

TUWaterWays

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

[June 18, 2021](#)

Redefining WOTUS and Figuring Out What to Do About PFAS. **Forever. Always. For Eternity.**

Congratulations to Radhika Fox on being [confirmed](#) to lead the EPA's Office of Water. She's got her work cut out for her with the two acronyms you're tired of reading about and we're tired of writing about: WOTUS and PFAS.

Principal Deputy Assistant Administrator Fox has been on the job for months already, but her Senate confirmation is just in time for the EPA's official [announcement](#) that they and the Army (Corps of Engineers) will be revising the definition of WOTUS. In addition to the announcement that highlighted four concerns (protecting communities and resources, science and climate change, implementation for states and tribes, and stakeholder experience), the Department of Justice [filed a motion](#) in one of the many cases against the Trump rule to have the rule remanded to the agencies. Once it's remanded, then the agencies can go back and repeal it, bringing the extent of the Clean Water Act back to [the halcyon days of 2015](#) before the Obama WOTUS rule was put in place and all anyone had to go on was the [Rapanos](#) mess and non-binding guidelines. If and when that motion is granted and the rule is sent back to the agencies, expect them to vacate it so we can [party like it's 2015](#) again. Of course, then they have to go to the work of creating the new rule because they're not just going back to the old Obama rule, dammit! They [won't do it!](#) Which is probably a good thing. This shop had concerns about the Obama rule when it came out, though they somehow didn't overlap at all with any of the concerns the Trump administration voiced.

As for PFAS, [like Middle Aged Man and his gut](#), the EPA's working on it. Back in April, Administrator Regan [created](#) a Council on PFAS to follow up on [actions promised](#) earlier in the spring. Local officials, meanwhile, are pushing Congress to mandate a national drinking water standard, and it's important for it to [be for the entire group of chemicals, not just one or two individual chemicals](#). They can't get on it soon enough, either, because that stuff is turning up everywhere that researchers look: [rain](#), [pet products](#), [cosmetics](#), [breast milk](#), and [1/3 of the drinking water in Pennsylvania](#).

This is why states like Michigan have set standards for PFAS in drinking water, but it's also why PFAS producers like 3M are [suing](#) states like Michigan over those standards. Doesn't seem like the wisest move from a PR standpoint, but what do some simple [cave man lawyers](#) know?

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.

Coming up:

[Basics of the Clean Water Act](#); June 22

[Wetland Education Teacher Workshop](#); LDWF Grand Isle Research Lab; July 11-16

[National Marine Educators Conference](#); July 13-17

Water jobs:

[Senior Attorney, Fossil Fuels Program](#); Earthjustice; New Orleans or Texas

[Staff or Associate Attorney \(2 positions\)](#); Sierra Club; Oakland, Denver, or Washington DC

[Environmental Policy Specialist or Environmental Attorney](#); Miami Waterkeeper; Miami, FL

[Water Policy Manager](#); Conservancy of Southwest Florida; Naples, FL

[Law Clerk](#); San Francisco Baykeeper; San Francisco, CA

[Guidance and Regulation Program Coordinator – Water](#); Virginia DEQ; Richmond, VA

[Senior Policy Advisor, Natural Climate Solutions](#); The Nature Conservancy; Arlington, VA

[Blue Bonds Strategy Advisor](#); The Nature Conservancy; location flexible

[Water Policy Advisor](#); Tuvli; Washington, DC

[Senior Manager, Environmental Policy \(EMEA\)](#); Amazon; Brussels, Belgium

[Program Officer – Plastics Initiative](#); The Ocean Foundation; Washington, DC

[Strategic Program Director – Water, Climate Change, and Resilience](#); International Water Management Institute; Colombo, Sri Lanka or other regional office

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Of Emboldened Crawfish and Plastic Vanilla

The Emboldened Crawfish! What a great name for a softball team. Plastic Vanilla, on the other hand, is a name for a dance pop album. What is this even all about? Well, PFAS aren't alone in polluting waters. Drugs and plastics get in there way more than they should, too. It leads to bizarre consequences and solutions.

For drugs, one class that ends up in waters frequently are antidepressants. They pass through people's systems, aren't always properly handled by the water treatment plant, and end up in the ecosystem where they seem to continue to do their job, whether they're wanted or not. One research group in Florida [found](#) that the presence of antidepressants in the water made "[crayfish](#)" not less depressed, but less timid. Further research will be needed to tell if these emboldened crawfish are more successful in their foraging or are just easier pickings for predators.

For plastics, it seems the latest solutions are to [use bacteria](#) to [turn bottles into imitation vanilla flavoring](#). Or to use bacteria-sized microbots (not the ones from [Big Hero 6](#), but also [like the ones from Big Hero 6?](#)) to [swim around collecting and breaking down microplastics](#). All this news leads to some strange combination of [excitement](#) and [wariness](#). Now you can share in that, too.