

# TUWaterWays

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

[July 16, 2021](#)

## **Wobble, Baby, Wobble**

As if flooding caused by climate change wasn't enough to worry about, scientists are now finding out that the moon may soon be adding salt to our wounds. It's no secret that the [position of the moon in relation to Earth affects the tide heights](#). Many coastal communities have learned to live with the changing tides; actually, higher tides are often referred to as "nuisance floods." But they may soon become more than just a nuisance. Scientists [predict](#) that high tides will increase in height and will last longer in the 2030s, and coastal cities are the communities expected to be the most impacted by these changes. It isn't all caused by human action, though. The moon has an 18.6-year cycle, during half of which the difference in high tide and low tide are smaller. However, during the other half of the cycle, the effects are more emphasized, with higher tides being higher and lower tides being lower. This "[wobble](#)" is what's causing the change in tides. Last week, we talked about the Great Lakes experiencing extremes in water levels. Well, it's kind of the same thing. [We're about to enter the tide-amplifying half of the lunar cycle](#) again. That being said, it's not completely *not* our fault. Human actions such as greenhouse gas emissions resulting in global warming and sea level rise is adding to this phenomenon, too. These heightened tides will no doubt cause more flooding, though it is predicted that they will occur mostly over the span of a few months. The good news is that communities have some time to prepare, as the peak of the cycle won't happen until a few years from now. But at least Britney Spears won't have to wait a few years to [dump her previous conservatorship lawyer](#).

## **Oops!... More PFAS**

We're hitting you [one more time](#) with some PFAS news! Any diligent TUWW reader knows that we're obsessed with PFAS and that there are currently no limits on the presence of them in drinking water—that is, for now. The [EPA has announced](#) that it's considering establishing PFAS limits for drinking waters; it's about time. It's been widely acknowledged that these "forever chemicals" are [toxic](#) to humans and animals. Then again, they've been talking about this move for a *while*. So, call us a little wary if we're not super excited about a "consideration"—especially since [EPA may have been aware of the potentially harmful effects of these chemicals for about a decade now](#). PFAS chemicals are ubiquitous in everyday life, which makes it hard to prevent them from getting everywhere, including our drinking water. For example, firefighters are exposed to them every single day. Not only are these chemicals [present in firefighting foam](#), they're also crucial to [firefighting equipment](#) (it's the thing that

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:**

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

[NALMS Harmful Algal Blooms Drinking Water Webinar Series](#); July 14

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

[AWWA: Digital Transformation in the Water Sector](#); July 20

[Opportunities for Women Environmental Leaders in the New Green Economy](#); July 21

[Green Amendments: Vehicles for Environmental Justice?](#); July 22

[EPA Small Drinking Water Systems: Drinking Water Microbes 201](#); July 27

[LEAN Save Our Water Solutions Summit](#); July 29

### **Water jobs:**

[Associate Attorney](#); The Wilderness Society; Denver, CO and Washington, D.C, and other locations

[Economic Development Manager](#) or [Program Director](#); Louisiana Bucket Brigade; River Parishes, LA and New Orleans, LA

[Assistant or Associate Scientist in Hydrogeology](#); The Jones Center at Ichauway; Newton, GA

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

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

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

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

[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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makes the fabric resistant to UV light). Not to mention, the regulation of PFAS seems to be [transforming into a political issue](#)—[unlike Britney’s conservatorship](#). Regardless of whether the federal government takes any action, states and private companies seem to be taking upon themselves to [do somethin’](#) about the PFAS issue. Delaware just reached a [multi-million dollar settlement](#) with DuPont and two other chemical companies, Chemours and Corteva, related to the companies’ environmental liabilities for pollution and damages caused by PFAS. The settlement is the largest environmental settlement in Delaware history. On the nongovernment side of things, Polartec has [announced](#) that it plans to eliminate PFAS from its durable water repellent treatments in its performance fabrics, though it looks like you might have to reach out to them to make a purchase—can’t just hop into the store and pick one up. Is this greenwashing or “clean”-washing? You decide!

And if all else fails, looks like we yet again have to turn to mother nature to fix our problems. New research suggests that [hemp might be able to remove PFAS from the soil](#). Scientists planted hemp in contaminated soil and measured the concentration of PFAS after the plants were planted. They found that concentrations in the soil decreased. Don’t count yer chickens before they hatch, though. The study is not yet peer-reviewed and it’s a long road before this becomes a plausible option.

## The Flood Goes On

The FEMA Community Rating System was created as a voluntary program that incentivizes communities to develop floodplain management practices that exceed National Flood Insurance Program (NFIP) requirements. In return for doing so, CRS communities receive discounted flood insurance premium rates, between 5-45%. Sounds great, but easier said than done. While about 3.5 million property owners are part of the CRS program, [there’s a possibility that the program doesn’t actually do much to encourage action](#) in communities that otherwise wouldn’t have taken them. Establishing management practices that exceed NFIP requires resources, particularly personnel capacity and money. Many poorer communities, which are actually the target of the CRS program, lack the ability and resources to undertake these tasks to qualify them for it. Those that do participate are the ones that can afford local planners, supply personnel to complete the required documentation, and have capacity to implement the practices. Indeed, 70% of CRS discounts are given to residents of major metro areas, such as Los Angeles, Miami, Houston, and New Orleans. [But even New Orleans is only one of the 25 municipalities \(out of 303\) in Louisiana that participate in CRS, and there are only 16 out of 64 parishes that participate](#). And for those of you wondering, Kentwood, Britney Spears’ hometown, is not one of them. Furthermore, the program itself does little to incentivize a consistent effort to maintain adequate floodplain management practices. Unless the NFIP is periodically updated to address changing and increased flood risks over time ([which it has, by the way](#)), it may be an inadequate standard of protection. Some communities have opted not to join because of the perception a lower flood premium gives off as to the flood risk. As with any policy, flaws are often discovered after implementation, and adjustments must be made to better refine the system and prevent it from turning into a [circus](#).