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For Years, Solvay Kept Tests Secret Showing Health Hazards of 'Forever Chemical'

EWG Petitions EPA To Fine Chemical Maker More Than $400M for Failure To Report Tests

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WASHINGTON – Solvay Specialty Chemicals failed for up to eight years to report animal and human tests showing the health hazards of one or more of the fluorinated **"forever chemicals"** (https://www.ewg.org/pfaschemicals/) known as PFAS, the Environmental Working Group charged today in a **petition** (https://cdn3.ewg.org/sites/default/files/u352/EPA_Enforcement_request_1-26-2021.pdf) to the Environmental Protection Agency. For multiple violations of the Toxic Substances Control Act, EWG

EWG's petition alleges that in 2005, Solvay obtained test results showing that its new PFAS chemical was just as toxic as a fluorinated compound it was meant to replace – DuPont's PFOA, used to make Teflon. That year, **acting on a petition from EWG,** (https://www.ewg.org/news/testimony-official-correspondence/ewg-tsca-8e-petition-us-epa) DuPont was fined a then-record **$10.25 million** (https://static.ewg.org/reports/2020/pfas-epa-timeline/2005_EPA_Fines_DuPont_Over_PFOA.pdf) for failing to disclose PFOA toxicity studies. DuPont and other companies, including Solvay, subsequently agreed to phase it and similar compounds out by 2015 through the PFOA Stewardship Program.

Yet EPA documents show that Solvay failed until 2011 to report results of tests on two variants of the replacement chemical, chloroperfluoropolyether carboxylate. Solvay's tests, which found no level of the compound that did not harm rats, were made public only two months ago, when Solvay said it was phasing out the chemical and therefore the toxicity information was **no longer proprietary** (https://www.consumerreports.org/toxic-chemicals-substances/solvay-workers-found-to-have-unregulated-pfas-in-their-blood-documents-show/).

In 2019, Solvay submitted a document to the EPA that showed it had been testing its workers' blood since at least 2011, and knew that the chloroperfluoropolyether carboxylate compounds were building up in their bodies. The lengthy gaps between when the two rounds of tests were conducted and when they were reported – more than five years for the rat study and eight years for the worker study – violate the TSCA rule that requires immediate filing when a company becomes aware of a substantial risk.

"Solvay may have hindered the EPA's ongoing PFAS assessments and put public health at great risk," said EWG President Ken Cook. "We suspect that

report any evidence they uncover that a chemical may pose a substantial health hazard."

The gaps between the tests and Solvay's reporting of them was first noticed by EWG Senior Scientist David Andrews, Ph.D., in his examination of EPA documents obtained through the Freedom of Information Act.

"We're asking the EPA to investigate Solvay for apparently hiding test results that show their replacement PFAS chemical is as toxic and bioaccumulative as PFOA or PFNA," Andrews said, referring to a similar compound included in the 2005 phaseout agreement. "Solvay kept its lab reports secret while at the same time publicly participating in the EPA's PFOA Stewardship Program, which was intended to end the use of toxic and bioaccumulative PFAS. Hiding this data likely enabled and prolonged the use of PFAS, significantly endangering human health and the environment."

PFOA, PFNA and other "long chain" PFAS are called **"forever chemicals"** (https://www.washingtonpost.com/opinions/these-toxic-chemicals-are-everywhere-and-they-wont-ever-go-away/2018/01/02/82e7e48a-e4ee-11e7-a65d-1ac0fd7f097e_story.html) because they do not break down in the environment. Some have been linked to cancer, **reproductive and developmental harms** (https://www.ewg.org/news-and-analysis/2019/09/pfas-and-developmental-and-reproductive-toxicity-ewg-fact-sheet), and **reduced effectiveness of vaccines** (https://www.ewg.org/news-and-analysis/2020/11/pfas-chemicals-harm-immune-system-decrease-response-vaccines-new-ewg). Solvay's chloroperfluoropolyether carboxylate compounds are among the "short chain" chemicals the chemical industry claims are less harmful, although some studies show they may be just as bad.

"Although the severity of the hazards caused by newer PFAS replacements, such as the chloroperfluoropolyether carboxylates, is unknown, the EPA must have all the relevant toxicity data in order to accurately assess the health risks posed by these chemicals," said Olga Naidenko, Ph.D., vice

PFAS compound should be made public. Confidentiality claims that hide a chemical's identity are a public health threat. Each time we look for these forever chemicals, we find them."

A **peer-reviewed study** (https://pubs.acs.org/doi/10.1021/acs.estlett.0c00713) by EWG researchers estimates that more than 200 million Americans could have the toxic PFAS in their drinking water at a concentration of 1 part per trillion, or ppt, or higher. Independent scientific studies have recommended a safe level for PFAS in drinking water of 1 ppt, a standard **endorsed by EWG** (https://www.ewg.org/research/ewg-proposes-pfas-standards-fully-protect-children-s-health).

There is no national requirement for ongoing testing and no national drinking water standard for any PFAS in drinking water. The EPA has issued an inadequate **lifetime health advisory level** (https://www.epa.gov/ground-water-and-drinking-water/drinking-water-health-advisories-pfoa-and-pfos) of 70 ppt for the two most notorious fluorinated chemicals, PFOA and PFOS, and although the EPA has made a **final determination** (https://www.ewg.org/release/pfas-drinking-water-announcements-are-important-first-step-epa-must-do-more) to set drinking water standards, that effort will take many years.

EWG's petition asks the EPA to enforce the provisions in TSCA that call for mandatory and timely reporting of health studies. Reflecting the severity of Solvay's failure for more than five years to submit the results from the 2005 rat study showing that its replacement is more toxic than PFOA and PFNA, EWG recommends that the manufacturer pay the maximum penalties called for under TSCA – a criminal fine of $102.5 million and a civil fine of $76.875 million. For Solvay's eight-year delay in reporting the worker studies, EWG also recommends the maximum penalties of a $146 million criminal fine and a $109.5 million civil fine.

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The Environmental Working Group is a nonprofit, non-partisan organization that empowers people to live healthier lives in a healthier environment. Through research, advocacy and unique education tools, EWG drives consumer choice and civic action.

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