

## NGOs Call on EPA to Remove PFAS from Plastic Containers

Article By:

Lynn L. Bergeson

Carla N. Hutton

---

On May 22, 2023, Public Employees for Environmental Responsibility (PEER) and Center for Environmental Health (CEH) submitted “[extensive comments](#)” to the U.S. Environmental Protection Agency (EPA) demonstrating serious health risks from Inhance Technologies’ unlawful manufacture of per- and poly-fluoroalkyl substances (PFAS) during its fluorination of hundreds of millions of plastic containers.” According to PEER’s [press release](#), the comments call on the EPA “to deny the company’s request for approval to continue this dangerous practice and use its authority under the Toxic Substances Control Act (TSCA) to eliminate this unacceptable risk to human health and the environment.” PEER and CEH submitted the comments in response to 18 significant new use notifications (SNUN) submitted by Inhance pursuant to the 2020 [significant new use rule](#) (SNUR) for long-chain perfluoroalkyl carboxylate and perfluoroalkyl sulfonate chemical substances.

As reported in our April 11, 2023, [blog item](#), PEER and CEH filed suit in the U.S. District Court for the District of Columbia to prevent Inhance from generating PFAS when fluorinating plastic containers. PEER and CEH sought a court order restraining Inhance from continued manufacture of PFAS in violation of the 2020 SNUR. While PEER and CEH filed suit on December 27, 2022, EPA filed suit on December 19, 2022, in the U.S. District Court for the Eastern District of Pennsylvania. Inhance filed a motion to dismiss the case brought by PEER and CEH, “arguing that the TSCA’s diligent-prosecution bar requires dismissal of this separate action.” The U.S. District Court for the District of Columbia found that PEER and CEH failed to prove that the U.S. Department of Justice (DOJ) is not “diligently prosecuting” the action and granted Inhance’s motion on April 6, 2023, dismissing the case without prejudice.

According to PEER and CEH, recent legal filings by the government in the U.S. District Court for the Eastern District of Pennsylvania indicate that the government does not plan to stop unlawful PFAS production by Inhance while EPA considers its requests for approval. PEER and CEH contend that the EPA “has a legal obligation to halt these practices.”

©2025 Bergeson & Campbell, P.C.

---

Source URL: <https://natlawreview.com/article/ngos-call-epa-to-remove-pfas-plastic-containers>