



TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy

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Surfin' P.F.As

If your Thanksgiving was like ours, [PFAS](#) were the main topic during dinner. Considering how important it is to maintain healthy and reliable system drinking water, the anxious feelings towards these, "[forever chemicals](#)" are completely understandable. PFAS don't break down in the environment or our body, and they exist in various consumer products, from cleaning products to food to shampoos... so actually, pretty much everywhere. The contamination by these chemicals has been so overwhelming that citizens and government officials have been taking action against their use. Last week, the city of [Wausau, Wisconsin, filed a lawsuit](#) against 15 PFAS manufacturers and various other defendants over contamination of their groundwater and their water system. The [city alleges](#) these manufacturers knew the risks for decades, failed to inform residents, and instead put money towards purchasing commercial liability and excess umbrella policies to protect defendants from liability for injuries to residents. Plaintiffs feel betrayed, having trusted those companies to not put the community's health and resources at risk.

In recent times, lawsuits against PFAS manufacturers are nothing new. Skipping to another state, the Cape Fear River in North Carolina has been struggling with the contamination of PFAS for years. In 2018, the Cape Fear River Watch, an environmental advocacy group, [sued Chemorous, a chemical company](#), resulting in consent order of \$12 million in fines, and an order to accelerate the company's actions to remove PFAS from the air, groundwater, and river. Progress clearly isn't coming fast enough, as rising concerns from landowners have caught the attention of the United Nations, who have declared that the [PFAS pollution in the Cape Fear River is a human rights violation](#).

To put it into perspective, how much does PFAS contamination affect the United States? A study done in July of this year shows that [at least 45% of tap water has one or more types of these chemicals](#). In consequence, last Friday EPA issued orders to a manufacturer to not produce PFAS in plastic containers and, a few weeks before, to require enhanced PFAS reporting to the Toxics Release Inventory, among other rules; all this which is quite underwhelming compared to the persistent effect these chemicals are leaving behind.

Who can think of alternative ways to use water? Well, New MexiCAN

It's true, New Mexico has announced a revolutionary method of thinking outside the box. Officials from [the Land of the Enchantment](#) have announced their [new investment](#) to improve clean energy production: water. But in a way we've never seen before. This water will come from two different sources: the first one will be brackish ground water, or water that is naturally saltier than freshwater and therefore unpotable, and the second source is "produced waters," which is the watery side-products for certain activities like fracking. It may not seem like a traditional solution, but desperate times call for innovative measures. This assessment will not only help reduce freshwater stress, but it will also guarantee private contractors that their used water will be bought. Talk about a win-win scenario.

Of course, the water would not be suitable for human consumption nor agricultural use, but the resource will be used for green hydrogen, the storage of energy produced by wind and solar. This will do just fine until a new pioneering idea comes along, like... oh, I don't know... maybe [harvesting water from air with solar power](#).

Come On People, isn't 28 enough to know better?

As the first week of the [COP28](#) comes to an end, with one more to go, more nations have updated their pledges to meet the UN's 2030 Agenda. While it is great to see more countries conforming with the Paris Agreement 2015, the most recent [Emissions Gap Report](#) shows that even if we meet the commitments by the assigned deadline, [temperatures will continue to climb](#), which, in consequence, will require a major cut back on fossil fuels to meet any global objectives.

Or, maybe not, as some major players in the fossil fuel industry are pushing back by stating that there is "[no science](#)" behind phasing out the use of oil and gas, and they have continuously tried to prevent the elimination (or even diminution) of these industries. Simultaneously some of the [CEOs of leading shipping companies](#) called for an end date for fossil-fuel powered newbuilds, and are asking for more green fuels regulation. For now, there is no real appetite for revisiting the science behind the link between climate change and fossil fuels, the COP28 does make clear that there are two distinct camps when it comes to what should be done and those camps are defined by two specific words "[out](#)" or "[down](#)." For years the call for fossil fuels has been to "phase out" this energy source, yet during the summit we have seen some organizations and nations refer to it as "phase down" fossil fuels, the small difference changes the outcome significantly.

In absolutely related news, the World Meteorological Organization has confirmed what most of us feared: [2023 has been the hottest year in human history on Earth](#); the title was formerly held by 2016, but this year put those numbers to shame. And yes, part of this can be attributed to El Niño, but some of the regions largely unaffected by this phenomenon also showed higher temperatures, all making 2023 a year filled with climate catastrophes. It's impacting economies, too. In the US, [2023 has been the year with the highest dollar costing weather and climate disasters](#) since NOAA has started keeping records. In global terms, this year we have seen weather events like never before: Tropical Cyclone Freddy becoming one of the longest-lived cyclones, lingering heat with extremely high heat waves, record-breaking wildfires, and more. For now, let's just keep our hopes high for progress in Dubai. No matter what, we'll always have Paris (the agreement).

For maximum enjoyment, [click here before you read this piece](#)

Countless songs, hundreds of participants, one winner! This winter, you have the chance to participate in the most competitive contest of the year: Top Water Songs of 2023! Join us for the opportunity of a lifetime, getting your nominations in our exclusive playlist, and maybe, just maybe, get a [certificate](#). The competition is open until the last week of December, but don't wait too long, as you may get one of [these](#)! You can submit your songs [here](#), we'll be waiting.

Coming Up:

Tulane Environmental Law Summit; New Orleans,
LA; February 23 & 24, 2024

Tulane Offshore Wind Conference; New Orleans,
LA; January 19th, 2024

Water jobs:

[Associate, Programs](#); Restore America's Estuaries; Remote (US)

[Law Fellow \(2024 – 2026\)](#); Environmental Law Institute; Washington, DC

[Research Fellow and Policy Engagement Leader](#); Resources for the
Future; Washington, DC

[Water Policy and Science Communications Graduate Student Research
Fellowship](#); University of Wisconsin-Milwaukee; Milwaukee, WI



The [Tulane Institute on Water Resources Law and Policy](#) is a program of the Tulane University Law School. The Institute is dedicated to fostering a greater appreciation and understanding of the vital role that water plays in our society and of the importance of the legal and policy framework that shapes the uses and legal stewardship of water.

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