeed,

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[1] Letter from Special Rapporteurs on Human Rights Violations Along Cape Fear River in North Carolina (Sept. 25, 2023), https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=28341.

[2] Letter from Clean Cape Fear & U.C. Berkeley Env't L. Clinic, to Marcos A. Orellana, Special Rapporteur, United Nations (Apr. 27, 2023), https://www.law.berkeley.edu/wp-content/uploads/2023/04/Final-Communication-to-U.N.-Special-Rapporteur-for-Press.pdf.

[3] Scott Faber, *For 20-Plus Years, EPA Has Failed to Regulate 'Forever Chemicals'*, Env't Working Grp. (Jan. 9, 2020), https://www.ewg.org/research/20-plus-years-epa-has-failed-regulate-forever-chemicals.

the U.S. Congress has just approved a two-year delay in full phaseout of PFAS-based AFFF.[4] Military use of AFFF has caused decades of PFAS exposure to service members, their families, and surrounding communities.[5] Such use continues to contaminate people via drinking water, livestock, fish, and other food sources, and ecosystems at 721 military installations in the U.S.[6] But the human rights toll of PFAS from the U.S. military is not limited solely to U.S. residents. The U.S. has approximately 750 U.S. military bases outside of the U.S,[7] and PFAS contamination is also occurring at those bases and affecting surrounding communities.[8] DOD's failure to either warn affected populations or clean up the contamination has compounded the harm.[9]

3. Despite PFAS product bans adopted in about 1/3 of U.S. states (of varying breadth) and PFAS substances bans adopted through the Stockholm Convention, the volume of PFAS

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[4] Rachel Frazin, *Defense Bill Delays Phaseout of 'Forever Chemicals' in Firefighting Foam* (Dec. 8, 2025), https://thehill.com/policy/energy-environment/5639257-defense-bill-ndaa-pfas-forever-chemicals/.

[5] Mark Rabago, *Guam EPA Raises Alarm on PFAS Contamination*, Mariana Business J. (June 12. 2025), https://www.mbjguam.com/guam-epa-raises-alarm-pfas-contamination.

[6] Tom Dart, *In Colorado Springs, Businesses Are Suing the Military for Perfluorinated Compounds, Which Some Are Calling 'Agent Orange 2.0'*, Guardian (May 23, 2019), https://www.theguardian.com/us-news/2019/may/23/chemical-colorado-springs-military-communities-pfcs; Taylor Leach, *Air Force Pollution Forces New Mexico Dairy to Euthanize 3,665 Cows*, Dairy Herd Mgmt. (Jan. 6, 2026), https://www.dairyherd.com/news/dairy-production/air-force-pollution-forces-new-mexico-dairy-euthanize-3-665-cows; *Wurtsmith Air Force Base*, Mich. Health & Hum. Servs., https://www.michigan.gov/mdhhs/safety-injury-prev/environmental-health/topics/health-assessments/wurtsmith (last accessed Jan. 7, 2026); Shantal Riley, *Toxic Synthetic 'Forever Chemicals' Are in Our Water and on Our Plates*, PBS (Nov. 2, 2020), https://www.pbs.org/wgbh/nova/article/pfas-synthetic-chemicals-water-toxic/; *721 Miliary Sites with Known or Suspected Discharges of PFAS*, Env't Working Grp., https://www.ewg.org/interactive-maps/2020-military-pfas-sites/map/ (last accessed Jan. 7, 2026).

[7] Mohammed Hussein & Mohammed Haddad, Infographic: US Military Presence Around the World, Al Jazeera (Sept. 10, 2021), https://www.aljazeera.com/news/2021/9/10/infographic-us-military-presence-around-the-world-interactive.

[8] *UN Expert Warns PFAS Contamination Poses Health Threat in Okinawa, Elsewhere*, NHK World Japan (Oct. 23, 2025), https://www3.nhk.or.jp/nhkworld/en/news/20251024_05/; *'The Harm Caused by US Military Base Contaminants Is Terrible'*, Global Times (Dec. 10, 2024), https://www.globaltimes.cn/page/202412/1324741.shtml.

[9] Hiroko Tabuchi, *Congress Members Question Pentagon's Delay in 'Forever Chemical' Cleanup*, N.Y. Times (Oct. 22, 2025), https://www.nytimes.com/2025/10/22/climate/pfas-forever-chemical-pentagon-cleanup-delay.html.

manufactured in the U.S. is increasing, largely due to use of PFAS in semiconductor manufacturing and data centers.[10] U.S. policies promote and fund this expansion.[11] Major PFAS manufacturers are expanding their facilities to capitalize on the growth industries, and the U.S. Environmental Protection Agency (EPA) is fast-tracking approval of many new PFAS for these industries.[12] PFAS manufacturers are lobbying Congress to make it even easier for new PFAS to be approved.[13]

4. PFAS are used extensively in the U.S. agriculture sector, contaminating livestock and food crops.[14] EPA has approved dozens of pesticides containing PFAS for use on a wide variety of foods;[15] more than 2.5 million pounds of PFAS-pesticides are used annually in California

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[10] Molly Taft, *The Trump Administration's Data Center Push Could Open the Door for New Forever Chemicals*, Grist (Dec. 7, 2025), https://grist.org/accountability/the-trump-administrations-data-center-push-could-open-the-door-for-new-forever-chemicals/; Tom Perkins, *Advocates Raise Alarm over PFAS Pollution from Datacenters Amid AI Boom*, Guardian (Oct. 4, 2025), https://www.theguardian.com/environment/2025/oct/04/pfas-pollution-data-centers-ai

[11] Exec. Order No. 14318, 90 Fed. Reg. 35385 (July 23, 2025), https://www.whitehouse.gov/presidential-actions/2025/07/accelerating-federal-permitting-of-data-center-infrastructure/; *CHIPS and Science Act*, Wikipedia, https://en.wikipedia.org/wiki/CHIPS_and_Science_Act (last accessed Jan. 7, 2026).

[12] Miranda Willson, *'Forever Chemicals' Industry Aims to Capitalize on AI Boom*, E&E News (June 11, 2025), https://www.eenews.net/articles/forever-chemicals-industry-aims-to-capitalize-on-ai-boom/; Tom Perkins, *US Environmental Agency Fast-Tracking New PFAS Approvals for Semiconductors*, Guardian (Dec. 19, 2024), https://www.theguardian.com/us-news/2024/dec/19/epa-pfas-approvals-semiconductors.

[13] *More Than 100 Organizations Urge Congress to Strengthen TSCA Implementation, Support U.S. Innovation & Manufacturing*, Am. Chem. Council (Sept. 8, 2025), https://www.americanchemistry.com/chemistry-in-america/news-trends/press-release/2025/more-than-100-organizations-urge-congress-to-strengthen-tsca-implementation-support-u.s.-innovation-manufacturing.

[14] *PFAS in Food, Fish, Livestock, and Gardens*, Wash. State Dep't of Health, https://doh.wa.gov/community-and-environment/contaminants/pfas/food-fish-livestock-and-gardens (last accessed Jan. 8, 2026).

[15] Jared Hayes & Al Rabine, *EWG: 2.5 Million Pounds of PFAS Pesticides Spread on California Farmland Annually* (Nov. 18, 2025), https://www.ewg.org/research/ewg-25-million-pounds-toxic-pfas-pesticides-spread-california-farmland-annually; Jeffrey Kluger, *The EPA Is Embracing PFAS Pesticides. These Are the Health Risks.*, Time (Nov. 26, 2025), https://time.com/7336883/epa-pfas-pesticides-health-risks/.

alone.[16] It is well-known that the EPA pesticides office is captured by the pesticide industry and cannot be relied on to ensure the safety of registered pesticides.[17]

5. The U.S. allows—and many states encourage—spreading of sewage sludge from wastewater treatment plants as fertilizer on land, despite EPA knowing for decades that wastewater treatment processes cannot remove many PFAS.[18] The U.S. does not require the testing of or remediation of sludge for PFAS before it can be spread on land where crops are grown and livestock feed.

6. Safe disposal of waste containing PFAS remains relatively unregulated, as well as presenting a difficult technological challenge.[19] Leachate and gases from landfills are a major source of exposure in the U.S.[20] And there is no evidence that any existing U.S. incinerator can safely destroy PFAS-contaminated waste without creating harmful byproducts of incomplete combustion,[21] which can result in dangerous levels of air and soil pollution in surrounding communities. No federal safeguards related to PFAS disposal are now in place. In addition, because the U.S. is the second largest exporter in the world,[22] PFAS-contaminated U.S.

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[16] Jared Hayes & Al Rabine, *EWG: 2.5 Million Pounds of PFAS Pesticides Spread on California Farmland Annually* (Nov. 18, 2025), https://www.ewg.org/research/ewg-25-million-pounds-toxic-pfas-pesticides-spread-california-farmland-annually.

[17] Sharon Lerner, *The Department of Yes: How Pesticide Companies Corrupted the EPA and Poisoned America*, Intercept (June 30, 2021), https://theintercept.com/2021/06/30/epa-pesticides-exposure-opp/.

[18] Hiroko Tabuchi, *The E.P.A. Promotes Toxic Fertilizer. 3M Told It of Risks Years Ago.*, N.Y. Times (Jan. 2, 2025), https://www.nytimes.com/2024/12/27/climate/epa-pfas-fertilizer-3m-forever-chemicals.html; *PFAS in Wastewater*, Wash. State Dep't of Ecology, https://ecology.wa.gov/waste-toxics/reducing-toxic-chemicals/addressing-priority-toxic-chemicals/pfas/wastewater (last accessed Jan. 8. 2026) ("Nearly all municipal wastewater treatment plants have measurable levels of PFAS in their discharge.").

[19] Tasha Stoiber et al., *Disposal of Products and Materials Containing Per- and Polyfluoroalkyl Substances (PFAS): A Cyclical Problem*, 260 Chemosphere Art. No. 127659, at 7 (2020), https://doi.org/10.1016/j.chemosphere.2020.127659.

[20] Tanvir Hasnine et al., *Forever Chemicals (PFAS) in Landfill Leachate: Insights into Fate, Transport, and Treatment Strategies*, 324 Desalination * Water Treatment Art. No. 101565 (2025), https://www.sciencedirect.com/science/article/pii/S1944398625005818; Xiaozhi Lim, *US Landfills Emit Nearly a Ton of Airborne PFAS a Year, Study Finds*, New Lede (Nov. 25, 2025), https://www.thenewlede.org/2025/11/landfill-pfas-air-emissions/.

[21] Tasha Stoiber et al., *Disposal of Products and Materials Containing Per- and Polyfluoroalkyl Substances (PFAS): A Cyclical Problem*, 260 Chemosphere Art. No. 127659, at 7 (2020), https://doi.org/10.1016/j.chemosphere.2020.127659.

[22] *United States*, OECD, https://oec.world/en/profile/country/usa (last accessed Jan. 7, 2026).

products and corresponding waste inflict PFAS exposure upon not only U.S. residents, but also upon the global population.

7. The U.S. government does not regulate PFAS in food or consumer products—which is a major source of PFAS in municipal waste. For example, the U.S. Food & Drug Administration (FDA): a) asserts that PFAS in cosmetics cannot be regulated due to data gaps; b) claims there is no "conclusive evidence" that PFAS in medical devices pose health concerns;[23] and, c) while banning long-chain PFAS in food packaging,[24] has failed to act on petitions seeking regulation of PFAS in food and a ban on PFAS as a class in food packaging.[25]

8. It is unethical, and a breach of our duty to future generations, to allow the manufacture and use of highly persistent, mobile, and toxic substances like PFAS without a practicable long-term disposal plan in place.[26]

9. Unscientific definitions of PFAS used by U.S. regulators are contributing to greater harm. One example is that atmospheric decomposition of hydrofluoroolefins (HFO) refrigerants is a major environmental source of trifluoroacetic acid (TFA). TFA is a ubiquitous PFAS that has mostly evaded regulation and scrutiny in the U.S., largely because EPA's definition of PFAS excludes TFA and other ultrashort-chain PFAS even though scientifically based definitions

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[23] *Per and Polyfluoroalkyl Substances (PFAS) in Cosmetics*, FDA, https://www.fda.gov/cosmetics/cosmetic-ingredients/and-polyfluoroalkyl-substances-pfas-cosmetics (last accessed Jan. 7, 2026); *PFAS in Medical Devices*, FDA, https://www.fda.gov/medical-devices/products-and-medical-procedures/pfas-medical-devices (last accessed Jan. 7, 2026).

[24] *FDA Removes Approval for the Use of PFCs in Food Packaging Based on the Abandonment*, FDA, https://www.fda.gov/food/hfp-constituent-updates/fda-removes-approval-use-pfcs-food-packaging-based-abandonment (last accessed Jan. 8, 2026).

[25] Shannon Kelleher, *FDA Must Set Limits on PFAS in Food, Lawsuit Says*, New Lede (Jan. 31, 2025), https://www.thenewlede.org/2025/01/fda-must-set-limits-on-pfas-in-food-lawsuit-says/; Lindsey Parkinson, *NGOs Petition* US FDA *to Ban PFAS in Food Packaging*, Food Packaging Forum (June 3, 2021), https://foodpackagingforum.org/news/ngos-petition-us-fda-to-ban-pfas-in-food-packaging.

[26] *See* Martin Tondel & Lena Lindahl, *Intergenerational Ethical Issues and Communication Related to High-Level Nuclear Waste Repositories* 6 Current Env't Health Reps. 338 (2019), https://pmc.ncbi.nlm.nih.gov/articles/PMC6920231/.

encompass them.[27] A recent study of North Carolina residents identified ultrashort-chain PFAS as the most prevalent in blood serum samples.[28]

10. The manufacture, use, and disposal of PFAS summarized above contaminates drinking water across the U.S.[29] Up to 45% of U.S. tap water is contaminated.[30] EPA estimates that water systems serving as many as 105 million people provide drinking water contaminated with PFAS at levels it determined presents risk or harm to human health.[31] EPA issued drinking water regulations for six PFAS in 2024, but then announced in 2025 that it would retract regulation of four of those six, and delay required compliance for the regulation of the other two. EPA requires testing for only 29 PFAS in drinking water.[32] A peer-reviewed tap water study showed that unmonitored and unregulated PFAS remain a significant exposure risk.[33]

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[27] Gabriel Sigmund et al., Scientists' Statement on the Chemical Definition of PFASs, 12 Env't Sci. & Tech. Letters 1104 (2025), https://pubs.acs.org/doi/10.1021/acs.estlett.5c00478; Maria de los Angeles Garavagno et al., *Trifluoroacetic Acid: Toxicity, Sources, Sinks and Future Prospects*, 16 Sustainability Art. No. 2382 (2024), https://www.mdpi.com/2071-1050/16/6/2382; *New Study Reveals Alarming Levels of 'Forever Chemical' TFA in Bread, Pasta, and Breakfast Cereals*, Pesticide Action Network Eur. (June 3, 2025), https://www.pan-europe.info/press-releases/2025/06/new-study-reveals-alarming-levels-%E2%80%98forever-chemical%E2%80%99-tfa-bread-pasta-and; Tom Perkins, *EPA's New Definition of PFAS Could Omit Thousands of 'Forever Chemicals'*, Guardian (Aug. 18, 2023), https://www.theguardian.com/environment/2023/aug/18/epa-new-definition-pfas-forever-chemicals.

[28] Lan Cheng et al., *Historical Blood Serum Samples from Wilmington, North Carolina: The Importance of Ultrashort-Chain Per- and Polyfluoroalkyl Substances*, 59 Env't Sci. & Tech. 23125 (2025), https://pubs.acs.org/doi/10.1021/acs.est.5c08146.

[29] Julianne Cook Botelho et al., *Per- and Polyfluoroalkyl Substances (PFAS) Exposure in the U.S. Population: NHANES 1999-March 2020*, 270 Env't Rsch. Art. No. 120916 (2025), https://www.sciencedirect.com/science/article/abs/pii/S0013935125001677?via%3Dihub.

[30] *Tap Water Study Detects PFAS 'Forever Chemicals' Across the US*, USGS (July 5, 2023), https://www.usgs.gov/news/national-news-release/tap-water-study-detects-pfas-forever-chemicals-across-us.

[31] Margie Kelly, *EPA Restricts Toxic PFAS "Forever Chemicals" Found in Drinking Water*, Nat. Res. Def. Council (Apr. 10, 2024), https://www.nrdc.org/press-releases/epa-restricts-toxic-pfas-forever-chemicals-found-drinking-water-0.

[32] *EPA Announces It Will Keep Maximum Contaminant Levels for PFOA, PFOS*, EPA (May 14, 2025), https://www.epa.gov/newsreleases/epa-announces-it-will-keep-maximum-contaminant-levels-pfoa-pfos.

[33] Katherine E. Pelch et al., *70 Analyte PFAS Test Method Highlights Need for Expanded Testing of PFAS in Drinking Wate*r, 876 Sci. Total Env't Art. No. 162978, https://www.sciencedirect.com/science/article/pii/S0048969723015966.

11. Moreover, approximately 43 million U.S. residents, 15 % of the population, drink well water, which is not covered by any U.S. safety standards.[34]

12. U.S. regulators have not upheld the public's human right to information about PFAS; indeed, U.S. law does not even ensure communities have comprehensive health information about PFAS to which they are exposed. Federal law does not require disclosure of the presence of PFAS in products, and EPA's Toxic Release Inventory database requires disclosure of releases for only about 200 PFAS.[35] And EPA has recently proposed to relieve regulated entities of reporting 97% of the information related to manufacture, import, and production of PFAS that is required by an existing rule.[36]

13. Due to the foregoing, PFAS exposure in the U.S. continues to compromise human rights to life, health, family life, physical and mental integrity; to clean, healthy water; and to a clean, healthy, and sustainable environment. Under human rights law, the U.S. (like other states) is individually responsible for, and should be held accountable for, its sovereign actions and inactions that cause and contribute to violations of fundamental human rights.

B. Scientific Evidence of Human Rights Violations

1. The request for input identifies a wide range of chronic illnesses linked to PFAS. The listed medical conditions cannot capture the emotional and social devastation that serious illness and death inflict. This is especially true when a large proportion of the population in a community suffers illness that was preventable had human rights been respected, as is often the case in the U.S for communities near or downstream of military bases and industrial sites.

2. We will not repeat the well-documented dangers of PFAS, but we highlight recent studies showing impacts of PFAS on pregnancy outcomes, as well as bodily organs and systems linked to healthy childbearing—underscoring that PFAS use and exposure results in violation of the rights to sexual and reproductive health and autonomy, and is a threat to human

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[34] EPA, *Drinking Water from Household Wells* 1 (Jan. 2002), https://nepis.epa.gov/Exe/ZyPDF.cgi/200024OD.PDF?Dockey=200024OD.PDF.

[35] *TRI PFAS Update: This Year's Enhanced Requirements*, Trinity Consultants (Feb. 17, 2025), https://trinityconsultants.com/resources/tri-pfas-update-this-years-enhanced-requirements/.

[36] Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) Data Reporting and Recordkeeping Under the Toxic Substances Control Act (TSCA); Revision to Regulation, 90 Fed. Reg. 50923 (proposed Nov. 13, 2025), https://www.federalregister.gov/documents/2025/11/13/2025-19882/perfluoroalkyl-and-polyfluoroalkyl-substances-pfas-data-reporting-and-recordkeeping-under-the-toxic; Jasmine Laws, *EPA Seeks Comment in Effort to Loosen Decade of Forever-Chemical Reporting*, Newsweek (Nov. 13, 2025), https://www.newsweek.com/epa-seeks-comment-loosen-decade-forever-chemical-reporting-11038546.

survival.[37] A recent study found that mothers whose drinking water had higher levels of PFAS had higher rates of pre-term and low-weight births, and their children had higher first-year mortality.[38] In addition, studies show that: a) gestational PFAS exposure alters mammary gland development in mice and their offspring and this change persists through three generations;[39] b) there are links between blood PFAS levels and increased risk of polycystic ovary syndrome- and endometriosis-related infertility, early menopause, primary ovarian insufficiency, and impairment of sperm motility and DNA health;[40] and c) exposure to the newer compound hexafluoropropylene oxide dimer acid (HFPO-DA or "GenX") may have reproductive and developmental effects including increased risk of newborn mortality.[41]

3. We note the critical need for more data on the health impacts of short-chain and ultrashort-chain PFAS.[42] *See* Point A.9, above.

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[37] United Nations Econ. & Social Council, *General Comment No. 22 (2016) on the Right to Sexual and Reproductive Health (Article 12 of the International Covenant on Economic, Social and Cultural Rights)* (May 2, 2016), https://digitallibrary.un.org/record/832961?ln=en&v=pdf.

[38] Robert Baluja et al., *PFAS-Contaminated Drinking Water Harms Infants*, 122 PNAS Art. No. e2509801122 (2025), https://www.pnas.org/doi/10.1073/pnas.2509801122; Tom Perkins, *Drinking Water Contaminated with PFAS Probably Increases Risk of Infant Mortality, Study Finds* (Dec. 8, 2025), https://www.theguardian.com/us-news/2025/dec/08/drinking-water-pfas-infant-mortality-study.

[39] Sally S. White et al., *Gestational PFOA Exposure of Mice Is Associated with Altered Mammary Gland Development in Dams and Female Offspring*, 96 Toxicological Scis. 133 (2007), https://doi.org/10.1093/toxsci/kfl177.

[40] Alex Haimbaugh et al., *Environmental Exposure to Per- and Polyfluorylalkyl Substances (PFASs) and Reproductive Outcomes in the General Population: A Systematic Review of Epidemiological Studies*, 21 Int'l J. Env't Rsch. & Pub. Health Art. No. 1615 (2024), https://pmc.ncbi.nlm.nih.gov/articles/PMC11675763/.

[41] Justin M. Conley et al., *Hexafluoropropylene Oxide-Dimer Acid (HFPO-DA or GenX) Alters Maternal and Fetal Glucose and Lipid Metabolism and Produces Neonatal Mortality, Low Birthweight, and Hepatomegaly in the Sprague-Dawley Rat*, 146 Env't Int'l Art. No. 106204 (2021), https://pubmed.ncbi.nlm.nih.gov/33126064/; Bevin E. Blake et al., *Evaluation of Maternal, Embryo, and Placental Effects in CD-1 Mice Following Gestational Exposure to Perfluorooctanoic Acid (PFOA) or Hexafluoropropylene Oxide Dimer Acid (HFPO-DA or GenX)*, 128 Env't Health Persps. Art. No. 027006 (2020), https://pmc.ncbi.nlm.nih.gov/articles/PMC7064328/.

[42] Hans Peter H Arp et al., *The Global Threat from the Irreversible Accumulation of Trifluoroacetic Acid (TFA)*, 58 Env't Sci. & Tech. 19925 (2024), https://pmc.ncbi.nlm.nih.gov/articles/PMC11562725/.

C. PFAS Exposure Presents Environmental Justice Concerns

1. PFAS exposure infringes on the human rights of people everywhere, but some communities are disproportionately burdened with and uniquely vulnerable to health harms associated with exposure. Moreover, some communities burdened by high levels of PFAS contamination are also disproportionately exposed to other toxic substances, compounding the harm, and making it even less likely that their rights violations will be redressed.

2. For example, PFAS contamination particularly threatens food security, sovereignty, health, and survival of Arctic Indigenous Peoples. They face higher levels of exposure because the Arctic is a hemispheric sink for persistent organic pollutants;[43] including PFAS that are present in high concentrations in fish and wildlife critical to the traditional diets of Arctic Indigenous peoples.[44] Consequently, PFAS-exposure among these peoples is among the highest globally.[45] This disproportionate impact is growing, as PFAS levels increase in Arctic animals and climate warming in the Arctic exacerbates the mobilization and transport of PFAS.[46] U.S. regulators have failed to adopt federal fish or wildlife consumption advisory levels for PFAS or standards for testing, which disproportionately affects Indigenous and other communities who have higher consumption levels due to their reliance on traditional foods.

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[43] Pamela Miller, *Protecting the Health of Future Generations in the Arctic Through Community-Based Participatory Research and Action*, 19 EXPLORE 271 (2023), https://doi.org/10.1016/j.explore.2022.12.008.

[44] Derek Muir et al., *Levels and Trends of Poly- and Perfluoroalkyl Substances in the Arctic Environment – An Update,* 5 Emerging Contaminants 240 (2019), https://doi.org/10.1016/j.emcon.2019.06.002; Anna Maria Roos et al., *Perfluoroalkyl Substances in Circum-Arctic*Rangifer: *Caribou and Reindeer*, 29 Env't Sci. & Pollution Rsch. 23721 (2002), https://doi.org/10.1007/s11356-021-16729-7; Rainer Lohmann et al., *Cross-Cutting Studies of Per- and Polyfluorinated Alkyl Substances (PFAS) in Arctic Wildlife and Humans*, 954 Sci. Total Env't Art. No. 176274 (2024), https://doi.org/10.1016/j.scitotenv.2024.176274.

[45] Christian Sonne et al., *Ubiquitous Global Use of Persistent PFAS Threatens Arctic Indigenous Peoples for Decades to Come*, Cell Reps. Sustainability (2025), https://www.cell.com/cell-reports-sustainability/pdfExtended/S2949-7906(25)00037-0.

[46] Ashani Arulananthan et al., *Per- and Polyfluoroalkyl Substances (PFAS) in the Cryosphere – Occurrence, Orgasmic Accumulation, Ecotoxicological Impacts, Transformation, and Management Strategies*, 13 Frontiers Env't Sci. (2025), https://doi.org/10.3389/fenvs.2025.1559941.

3. Across the U.S., drinking water in predominantly Latino and Black communities is more likely to be contaminated with PFAS—likely a reflection of racial disparities in siting facilities responsible for PFAS releases.[47]

4. Many communities lack access to municipal water and sanitation systems and rely on PFAS-contaminated well water. For example, Black communities in unincorporated sections of Brunswick County, North Carolina are being exposed to PFAS released by Chemours.[48] These communities rely on well water to a far greater extent than wealthier, white neighborhoods, because local government refuses to extend water lines to their homes.[49] This means that they cannot benefit from any filtration systems. In addition, despite the state requiring Chemours to provide bottled water or filtration for homes with contaminated wells,[50] EarthRights International is aware of accounts of Chemours providing less to Black residents than white residents.

D. The U.S. Is a Major Exporter and Importer of PFAS with Significant Transboundary Impacts

1. In part due to unregulated environmental releases in the U.S., PFAS are transported globally via atmospheric transport and ocean currents. A new study of PFAS in seafoam along North Carolina beaches near the mouth of the severely polluted Cape Fear River reported some of the highest levels of PFAS in seafoam ever recorded in literature to date.[51] PFAS are now widespread throughout the global environment in all environmental media and biota,

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[47] Jahred M. Liddie, *Sociodemographic Factors Are Associated with the Abundance of PFAS Sources and Detection in U.S. Community Water Systems*, 57 Env't Sci. & Tech. 7902 (2023), https://pmc.ncbi.nlm.nih.gov/articles/PMC10233791/.

[48] *Chemours Consent Order*, N.C. Dep't of Env't Qual., https://www.deq.nc.gov/news/key-issues/genx-investigation/chemours-consent-order (last accessed Jan. 7, 2026).

[49] Petition on Water and Sewer Infrastructure Funding. to Brunswick County Commissioners, from Carl L. Parker, Pres., Brunswick County Chapter of Nat'l Ass'n for the Advancement of Colored People, and Maryum Jordan, Att'y, EarthRights Int'l (May 1, 2023), https://earthrights.org/wp-content/uploads/2023/05/FINAL-Petition-to-Brunswick-County-05.01.23.pdf; Peter Castagno, *Human Rights Organization Urges Brunswick County to Prioritize Residents' Clean Water Access*, PortCityDaily (Mar. 22, 2025), https://portcitydaily.com/latest-news/2025/03/22/human-rights-organization-urges-brunswick-county-to-prioritize-residents-clean-water-access/.

[50] *Chemours Consent Order*, N.C. Dep't of Env't Qual., https://www.deq.nc.gov/news/key-issues/genx-investigation/chemours-consent-order (last accessed Jan. 7, 2026).

[51] Jeffrey R. Enders et al., Detection and Quantitation of Per- and Polyfluoroalkyl Substances in North Carolina Sea Foam and the Corresponding Sea Water, 59 Env't Sci. & Tech. 18831 (2025), https://pubs.acs.org/doi/full/10.1021/acs.est.5c03600.

including remote regions such as the Arctic and Antarctic. They are also found in blood serum, cord blood, placental tissue, and breast milk in virtually all people globally.

2. Inadequate U.S. regulation and U.S. non-ratification of the Basel and Rotterdam treaties subject U.S. communities to additional PFAS exposure in the form of imported products and waste. As UN Special Rapporteurs determined, there is real concern Chemours violated, and continues to violate, international laws regarding transboundary movement of PFAS waste into the U.S., aided by regulatory capture.[52] This includes its EPA-approved imports of GenX waste from the Netherlands to North Carolina in 2019 and 2023, with some then sent to a disposal facility in Texas with a history of violations.[53] Lack of transparency and access to information left communities blindsided and in jeopardy. Given the legal gaps, future importation of PFAS waste into the U.S. remains possible.

3. Attempts to gather necessary information on the movement of PFAS-contaminated products into the U.S. have been stymied, degrading already weak opportunities to vindicate the right to information. Indeed, EPA is trying to eliminate a requirement that U.S. importers report on the import of PFAS-contaminated products.[54]

E. Access to Justice & Accountability

1. Secrecy and manipulation of corporate structures, much of which has been permitted by U.S. regulators, have shielded PFAS polluters from public scrutiny and accountability, and the U.S. court system has failed to provide justice for the resulting human rights violations. Variation among the laws of state and local governments has aided polluters in circumventing regulation and accountability.

2. The absence of protective U.S. regulations has allowed PFAS polluters to site operations in less regulated jurisdictions. For example, major PFAS polluter Saint Gobain closed its Vermont facility, after Vermont issued stronger regulations, and moved that operation to

[52] *US Companies DuPont and Chemours Generated Extensive Contamination with Toxic "Forever Chemicals" in North Carolina: UN Experts*, United Nations (Feb. 21, 2024), https://www.ohchr.org/en/press-releases/2024/02/us-companies-dupont-and-chemours-generated-extensive-contamination-toxic.

[53] Lisa Sorg, *EPA Explains Why It Authorized Imports of GenX from Netherlands to NC*, NC Newsline (Oct. 27, 2023), https://ncnewsline.com/2023/10/27/epa-explains-why-it-authorized-imports-of-genx-from-netherlands-to-nc/.

[54] 90 Fed. Reg. 50923.

comparatively underregulated New Hampshire.[55] After severe PFAS contamination of the New Hampshire area, Saint Gobain closed and departed, leaving the community with limited options to secure further accountability.[56]

3. PFAS manufacturers and industrial PFAS users remain significant sources of exposure due to environmental releases. Nonetheless, EPA has not used its extensive authority under the Clean Water Act or Clean Air Act to establish binding limits on PFAS releases from industrial sites into water or air. If EPA were to use these authorities, it could significantly limit PFAS pollution and/or provide tools to hold the polluters accountable for violations of those limits.

4. EPA has adopted validated methods for detecting PFAS in water for only 40 PFAS, and it has adopted no validated method for detecting PFAS in air. In addition, when EPA approves new PFAS, it does not require development of analytical standards, making it difficult to identify the new PFAS in the environment.[57] These lapses hinder the ability to test for PFAS in air and water, which would provide significantly more information that could be used to hold polluters accountable in court.

5. In addition, U.S. regulators routinely allow PFAS manufacturers to withhold health and exposure data as "confidential business information," often illegally.[58] U.S. regulators have also declined to use their authority to require health and safety testing of newer PFAS, further shielding PFAS manufacturers and their products from public scrutiny, at the expense of PFAS-exposed communities.[59]

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[55] *Untangling Why Saint-Gobain Chose New Hampshire*, N.H. Pub. Radio (Apr. 22, 2016), https://www.nhpr.org/nh-news/2016-04-22/untangling-why-saint-gobain-chose-new-hampshire; Ani Freedman, *Saint-Gobain's Controversial Air Permit Approved by NHDES*, InDepthNH (Aug. 27, 2023), https://indepthnh.org/2023/08/17/saint-gobains-controversial-air-permit-approved-by-nhdes/.

[56] Mara Hoplamazian & Adriana Martinez-Smiley, *Saint-Gobain Annoucnes Closure of Merrimack Facility at the Center of PFAS Controversy*, N.H. Pub. Radio (Aug. 23, 2023), https://www.nhpr.org/nh-news/2023-08-23/saint-gobain-announces-closure-of-merrimack-facility-at-the-center-of-pfas-controversy.

[57] *National Pesticide Standard Repository*, EPA, https://www.epa.gov/pesticide-analytical-methods/national-pesticide-standard-repository (last accessed Jan. 7, 2026).

[58] *EPA Sued over PFAS "Secrecy" Reporting Loopholes*, Earthjustice (Jan. 20, 2022), https://earthjustice.org/press/2022/epa-sued-over-pfas-secrecy-reporting-loopholes.

[59] *Federal Appeals Court Rejects Lawsuit Against EPA over PFAS Testing*, Carolina J. (June 10, 2024), https://www.carolinajournal.com/federal-appeals-court-rejects-lawsuit-against-epa-over-pfas-testing/.

6. While many court cases have proceeded against PFAS polluters, the court system has not provided the accountability and justice warranted given the serious human rights violations caused by PFAS. Litigation can go on for years, draining time and energy from families suffering from serious illnesses. This can effectively coerce litigants into settling lawsuits for far less compensation than justice calls for.

7. Even when settlements against PFAS polluters are secured, they typically fail to cover the full extent of clean up and victim compensation. The public may be deceived by the large dollar amounts into believing justice has been achieved even as the polluters are paying a mere fraction of the real harm, and are often immunized against future lawsuits. Opposition to a recent settlement highlights this concern.[60]

8. Courts often demand proof of manifested disease, which in some jurisdictions has precluded awarding litigants medical monitoring that would help to diagnose diseases early when more treatable. The burden on families grappling with PFAS-linked disease, and the acute need for medical monitoring programs, is greater in the U.S. due to lack of universal access to affordable healthcare.

9. When PFAS polluters are sued for torts, documents produced in discovery—which may contain information about corporate obfuscation or malfeasance—are typically sealed, preventing public access. This secrecy, combined with the practice of sealing settlement agreements, allows corporate actors to escape judgment in the court of public opinion, and deprives other injured parties of the benefit of being able to rely on relevant information obtained in litigation.

10. Further limitations in U.S. corporate law allow polluting parties to manipulate corporate structures to minimize liability by creating subsidiaries for all PFAS-related operations that are not well-resourced so that litigants are unable to collect the full amount of court awards.[61] For example, DuPont spun off its subsidiary "Chemours"—a company with only a small fraction of the assets of DuPont—and transferred to Chemours all facets of its PFAS production to limit financial accountability for human rights abuses. Despite this corporate

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[60] *NACWA Urges Court to Reject Proposed PFAS Settlements in Federal Filing*, NACWA (Dec. 18, 2025), https://www.nacwa.org/news-publications/news-detail/2025/12/18/nacwa-urges-court-to-reject-proposed-pfas-settlement-in-federal-filing.

[61] Dietrich Knauth, State AGs Object to Legal Shield for Carrier Global in PFAS Bankruptcy, Reuters (May 19, 2025), https://www.reuters.com/legal/government/state-ags-object-legal-shield-carrier-global-pfas-bankruptcy-2025-05-19/.

game, litigants secured liability against DuPont for its actions in North Carolina.[62] However, DuPont's legal shenanigans are representative of the U.S. legal loopholes manipulated by polluting parties to seek to avoid liability, or to limit payouts, and these efforts may be successful in other U.S. states.[63]

CONCLUSION

Violations of human rights perpetrated by U.S.-based PFAS polluters, and tolerated by captured U.S. regulatory agencies—including the right to free, prior and informed consent; the right to cultural integrity, land and natural resources; the right to life, health, and personal integrity; the right to a clean, healthy, and sustainable environment; the right of access to information and science; and the right to an effective remedy and access to justice—are rampant, and stand to increase during the course of the Trump Administration. Calling out this situation in the forthcoming thematic report would aid U.S. civil society in opposing governmental actions that promote the interests of PFAS polluters at the expense of health and the environment. Adoption of international standards and class-based regulatory measures would also assist in developing stronger PFAS-related human rights protections in the U.S.

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[62] *Court Grants Significant Win in Attorney General Stein's PFAS Case Against Chemours and DuPont*, N.C. Dep't of Just. (Feb. 8, 2024), https://ncdoj.gov/court-grants-significant-win-in-attorney-general-steins-pfas-case-against-chemours-and-dupont/.

[63] Alex Scott, Solvay Names Its Specialties Carve Out Syensqo, Chem. & Eng'g News (June 21, 2023), https://cen.acs.org/business/Solvay-names-specialties-carve-Syensqo/101/i20.