



MEMORANDUM FOR THE ENVIRONMENTAL PROTECTION AGENCY OFFICE OF WATER

RE: Proposed Regulations for Mitigating the Effects of Chemical Abortion In Our Water

Date: Fall 2025

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## I. Introduction

Among other vital responsibilities, we understand that the Office of Water is “responsible for implementing the Clean Water Act and Safe Drinking Water Act.”<sup>1</sup> Within this office is housed the Office of Ground Water and Drinking Water (OGWDW), which both develops and assists in implementing “national drinking water standards;” and the Office of Wastewater Management, which promotes “effective and responsible . . . wastewater treatment;” among others.<sup>2</sup>

The below proposed recommendations were crafted for the Office of Water’s consideration, to assist in carrying out the above objectives. In short, Liberty Counsel Action recommends that the EPA (via the Office of Water and/or other responsible offices):

- Perform further research on the chemical abortion pill protocol and its possible adverse environmental effects.
- Place mifepristone and its metabolites on the Contaminant Candidate List (CCL) 6 and include them in the Unregulated Contaminant Monitoring Rule (UCMR) 6.
- Inform relevant state agencies that medical waste regulations should apply to fetal remains resulting from chemical abortions – including those that occur outside of a clinical setting (to ensure they are disposed of properly, not disposed of down toilets, which could contribute to sewer overflows).
- Encourage and work with the FDA to perform a new, legally compliant environmental assessment on the abortion pill protocol.

## II. Factual Background

During the original approval process for the abortion pill regimen mifepristone and misoprostol, the FDA failed to consider how fetal remains would be disposed of, a violation of both the Clean Water Act and the National Environmental Policy Act.<sup>3</sup> It likewise failed to study the possible adverse effects that exposure to active abortion pill (mifepristone) metabolites may have on animal and human health over time, even if in trace amounts. Initially, the amount of fetal remains and active metabolites entering our waterways was minimal; however, it has increased dramatically over time: A conservative estimate suggests 700,000 babies were flushed into our collective wastewater systems in 2024—this is only likely to increase.

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<sup>1</sup> United States Environmental Protection Agency, “About the Office of Water,” June 11, 2025, <https://www.epa.gov/aboutepa/about-office-water>.

<sup>2</sup> Ibid.

<sup>3</sup> For more on this, see Liberty Counsel Action’s white paper, “Abortion in Our Water: A Special Report,” 2025, available at [https://lcaction.org/LCA-PDFs/AbortionInOurWater\\_Final01.pdf](https://lcaction.org/LCA-PDFs/AbortionInOurWater_Final01.pdf).

Related, in several major speeches and announcements, President Trump and his administrative teams have repeatedly stated that one of their top priorities is “crystal-clean drinking water.”<sup>4</sup> Unfortunately, daily contamination from the increasing use of the chemical abortion drug protocol (mifepristone and misoprostol) threatens this clean water priority in two ways:

1. Mifepristone acts as an endocrine disruptor by blocking the vital fertility hormone progesterone. This abortion drug and its active metabolites are excreted by women after use and may be present in our water supply and drinking water as most

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<sup>4</sup> See: “Remarks by President Trump on America’s Environmental Leadership,” The White House, July 8, 2019, <https://trumpwhitehouse.archives.gov/briefings-statements/remarks-president-trump-americas-environmental-leadership/>, which states: “We want crystal-clean water, and that’s what we’re doing and that’s what we’re working on so hard”; “On Earth Day, We Finally Have a President Who Follows Science,” The White House | Articles, April 22, 2025, <https://www.whitehouse.gov/articles/2025/04/on-earth-day-we-finally-have-a-president-who-follows-science/>, which states: “Under President Donald J. Trump, America is back — leveraging environmental policies rooted in reality to promote economic growth while maintaining the standards that have afforded Americans the cleanest air and water in the world for generations;” “President Trump Signs Executive Order on Modernizing America’s Water Resource Management and Water Infrastructure,” Executive Office of the President Council on Environmental Quality, October 13, 2020, <https://trumpwhitehouse.archives.gov/wp-content/uploads/2020/01/201013-FINAL-Press-Release-Water-EO-clean.pdf>, which states: “Under the Trump Administration, Federal agencies that have primary authority for water policy have coordinated like never before, to help ensure that all Americans have access to safe drinking water, reliable rural and farm water supplies, and clean water for recreation and enjoyment;” “President Donald J. Trump is Modernizing America’s Water Resource Management and Infrastructure,” White House Fact Sheets, October 14, 2020, <https://trumpwhitehouse.archives.gov/briefings-statements/president-donald-j-trump-modernizing-americas-water-resource-management-infrastructure/>, which states: “Modernizing management of our Nation’s water infrastructure to ensure access to safe, clean, and reliable water supplies will improve the quality of life for every American”; and “Statement by President-elect Donald J. Trump Announcing the Nomination of Lee Zeldin as Administrator of the Environmental Protection Agency (EPA),” The American Presidency Project, November 11, 2024, <https://www.presidency.ucsb.edu/documents/statement-president-elect-donald-j-trump-announcing-the-nomination-lee-zeldin> in which President Trump called Lee Zeldin (then-nominee for Administrator of the EPA) a “true fighter for America First policies” who “will ensure fair and swift deregulatory decisions that will be enacted in a way to unleash the power of American businesses, while at the same time maintaining the highest environmental standards, including the cleanest air and water on the planet.”

conventional wastewater<sup>5</sup> and conventional drinking water treatment plants are not designed to remove them.<sup>6</sup>

*Consider that certain other potential endocrine-disrupting chemicals in our water—perfluoroalkyl and polyfluoroalkyl substances (PFAS)—“can cause cancer and other illnesses” after long-term exposure.<sup>7</sup> As mifepristone’s potentially endocrine-disrupting active metabolites may enter the drinking water supply, similar harm may be occurring. At the very least, this drug poses environmental risks to human and animal health that deserve immediate attention, particularly in light of the nation’s infertility crisis.<sup>8</sup> Indeed, as clearly outlined in a recent Congressional letter to the EPA, “If residual amounts of the drug and its metabolites persist in wastewater,*

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<sup>5</sup> Water Science School, “Pharmaceuticals move throughout the aquatic environment,” U.S. Geological Survey, accessed October 24, 2025, <https://www.usgs.gov/media/images/pharmaceuticals-move-throughout-aquatic-environment>; see also “How Pharmaceuticals Enter the Environment,” United States Environmental Protection Agency, Last modified February 11, 2025, <https://www.epa.gov/household-medication-disposal/how-pharmaceuticals-enter-environment>. The EPA specifically states, “[W]hile POTWs may remove some pharmaceuticals incidentally, many pass through and enter the environment because POTWs are not designed to remove pharmaceuticals. While some POTWs [Publicly Owned Treatment Works] may have implemented advanced treatment technologies, even these technologies are not specifically designed to remove pharmaceuticals.” While referring to medications that are flushed and a couple other sources, the EPA also acknowledges that human excretion is a source of pharmaceuticals in the environment. See also the EPA’s 2019 rule on pharmaceuticals, which acknowledges that “pharmaceuticals are thought to be primarily entering the environment through excretion.” Environmental Protection Agency, “Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine | Final rule,” Federal Register, Vol. 84, No. 36, February 22, 2019, <https://www.govinfo.gov/content/pkg/FR-2019-02-22/pdf/2019-01298.pdf>.

<sup>6</sup> Saleh Taghvaeian, “Pharmaceuticals in Drinking Water,” OKState.edu, March 2017, <https://extension.okstate.edu/fact-sheets/pharmaceuticals-in-drinking-water.html>; Susan T. Glassmeyer et. al., “Nationwide reconnaissance of contaminants of emerging concern in source and treated drinking waters of the United States,” Science of the Total Environment, December 2016, [https://www.sciencedirect.com/science/article/pii/S0048969716326894?ref=pdf\\_download&fr=RR2&rr=946880df1e0ddd19](https://www.sciencedirect.com/science/article/pii/S0048969716326894?ref=pdf_download&fr=RR2&rr=946880df1e0ddd19). The latter article outlines that while the amount of pharmaceuticals present is typically reduced after treatment, some nevertheless remain present at low levels, including an antibiotic, hormone, and antidepressant. Also of note, per the EPA’s “Wastewater Dashboard,” of the 17,544 publicly owned treatment works (POTWs) operating in the U.S. in 2022, only 6,708 had advanced treatment processes (38 percent). See: United States Environmental Protection Agency, “2022 CWNS Data,” accessed October 22, 2025, [https://sdwis.epa.gov/ords/sfdw\\_pub/r/sfdw/cwns\\_pub/wastewater-dashboard?session=6802976525038](https://sdwis.epa.gov/ords/sfdw_pub/r/sfdw/cwns_pub/wastewater-dashboard?session=6802976525038).

<sup>7</sup> United States Environmental Protection Agency, “Biden-Harris Administration Finalizes First-Ever National Drinking Water Standard to Protect 100M People from PFAS Pollution,” April 10, 2024, <https://www.epa.gov/newsreleases/biden-harris-administration-finalizes-first-ever-national-drinking-water-standard>.

<sup>8</sup> The CDC reports that “1 in 5 (19%) of married women aged 15 to 49 with no prior births are unable to get pregnant after 1 year of trying,” see: “Infertility: Frequently Asked Questions,” U.S. Centers for Disease Control and Prevention, May 14, 2024, <https://www.cdc.gov/reproductive-health/infertility-faq/index.html>. See also: “RFK Jr Sounds Alarm on US Health Crisis ‘Our Children Are in Trouble,’” YouTube, April 8, 2025, [https://www.youtube.com/shorts/shX\\_OHfg1Wo](https://www.youtube.com/shorts/shX_OHfg1Wo).

***prolonged exposure could potentially interfere with a person's fertility, regardless of sex. We believe it is reckless to allow a known progesterone blocker to be flushed into America's drinking water without knowing definitively if it impacts fertility rates.***<sup>9</sup>

2. Aborted human fetal remains and related medical waste<sup>10</sup> (developing cranial structures, limbs, placenta, etc.) are daily entering our wastewater systems via toilets, in part due to the reality that women are often instructed by abortion providers to sit on the toilet during a chemical home abortion.<sup>11</sup> These aborted fetal remains, often 1 inch in size or larger,<sup>12</sup> may contribute to sewer clogs and lead to overflows as they are viscous and do not break down like human excrement and toilet paper. Such overflows can lead to “serious water quality problems, and back-up into homes, causing property damage and threatening

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<sup>9</sup> “Lankford Urges EPA to Investigate Environmental Risks of Abortion Drug Mifepristone,” U.S. Senator James Lankford | Press Releases, June 18, 2025, <https://www.lankford.senate.gov/news/press-releases/lankford-urges-epa-to-investigate-environmental-risks-of-abortion-drug-mifepristone/>.

<sup>10</sup> Note: The outcome of an abortion consists of what the EPA would define as medical waste, specifically, “healthcare waste that may be contaminated by blood, body fluids or other potentially infectious materials.” See: United States Environmental Protection Agency, “Medical Waste,” May 17, 2024, <https://www.epa.gov/rcra/medical-waste>. The WHO expands further, noting that health care waste includes “pathological waste,” which (among other things) consists of “human tissues, organs or fluids, body parts” and “foetuses.” “Health-care waste,” World Health Organization, October 24, 2024, <https://www.who.int/news-room/fact-sheets/detail/health-care-waste>.

<sup>11</sup> Kendall @ Planned Parenthood, “What do I need to do before I take abortion pills?” Planned Parenthood, October 4, 2022, <https://www.plannedparenthood.org/blog/what-do-i-need-to-do-before-i-take-abortion-pills>. See also: “Aftercare Instructions: Medication Abortion,” Comprehensive Women’s Health Center, accessed April 7, 2025, <https://cwhccolorado.com/services/medication-abortion/aftercaremedication-abortion/index.html>.

<sup>12</sup> While estimates vary, multiple sources suggest a 10-week fetus is at least one inch; see: Karen Miles, “How fast is your baby growing? See how fetal weight and height change by week during pregnancy,” Baby Center, May 30, 2025, [https://www.babycenter.com/pregnancy/your-body/growth-chart-fetallength-and-weight-week-by-week\\_1290794](https://www.babycenter.com/pregnancy/your-body/growth-chart-fetallength-and-weight-week-by-week_1290794); “Measurements of the fetus at 10 weeks of pregnancy,” Invitra, September 28, 2023, <https://www.invitra.com/en/10-weeks-pregnant/foetus-week-10-strawberry/>; “Better Health | Start For Life, Week 10,” National Health Service, accessed June 2, 2025, <https://www.nhs.uk/start-for-life/pregnancy/week-by-week-guide-to-pregnancy/1st-trimester/week-10/>. See also Liberty Counsel Action’s white paper, “Abortion in Our Water: A Special Report,” 2025, available at [https://lcaction.org/LCA-PDFs/AbortionInOurWater\\_Final01.pdf](https://lcaction.org/LCA-PDFs/AbortionInOurWater_Final01.pdf); section 3, “Wastewater Treatment and Water Filtration Processes Incapable of Removing All Contaminants,” which points out that for aborted human remains that do enter WWTPs, they are not entirely removed from the water. Approximately 10 percent of the organic matter in wastewater — which can include fetal biomass — is not removed nor required to be per the EPA’s standards (consider, for example, microscopic fragments of skin or other organic fetal remains).

public health.”<sup>13</sup> In 2025, the EPA estimated that between 23,000-75,000 sanitary system overflows occur annually, “not including sewage backups into buildings.”<sup>14</sup>

*Consider that if another industry were to daily discard rags down the sewer system as a standard practice, which would likewise contribute to sewer system overflows, there would like be a call for regulating that business to prohibit such a practice—just as there should be a call to prohibit the abortion industry’s standard practice that leads to the disposing of aborted human fetal remains into the sewer system. Furthermore, this “standard practice” completely disregards the EPA’s encouragement to only flush toilet paper, as flushing anything else (baby wipes, tampons, goldfish, etc.) “. . . can damage internal plumbing, local sewer systems and septic systems.”<sup>15</sup> It also violates various state medical waste regulations.<sup>16</sup>*

### III. Recommendations

While we understand the EPA is seeking to reduce and streamline current regulations,<sup>17</sup> we believe there is an urgent need for research and regulations that mitigate the potential harms caused by the increasing use of the chemical abortion pill protocol.

#### 1. Research: The Precursor to Regulation

According to the EPA’s primer on “The Basics of the Regulatory Process,” the first step in creating a regulation is that “the Agency researches the issues.”<sup>18</sup>

As a foundation for this research (*indeed, we would humbly propose the research already completed on this topic, including a recent 79-page special report on “Abortion In Our Water” produced by Liberty Counsel Action*<sup>19</sup> and various scientific

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<sup>13</sup> “Sanitary Sewer Overflows (SSOs),” U.S. Environmental Protection Agency, April 22, 2025, <https://www.epa.gov/npdes/sanitary-sewer-overflows-ssos>. For more information on this topic, please see “Stemming the Tide of Chemical Abortions Contaminating Our Water,” Liberty Counsel Action, 2025, <https://lcaction.org/LCA-PDFs/StemmingtheTideofChemicalAbortionsContaminatingOurWater.pdf>.

<sup>14</sup> Ibid.

<sup>15</sup> “EPA Encourages Americans to Only Flush Toilet Paper,” United States Environmental Protection Agency, March 30, 2020, <https://www.epa.gov/newsreleases/epa-encourages-americans-only-flush-toilet-paper>.

<sup>16</sup> Abigail Forman, John Stemberger, Jonathan Alexandre, and Alyssa Durst, “Abortion In Our Water: A Special Report,” Liberty Counsel Action, 2025, [https://lcaction.org/LCA-PDFs/AbortionInOurWater\\_Final01.pdf](https://lcaction.org/LCA-PDFs/AbortionInOurWater_Final01.pdf).

<sup>17</sup> United States Environmental Protection Agency Press Office, “EPA Launches Biggest Deregulatory Action in U.S. History,” March 12, 2025, <https://www.epa.gov/newsreleases/epa-launches-biggest-deregulatory-action-us-history>.

<sup>18</sup> United States Environmental Protection Agency, “The Basics of the Regulatory Process,” July 25, 2025, <https://www.epa.gov/laws-regulations/basics-regulatory-process>.

<sup>19</sup> Abigail Forman, John Stemberger, Jonathan Alexandre and Alyssa Durst, “Abortion In Our Water: A Special Report,” Liberty Counsel Action, 2025, [https://lcaction.org/LCA-PDFs/AbortionInOurWater\\_Final01.pdf](https://lcaction.org/LCA-PDFs/AbortionInOurWater_Final01.pdf).

articles,<sup>20</sup> suggests that it qualifies to be placed on the Contaminant Candidate List (CCL) and monitored per the Unregulated Contaminant Monitoring Rule (UCMR) (see recommendation 2 below)), consider the following facts:

- After being taken by women, mifepristone is metabolized in the body and forms active metabolites, which may retain the therapeutic effect of mifepristone.
- The therapeutic effect of mifepristone blocks the hormone progesterone, a vital fertility hormone for men, women, and wildlife.
- Mifepristone and its active metabolites are eliminated from the body mainly via excretion (urine and feces, which pass into the toilet), and thus enter our wastewater systems. Most conventional wastewater treatment plants are not designed to fully remove such active metabolites—meaning active abortion pill components are likely entering our nation’s drinking water sources.<sup>21</sup>
- Most drinking water treatment plants are not designed to fully remove these sorts of active contaminants.<sup>22</sup>

All the above further begs the question: **In the midst of what a leading government official has termed an “infertility crisis,”<sup>23</sup> are American men and women drinking trace amounts of a chemical substance that blocks a vital fertility hormone?**

To answer this, it is well within the authority and remit of the EPA to conduct its own, independent study on the matter. Accordingly, we echo the sentiment posed by

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<sup>20</sup> As LCA outlined in a document entitled “What We Know & What We Need to Know: ABORTION IN OUR WATER,” according to a 2019 study, mifepristone has been reported in fresh and saltwater, “representing a danger for aquatic species.” This same document goes on to list several studies demonstrate that exposure to mifepristone can be harmful to aquatic species:

- A 2019 study found mifepristone exposure “caused a decrease in fertility and embryo development” in female sea urchins, specifically reducing the percent of normally developed larvae.
- Another 2019 study on the effects of long-term exposure to mifepristone on Nile tilapia found strong indication that “long-term exposure of RU486 [mifepristone] resulted in sex reversal of XX female fish.” Note: While it is unclear if the exposure levels used in the study are similar to those (expected) in the environment, the study demonstrates mifepristone exposure may cause harm to wildlife over time, suggesting further research is warranted.
- A 2023 study on the African clawed frog found mifepristone-exposed frogs had an increased expression of progesterone receptors, which “could lead to unpredictable disruption of reproduction and reproductive behavior later in adulthood.” The study concluded that further research on frog reproduction was required.

For more, see: “What We Know & What We Need to Know: ABORTION IN OUR WATER,” Liberty Counsel Action, 2025, <https://lcaction.org/LCA-PDFs/WhatWeKnowUPDATEDSEPT.2025.pdf>.

<sup>21</sup> See footnote 5.

<sup>22</sup> See footnote 6.

<sup>23</sup> “RFK Jr Sounds Alarm on U S Health Crisis “Our Children Are in Trouble,” YouTube, April 8, 2025, [https://www.youtube.com/shorts/shX\\_OHfg1Wo](https://www.youtube.com/shorts/shX_OHfg1Wo).

several members of Congress in their recent questions to the EPA and suggest that the EPA Office of Research and Development (ORD)<sup>24</sup> direct those responsible for the Safe and Sustainable Water Resources (SSWR) Strategic Research Action Plan (StRAP)<sup>25</sup> and any related StRAPs<sup>26</sup> to prioritize the research on the following (which may require modification to said StRAPs):

- What is the prevalence of mifepristone and its metabolites in our nation's water bodies (particularly drinking water sources)?

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<sup>24</sup> United States Environmental Protection Agency, "About Our Research," May 1, 2025, <https://www.epa.gov/research/about-our-research>.

<sup>25</sup> United States Environmental Protection Agency, "Strategic Research Action Plans Fiscal Years 2023-2026," November 15, 2024, <https://www.epa.gov/research/strategic-research-action-plans-fiscal-years-2023-2026#SSWR>. See also United States Environmental Protection Agency Office of Research and Development, "Safe and Sustainable Water Resources Strategic Research Action Plan Fiscal Years 2023-2026," October 2022, [https://www.epa.gov/system/files/documents/2022-10/SSWR%20FY23-26%20StRAP\\_EPA-ORD\\_October%202022\\_508.pdf](https://www.epa.gov/system/files/documents/2022-10/SSWR%20FY23-26%20StRAP_EPA-ORD_October%202022_508.pdf)[https://www.epa.gov/system/files/documents/2022-10/HERA\\_FY23-26\\_StRAP\\_EPA-ORD\\_October\\_2022\\_508.pdf](https://www.epa.gov/system/files/documents/2022-10/HERA_FY23-26_StRAP_EPA-ORD_October_2022_508.pdf). As stated in the executive summary, "*The SSWR StRAP FY23-26 builds upon the previous StRAP FY19-22 by guiding innovative, cost-effective solutions to meet current, emerging, and long-term water resource challenges for complex chemical and biological contaminants ... Contaminant research will advance non-targeted analytical methods for assessing unknown per- and polyfluoroalkyl substances (PFAS) in the environment, quantifying 'total' PFAS in aqueous samples, and characterization, fate, transport, and treatment of PFAS in wastewater and biosolids. New research on disinfection byproducts (DBP) and opportunistic pathogens, and the interrelationships among them, will support the Agency's Six-Year Review of microbial and DBP regulations. Micro- and nanoplastic research will build on advances in previous methods development to begin evaluating the potential toxicity on human health and aquatic life. Innovative approaches to wastewater monitoring for SARS-CoV-2 will evaluate other pathogens and the prevalence of antibiotic resistant pathogens and genes.*" This could easily incorporate research on mifepristone and its metabolites.

<sup>26</sup> Arguably, research on chemical abortion contamination of our water spans at least three StRAPs: the SSWR StRAP (as noted), the Health and Environmental Risk Assessment (HERA) StRAP, and the Sustainable and Healthy Communities (SHC) StRAP. As the StRAPs note, "*Working together on Agency priorities that cut across the six National Research Programs (NRPs), ORD will integrate efforts, provide a research portfolio aligned around the Agency's goals, and assist all of EPA's program and regional offices as well as states and Tribes. Where appropriate, the NRPs will combine efforts on cross-cutting priorities to conduct research that advances the science and informs public and ecosystem health decisions and community efforts. Although research efforts have been highlighted for each of these cross-cutting priorities, this does not mean that the research efforts only support that priority; the efforts may cut across priorities.*" Also of note, per the executive summary of the HERA StRAP, "*HERA's strategic direction culminates in a program structured to facilitate efficient construction and production of high quality, transparent, state-of-the-science assessment research that maximizes resources to address priority statutory, regulatory, and programmatic needs.*" The SHC StRAP "*takes a systems approach to integrate the full range of available data from public health, physical, natural, and social sciences, toxicology, engineering, and ecosystems research to support Agency priorities and empower communities to make scientifically informed decision.*" See: United States Environmental Protection Agency Office of Research and Development, "Health and Environmental Risk Assessment Strategic Research Action Plan Fiscal Years 2023-2026," October 2022, [https://www.epa.gov/system/files/documents/2022-10/HERA%20FY23-26%20StRAP\\_EPA-ORD\\_October%202022\\_508.pdf](https://www.epa.gov/system/files/documents/2022-10/HERA%20FY23-26%20StRAP_EPA-ORD_October%202022_508.pdf) and *Ibid*.

- Are mifepristone and its active metabolites present in our drinking water, and if so, at what levels?
- Can (any or prolonged) exposure to mifepristone and its active metabolites at levels present in our water sources block progesterone or cause other adverse effects in wildlife?
- Can (any or prolonged) exposure to certain levels, even low or trace levels, of mifepristone and its active metabolites in drinking water effectively block progesterone (disrupt the endocrine system) in humans or otherwise adversely affect human health and fertility, and if so, what are those levels?
  - As asked by Members of Congress, could exposure to mifepristone and its active metabolites “contribute to hormonal imbalances or infertility in both men and women?”<sup>27</sup>
- If there are any gaps that might prevent research on the presence of mifepristone and its metabolites in our water, how can they be addressed?

To the last point, if needed, research involving the development of methods for sampling and analyzing mifepristone and its metabolites falls into the SSWR output category 7.2, “Data, Methods, Models and Tools to Inform Current and Future Health Based Drinking Water Decisions,” which references the need for “analytical method development for emerging biological and chemical contaminants” and “management and tools for potential revisions to microbial and DBP rules.”<sup>28</sup>

Related, such research is already underway for PFAS in our water. At a minimum, research on mifepristone and its active metabolites could mirror these PFAS research efforts, which include (similar to the above) “*developing validated analytical methods for drinking water; groundwater; surface water; wastewater*” (and other environmental media)<sup>29</sup> and “*conducting research to . . . characterize how PFAS moves through the environment, and identify the relative importance of ways we*

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<sup>27</sup> “Lankford Urges EPA to Investigate Environmental Risks of Abortion Drug Mifepristone,” U.S. Senator James Lankford | Press Releases, June 18, 2025, <https://www.lankford.senate.gov/news/press-releases/lankford-urges-epa-to-investigate-environmental-risks-of-abortion-drug-mifepristone/>.

<sup>28</sup> United States Environmental Protection Agency Office of Research and Development, “Safe and Sustainable Water Resources Strategic Research Action Plan Fiscal Years 2023-2026,” October 2022, [https://www.epa.gov/system/files/documents/2022-10/SSWR%20FY23-26%20StRAP\\_EPA-ORD\\_October%202022\\_508.pdf](https://www.epa.gov/system/files/documents/2022-10/SSWR%20FY23-26%20StRAP_EPA-ORD_October%202022_508.pdf)[https://www.epa.gov/system/files/documents/2022-10/HERA\\_FY23-26\\_StRAP\\_EPA-ORD\\_October\\_2022\\_508.pdf](https://www.epa.gov/system/files/documents/2022-10/HERA_FY23-26_StRAP_EPA-ORD_October_2022_508.pdf).

<sup>29</sup> United States Environmental Protection Agency | Water Research, “PFAS Analytical Methods Development and Sampling Research,” December 11, 2024, <https://www.epa.gov/water-research/pfas-analytical-methods-development-and-sampling-research>. See also, United States Environmental Protection Agency | Water Research, “Treatment and Control of Drinking Water Contaminants Research,” August 4, 2025, <https://www.epa.gov/water-research/treatment-and-control-drinking-water-contaminants-research#chemical>.

*might be exposed to PFAS.*<sup>30</sup> Indeed, understanding how humans and other life are exposed to and harmed by PFAS is vital to “assessing risks to human health [and] the environment.”<sup>31</sup> This standard likewise applies to mifepristone and its metabolites.

## 2. Monitor & Regulate Mifepristone Contamination Per the Safe Drinking Water Act (SDWA): Ensure Placement on Contaminant Candidate List (CCL) 6, Unregulated Contaminant Monitoring Rule (UCMR) 6, and National Primary Drinking Water Regulations (NPDWR)

### **The Contaminant Candidate List (CCL)**

Per the Safe Drinking Water Act (SDWA), “Every five years, EPA must publish a list of contaminants, known as the Contaminant Candidate List or CCL that are known or anticipated to occur in public water systems and are not currently subject to EPA drinking water regulations.”<sup>32</sup> The primary purpose of the list is to assist the EPA in determining which contaminants merit regulation.<sup>33</sup>

Mifepristone and its active metabolites (*the monodemethylated, didemethylated, and hydroxylated metabolites*) are a perfect candidate for the Contaminant Candidate List (CCL) given that, per the aforementioned requirements, they are not currently subject to EPA drinking water regulations, but are “anticipated to occur in

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<sup>30</sup> United States Environmental Protection Agency, “Research on Per- and Polyfluoroalkyl Substances (PFAS),” September 2, 2025, <https://www.epa.gov/chemical-research/research-and-polyfluoroalkyl-substances-pfas>.

<sup>31</sup> Ibid.

<sup>32</sup> United States Environmental Protection Agency, “SDWA Evaluation and Rulemaking Process,” June 17, 2025, <https://www.epa.gov/sdwa/sdwa-evaluation-and-rulemaking-process>.

<sup>33</sup> Ibid. Note: The SDWA itself specifically states that, “*Not later than 18 months after August 6, 1996, and every 5 years thereafter, the Administrator, after consultation with the scientific community, including the Science Advisory Board, after notice and opportunity for public comment, and after considering the occurrence data base established under section 300j-4(g) of this title, shall publish a list of contaminants which, at the time of publication, are not subject to any proposed or promulgated national primary drinking water regulation, which are known or anticipated to occur in public water systems, and which may require regulation under this subchapter ... (ii) Determination to regulate.—(I) Not later than 5 years after August 6, 1996, and every 5 years thereafter, the Administrator shall, after notice of the preliminary determination and opportunity for public comment, for not fewer than 5 contaminants included on the list published under clause (i), make determinations of whether or not to regulate such contaminants.*” See: Office of the Law Revision Counsel, 42 U.S.C. §300g, accessed October 21, 2025, <https://uscode.house.gov/view.xhtml?req=granuleid%3AUSC-prelim-title42-chapter6A-subchapter12&saved=%7CZ3JhbnVsZWlkOlVTQy1wcmVsaW0tdGl0bGU0Mi1zZWNOaW9uMzAwZg%3D%3D%7C%7C%7C0%7Cfalse%7Cprelim&edition=prelim>.

public water systems”<sup>34</sup> and may, given that mifepristone acts as a progesterone blocker, be harmful to wildlife and humans. Of note, this list of possible harmful water contaminants (CCL) has historically included certain pharmaceuticals.<sup>35</sup>

While the window for public nominations has closed for the current list (CCL 6) and it is unclear if mifepristone and its active metabolites will be on it, the EPA should ensure they are included in both the draft and final version of CCL 6, based on “other contaminant data and information,”<sup>36</sup> such as that outlined by Liberty Counsel Action in our recent white paper on this topic. Said paper specifically highlights (as stated elsewhere) that mifepristone acts as an endocrine disruptor—that is, it “disrupts” natural hormonal processes—and its metabolites remain active after excretion and entering our water supply. Indeed, given:

- Endocrine disruptors generally (which include various pharmaceuticals and other chemical compounds) are coming under extreme scrutiny from the environmental community<sup>37</sup> given their potential for harm—a reality demonstrated in several scientific research studies, one of which summarizes that exposure to endocrine disrupting chemicals (EDCs) “is

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<sup>34</sup> United States Environmental Protection Agency, “Basic Information on the CCL and Regulatory Determination,” January 30, 2025, <https://www.epa.gov/ccl/basic-information-ccl-and-regulatory-determination>.

<sup>35</sup> “Contaminant Candidate List 4—CCL 4,” United States Environmental Protection Agency, Last modified November 27, 2024, <https://www.epa.gov/ccl/contaminant-candidate-list-4-ccl-4-0>. Related, the following document produced by the EPA outlines that, “to help state, Tribal, and territorial fish and shellfish advisory programs, the EPA recommends a set of contaminants to monitor in its Guidance for Assessing Chemical Contaminant Data for Use in Fish Advisories;” this list has also historically included pharmaceuticals. See: “Contaminants to Monitor in Fish and Shellfish Advisory Programs: Compilation of Peer Review-Related Information,” United States Environmental Protection Agency | Office of Water, July 2024, <https://www.epa.gov/system/files/documents/2024-06/contaminants-monitor-fish-peer-review-package.pdf>.

<sup>36</sup> United States Environmental Protection Agency, “Draft Contaminant Candidate List 6 - CCL 6,” November 27, 2024, <https://www.epa.gov/ccl/draft-contaminant-candidate-list-6-ccl-6>. This page states, “The deadline for submitting nominations was April 18, 2023 and is now closed. EPA will be evaluating the nominations and other contaminant data and information to consider inclusion on the draft CCL 6 for public review and comment.”

<sup>37</sup> For example, see: “Wildlife and the environment | Endocrine disruptors,” *Chem Trust*, accessed October 22, 2025, <https://chemtrust.org/edcs-wildlife/>; Manoj Kumar et. al., “Environmental Endocrine-Disrupting Chemical Exposure: Role in Non-Communicable Diseases,” *Frontiers in Public Health*, Vol. 8, September 23, 2020, <https://www.frontiersin.org/journals/public-health/articles/10.3389/fpubh.2020.553850/full>; and Andrea C. Gore et. al., “Endocrine Disrupting Chemicals: Threats to Human Health | Pesticides, Plastics, Forever Chemicals, and Beyond,” the Endocrine Society and International Pollutants Elimination Network (IPEN), February 2024, [https://ipen.org/sites/default/files/documents/edc\\_report-2024-final-compressed.pdf](https://ipen.org/sites/default/files/documents/edc_report-2024-final-compressed.pdf).

identified as a significant risk factor for decreased fertility in wildlife and humans;”<sup>38</sup> and

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<sup>38</sup> V.L. Marlatt et. al, “Impacts of endocrine disrupting chemicals on reproduction in wildlife and humans,” *Environmental Research*, Vol. 208, May 15, 2022, <https://www.sciencedirect.com/science/article/pii/S0013935121018855>. This study further states, “*Studies over the last 50 years have shown that many different classes of chemicals can function as EDCs. It is not just legacy compounds that can effect reproductive function, but many pharmaceuticals and new compounds added to the marketplace (e.g. PFAS, neonicotinoid insecticides) act as EDCs. ... there is great need to better monitor human exposure levels to EDCs and establish how this contributes to the increasing incidences of disorders of the reproductive tract and declining fertility rate in both women and men. There is now evidence of sensitive timing of exposure, more specifically during development, which underlines the importance of identifying populations at risk from a biological point of view (i.e., pregnant women and the foetus, newborn) but also possibly in relation to socio-economic status (i.e., occupational and residential exposures).*” It concludes: “*Perhaps the ultimate factor in reducing the risks posed by EDCs will be to reduce exposure, and this might be achieved through improved public awareness and vigilant product stewardship by both manufacturers and consumers.*” Proper “stewardship” of mifepristone first requires we know what part it is playing in the risks posed by EDCs (per recommendation 1). Ultimately, we believe understanding the risks should result in prohibiting its use. Further examples of scientific research studies on the harms of EDCs include the following:

- Lata Ramrakhiani, Sourja Ghosh, & Swachchha Majumdar, “Emerging Contaminants in Water and Wastewater: Remediation Perspectives and Innovations in Treatment Technologies,” Springer Nature, May 25, 2022, [https://www.researchgate.net/publication/360849479\\_Emerging\\_Contaminants\\_in\\_Water\\_and\\_Wastewater\\_Remediation\\_Perspectives\\_and\\_Innovations\\_in\\_Treatment\\_Technologies](https://www.researchgate.net/publication/360849479_Emerging_Contaminants_in_Water_and_Wastewater_Remediation_Perspectives_and_Innovations_in_Treatment_Technologies). This study states: “[a]ll EDCs are potential hazardous materials of ecosystem affecting the quality of freshwater ... Exposure of such contaminants and its bioaccumulation can induce endocrine disruption, congenital disorders, mutagenesis and carcinogenesis, etc. on human health.” These EDCs “involve a wide variety of compounds **including pharmaceuticals** (veterinary and human drugs) ... etc.” (emphasis added) and enter the aquatic ecosystem (where water is drawn from to supply drinking water, irrigate crops, and more) principally via “*municipal and industrial Wastewater Treatment Plants (WWTP) that treat domestic sewage, wastewater from hospital, chemical manufacturing plants, livestock and agriculture.*”
- Teresa A. Donovan, “Musing Aloud,” Research Gate, August 2015, [https://www.researchgate.net/publication/281101224\\_Musing\\_aloud](https://www.researchgate.net/publication/281101224_Musing_aloud), which references other studies highlighting the adverse impacts of various estrogens (which act as EDCs); for example, “*Bhandari and colleagues (2015) found that exposure to environmentally relevant quantities of ethinyl estradiol—commonly contained in most oral contraceptive regimens—led to reduced fertility rates and increased embryo mortality in a model fish population. Moreover, adverse impacts on population health persisted in offspring three generations later.*”
- Richard A. Lovett, “Human drugs make fish flounder,” *Nature*, November 16, 2012, <https://www.nature.com/articles/nature.2012.11843>.
- William V Williams et. al., “Hormonally Active Contraceptives, Part II: Sociological, Environmental, and Economic Impact,” *The Linacre Quarterly*, Vol. 88, No. 3, April 21, 2021, <https://journals.sagepub.com/doi/10.1177/00243639211005121>.
- Concetta Pironi, Maria Ricciardi, Antonio Proto, Pietro Massimiliano Bianco, Luigi Montano, Oriana Motta, “Endocrine-Disrupting Compounds: An Overview on Their Occurrence in the Aquatic Environment and Human Exposure,” *Water*, May 2021, <https://www.mdpi.com/2073-4441/13/10/1347>. This study on the wider matter of endocrine disrupting chemicals found “*many EDCs are not degraded enough by the available microorganisms [to remove them from the water].*”

- An EPA “Action Plan” on the endocrine disrupting chemicals PFAS published during the first Trump administration notes that, “[d]epending on the PFAS, increased risks observed in some animal studies include developmental effects to fetuses during pregnancy and infants . . . cancer . . . immune effects” and more, and said plan has led to numerous steps being taken to combat PFAS contamination given the harm they may cause by entering our water supply even though the amount of the substances in the water is minimal (measured in parts per trillion [ppt]);<sup>39</sup>

it therefore stands to reason that even if the amount of mifepristone and its metabolites in our water are minimal—e.g., present in PPT—they may lead to adverse health impacts. Furthermore, mifepristone is the only pharmaceutical that was both developed and then approved by the FDA to end a life in the womb and generate human remains and medical waste, which is itself reason enough to ensure it undergoes heightened environmental scrutiny.

### **The Unregulated Contaminant Monitoring Rule (UCMR)**

Mifepristone and its active metabolites can also be included in the EPA’s Unregulated Contaminant Monitoring Rule (UCMR) 6, a recommendation recently outlined in a letter to the EPA from 25 members of Congress,<sup>40</sup> as well as highlighted in the Interior, Environment and Related Agencies Appropriations Bill Report language, which states that, “*The Committee encourages the Agency [EPA] to consider including monodemethylated, didemethylated, and hydroxylated metabolites of mifepristone in its Unregulated Contaminant Monitoring Rule 6 and to study, monitor, and track active metabolites in wastewater and drinking water.*”<sup>41</sup>

Notably, mifepristone and its active metabolites meet all the evaluation criteria for being placed on the UCMR, which involves the following steps, in priority order<sup>42</sup>:

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<sup>39</sup> “EPA’s Per- and Polyfluoroalkyl Substances (PFAS) Action Plan,” United States Environmental Protection Agency, February 2019, [https://www.epa.gov/sites/default/files/2019-02/documents/pfas\\_action\\_plan\\_021319\\_508compliant\\_1.pdf](https://www.epa.gov/sites/default/files/2019-02/documents/pfas_action_plan_021319_508compliant_1.pdf).

<sup>40</sup> “Lankford Urges EPA to Investigate Environmental Risks of Abortion Drug Mifepristone,” U.S. Senator James Lankford | Press Releases, June 18, 2025, <https://www.lankford.senate.gov/news/press-releases/lankford-urges-epa-to-investigate-environmental-risks-of-abortion-drug-mifepristone/>.

<sup>41</sup> “DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, 2026,” U.S. House of Representatives, 2025, <https://docs.house.gov/meetings/AP/AP00/20250722/118542/HMKP-119-AP00-20250722-SD002.pdf>.

<sup>42</sup> United States Environmental Protection Agency, “Learn About the Unregulated Contaminant Monitoring Rule,” June 14, 2025, <https://www.epa.gov/dwucmr/learn-about-unregulated-contaminant-monitoring-rule>. This page also states that “*In establishing the list of contaminants for each UCMR cycle, EPA considers the CCL and other priority contaminants*” and highlights the public health benefits of the UCMR: “*UCMR provides EPA and others with scientifically valid data on the occurrence of these contaminants in drinking*

- i. First, the EPA is to identify contaminants that “(1) were not monitored under prior UCMR cycles; (2) may occur in drinking water; and (3) are expected to have a completed, validated drinking water method in time for rule proposal.”

Points 1 and 2 are true for mifepristone and its metabolites. To the third point, this should also be true for these abortion pill contaminants, based both on the fact that the EPA appears to have done some research related to developing validated drinking water methods,<sup>43</sup> and because, at least for mifepristone itself, detection methods already exist.<sup>44</sup>

- ii. Next, the EPA is to consider the “availability of health assessments or other health-effects information . . . public interest (e.g., PFAS); active use . . . and availability of occurrence data.”<sup>45</sup>

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*water. This permits assessment of the population being exposed and the levels of exposure. UCMR data represent one of the primary sources of national occurrence data in drinking water that EPA uses to inform regulatory and other risk management decisions for drinking water contaminants. This data will ensure science-based decision-making and help prioritize protection of disadvantaged communities.”*

<sup>43</sup> Caroline Kitchener and Coral Davenport, “The E.P.A. Followed Up on an Unusual Request About Abortion Pills,” *The New York Times*, October 10, 2025, <https://www.nytimes.com/2025/10/10/us/politics/epa-abortion-wastewater.html>. Specifically this article states, “Senior officials at the Environmental Protection Agency directed a team of scientists over the summer to assess whether the government could develop methods for detecting traces of abortion pills in wastewater ... Scientists who specialize in chemical detection told the senior officials that there are currently no E.P.A.-approved methods for identifying mifepristone in wastewater — but that new methods could be developed, according to two people familiar with the events, who spoke on the condition of anonymity to discuss sensitive information.” While the article also notes “there is no sign that any methods are under development for detecting mifepristone in wastewater,” we humbly propose such efforts – that is, developing methods for detecting mifepristone and its active metabolites – could easily be (re)started.

<sup>44</sup> Tlou A. Makwakwa, Dineo E. Moema, and Titus A. M. Msagati, “Multi-criteria decision analysis: technique for order of preference by similarity to ideal solution for selecting greener analytical method in the determination of mifepristone in environmental water samples,” *Environmental Science and Pollution Research*, Vol. 31, April 5, 2024, <https://link.springer.com/article/10.1007/s11356-024-32961-3>. Notably, this study states, “Mifepristone is widely distributed in the environment, and several studies that have been published using various analytical techniques demonstrate the ongoing interest in and intense level of research effort on this compound’s presence in the environment.” See also: Adele Fabbrocini et. al., “Mifepristone affects fertility and development in the sea urchin *Paracentrotus lividus*,” *Molecular Reproduction and Development*, Vol. 86, No. 10., January 13, 2019, <https://onlinelibrary.wiley.com/doi/10.1002/mrd.23112>. According to this study, mifepristone has been reported in fresh and saltwater, “representing a danger for aquatic species.” By inference, clearly it was possible to test the water to determine its presence. While unclear whether mifepristone’s metabolites were specifically tested for in this study, we know it is possible to test for other pharmaceutical metabolites; see: Paula Paíga, Cristina Delerue-Matos, “Tracing Pharmaceuticals in Water Systems: Focus on Neurodegenerative and Psychiatric Treatments,” *Journal of Xenobiotics*, November 21, 2024, <https://pmc.ncbi.nlm.nih.gov/articles/PMC11586952/#notes3>.

<sup>45</sup> United States Environmental Protection Agency, “Learn About the Unregulated Contaminant Monitoring Rule,” June 14, 2025, <https://www.epa.gov/dwucmr/learn-about-unregulated-contaminant-monitoring-rule>.

Available data on the possible health effects of mifepristone and its active metabolites suggests harm may be occurring to wildlife,<sup>46</sup> placing humans at risk as well (consider the likelihood of bioaccumulation and biomagnification via the food chain<sup>47</sup>). As outlined above, humans may also be at risk of harm if our drinking water treatment plants are not effectively removing all mifepristone contamination (which is highly likely).<sup>48</sup>

As it pertains to public interest, it continues to grow, largely based on the work of both Students for Life of America/Students for Life Action and Liberty Counsel Action.<sup>49</sup> Regarding “active use” and “availability of occurrence data,” it is important to note that the use of mifepristone has increased dramatically since it was first approved by the FDA to end an intrauterine pregnancy (in conjunction with misoprostol). Now, the chemical abortion pill protocol is responsible for the vast majority of abortions—at least 63% and likely upwards of 70% based on lack of reporting requirements and the fact that individuals can access these pills illegally online.<sup>50</sup> This equates to approximately 700,000 chemical abortions annually. Given that women excrete the active metabolites into their toilets, a vast amount of mifepristone and its active components are daily entering our wastewater systems.

- iii. Finally, “*EPA considers stakeholder input . . . cost-effectiveness of the potential monitoring approaches . . . implementation factors (e.g., laboratory capacity); and further evaluates health effects, occurrence, and persistence/mobility data to identify the list of proposed UCMR contaminants.*”

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<sup>46</sup> See footnote 20.

<sup>47</sup> United States Environmental Protection Agency, “Toxics in the Food Web,” June 2021, <https://www.epa.gov/salish-sea/toxics-food-web>.

<sup>48</sup> See the Factual Background section.

<sup>49</sup> For example, “Citizens Petitions to the FDA,” Students for Life Action / Students for Life of America, accessed October 22, 2025, <https://thisischemicalabortion.com/citizenspetition/> and “Abortion In Our Water,” Liberty Counsel Action, 2025, <https://abortioninourwater.org/>.

<sup>50</sup> Rachel K. Jones and Amy Friedrich-Karnik, “Medication Abortion Accounted for 63% of All US Abortions in 2023—An Increase from 53% in 2020,” Guttmacher Institute, March 2024, <https://www.guttmacher.org/2024/03/medication-abortion-accounted-63-all-us-abortions-2023-increase-53-2020>. See also, Ingrid Skop, M.D., “Fact Sheet: Deficiencies Affecting U.S. Abortion Data Collection and Application,” Charlotte Lozier Institute, July 24, 2025, <https://lozierinstitute.org/fact-sheet-deficiencies-affecting-u-s-abortion-data-collection-and-application/> and “Abortion pills by mail in every state,” Plan-C, 2025, <https://www.plancpills.org/>.

Stakeholders range from various members of the public<sup>51</sup> to Members of Congress, including (as noted above) members of the Interior, Environment and Related Agencies Subcommittee,<sup>52</sup> and those who signed a recent letter to the EPA highlighting that, **“it is imperative that the U.S. Environmental Protection Agency (EPA) considers evaluating the potential contaminant effects of this drug as the agency develops the Unregulated Contaminant Monitoring Rule 6 (UCMR 6).”**<sup>53</sup>

Regarding monitoring approaches and various other implementation factors, given the distinguished status of relevant stakeholders, we respectfully propose that EPA utilize its top personnel and all necessary resources to determine cost-effective methods for both.

### **National Primary Drinking Water Regulations (NPDWR)**

Ultimately, we believe mifepristone and its active metabolites would qualify for regulation under National Primary Drinking Water Regulations (NPDWR)<sup>54</sup> as they meet most (if not all) of the criteria required “when making a determination to regulate”<sup>55</sup>:

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<sup>51</sup> See “Abortion In Our Water,” Liberty Counsel Action, 2025, <https://abortioninourwater.org/>, and “Citizens Petitions to the FDA,” Students for Life Action / Students for Life of America, accessed October 22, 2025, <https://thisischemicalabortion.com/citizenspetition/>.

<sup>52</sup> As outlined, language from this Subcommittee’s recent Appropriations Bill Report states it “*encourages the Agency [EPA] to consider including monodemethylated, didemethylated, and hydroxylated metabolites of mifepristone in its Unregulated Contaminant Monitoring Rule 6 and to study, monitor, and track active metabolites in wastewater and drinking water.*” See also: “Committee Approves FY26 Interior and Environment Appropriations Act,” Appropriations Chairman Tom Cole | Press Releases, July 22, 2025, <https://appropriations.house.gov/news/press-releases/committee-approves-fy26-interior-and-environment-appropriations-act>.

<sup>53</sup> “Lankford Urges EPA to Investigate Environmental Risks of Abortion Drug Mifepristone,” U.S. Senator James Lankford | Press Releases, June 18, 2025, <https://www.lankford.senate.gov/news/press-releases/lankford-urges-epa-to-investigate-environmental-risks-of-abortion-drug-mifepristone/>.

<sup>54</sup> In part, the EPA uses the final CCL to determine which contaminants merit regulation, and determines “whether to regulate these contaminants with a National Primary Drinking Water Regulation (NPDWR). A regulatory determination is a decision on whether EPA should initiate a rulemaking process to develop an NPDWR for a specific contaminant.” United States Environmental Protection Agency, “Regulatory Determination 5,” March 5, 2025, <https://www.epa.gov/ccl/regulatory-determination-5>.

<sup>55</sup> United States Environmental Protection Agency, “How EPA Regulates Drinking Water Contaminants,” September 30, 2025, <https://www.epa.gov/sdwa/how-epa-regulates-drinking-water-contaminants>; see also: U.S.C. §300g-1, “National drinking water regulations,” <https://uscode.house.gov/view.xhtml?req=granuleid%3AUSC-prelim-title42-chapter6A-subchapter12&saved=%7CZ3JhbnVsZWlkOlVTQy1wcmVsaW0tdGl0bGU0Mi1zZWNOaW9uMzAwZg%3D%3D%7C%7C%7C0%7Cfalse%7Cprelim&edition=prelim>, and United States Environmental Protection Agency, “SDWA Evaluation and Rulemaking Process,” June 17, 2024, <https://www.epa.gov/sdwa/sdwa-evaluation-and-rulemaking-process>.

- i. *“The contaminant may have an adverse effect on the health of persons,*
- ii. *“The contaminant is known to occur or there is a high chance that the contaminant will occur in public water systems often enough and at levels of public health concern,*
- iii. *“In the sole judgment of the Administrator, regulation of the contaminant presents a meaningful opportunity for health risk reductions for persons served by public water systems.”*

As previously outlined, mifepristone and its active metabolites may have an adverse health effect and are likely to be found in levels that merit concern (see the Factual Background section). Regulating it therefore presents a “meaningful opportunity” to reduce health risks for all Americans “served by public water systems.”

### **Utilize the “Polluter Pays” Model, Encourage FDA to Act**

Thankfully, there is a very meaningful opportunity to reduce health risk via regulation; however, it is important to note the potential costs associated with reducing mifepristone in our water that could be incurred by Publicly Owned Treatment Works (POTWs). To prevent (or at the least mitigate) this, we specifically propose the following two measures:

- i. A “Polluter Pays” Model

As promoted by Administrator Lee Zeldin and Assistant Administrator of the Office of Water Jessica Kramer when it comes to PFAS, the *actual polluters* should be the ones to pay for the clean-up costs – not the POTWs that are effectively “passive receivers” of said pollution.<sup>56</sup>

The same should be true for abortion pill pollution – abortion pill manufacturers should be the ones held accountable for any pollution caused by their product. To ensure this is possible, EPA will likely need to work closely with Congressional offices on any statutory changes needed, as is the case when it comes to PFAS regulation, based on various statements from Administrator Zeldin on the same. For example, in April 2025, an announcement on “major EPA actions to combat PFAS contamination” included working with Congress “to establish a clear

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<sup>56</sup> United States Environmental Protection Agency Press Office, “EPA Announces It Will Keep Maximum Contaminant Levels for PFOA, PFOS,” May 14, 2025, <https://www.epa.gov/newsreleases/epa-announces-it-will-keep-maximum-contaminant-levels-pfoa-pfos>, and WFM Staff, “Senate confirms Kramer as EPA’s Assistant Administrator for Water,” Water Finance and Management, September 22, 2025, <https://waterfm.com/senate-confirms-kramer-as-epas-assistant-administrator-for-water/>.

liability framework that operates on polluter pays and protects passive receivers.”<sup>57</sup> A more recent statement from Administrator Zeldin similarly notes:

*“When it comes to PFOA and PFOS contamination, holding polluters accountable while providing certainty for passive receivers that did not manufacture or generate those chemicals continues to be an ongoing challenge . . . EPA intends to do what we can based on our existing authority, but we will need new statutory language from Congress to fully address our concerns with passive receiver liability.”*<sup>58</sup>

We humbly propose that any new statutory language be drafted such that abortion pill polluters are, like PFAS polluters should be, the ones held accountable for their pollution. Indeed, we encourage the EPA to both work with Congress<sup>59</sup> and “use its regulatory and enforcement tools” to ensure that for chemical abortion pollution – the polluter pays.<sup>60</sup>

- ii. Encourage the FDA to conduct a legally compliant, scientifically sound environmental assessment that studies the environmental impact of mifepristone and its active metabolites<sup>61</sup>

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<sup>57</sup> United States Environmental Protection Agency Press Office, “Administrator Zeldin Announces Major EPA Actions to Combat PFAS Contamination,” April 28, 2025, <https://www.epa.gov/newsreleases/administrator-zeldin-announces-major-epa-actions-combat-pfas-contamination>.

<sup>58</sup> United States Environmental Protection Agency Press Office, “Trump EPA Announces Next Steps on Regulatory PFOA and PFOS Cleanup Efforts, Provides Update on Liability and Passive Receiver Issues,” September 17, 2025, <https://www.epa.gov/newsreleases/trump-epa-announces-next-steps-regulatory-pfoa-and-pfos-cleanup-efforts-provides>.

<sup>59</sup> Note:

<sup>60</sup> Ibid. See also, United States Environmental Protection Agency Press Office, “Administrator Zeldin Announces Major EPA Actions to Combat PFAS Contamination, April 28, 2025, <https://www.epa.gov/newsreleases/administrator-zeldin-announces-major-epa-actions-combat-pfas-contamination>.

<sup>61</sup> Note: The FDA has essentially (historically) argued that because it estimated the concentration of mifepristone in the water would be less than 1 part per billion, no further environmental study was needed, based on their own guidance and (later) categorical exclusions that they applied. See: Patrizia A. Cavazzoni, “U.S. Food and Drug Administration to Kristan Hawkins, President and Kristi Hamrick, Chief Media & Policy Strategist, Students for Life of America,” Letter, January 15, 2025, [https://downloads.regulations.gov/FDA-2023-P-1528-0005/attachment\\_1.pdf](https://downloads.regulations.gov/FDA-2023-P-1528-0005/attachment_1.pdf). However, as noted elsewhere in this memorandum and in Liberty Counsel Action’s white paper on “Abortion In Our Water”:

- We know that contamination from other potential EDCs (PFAS) may be harmful even in *parts per trillion*, hence, we would argue study on mifepristone and its metabolites is absolutely essential.
- The 1998 Code of Federal Regulations (CFR) (which remained in similar form in the 2025 CFR) outlines that even in cases where an exclusion applies, the “FDA will require at least an EA for any specific action [e.g. approving a drug] that ordinarily would be excluded if **extraordinary circumstances** indicate that the specific proposed action may significantly affect the quality of the human environment.”

Requiring the FDA to re-do the original, non-compliant environmental assessment (EA) completed in 1996 when the Population Council<sup>62</sup> applied for approval of the chemical abortion pill protocol would force the FDA to re-evaluate its decision to approve its use. If a determination is made to permit its continued use, at the very least, a legally compliant EA should ensure the FDA requires proper disposal of aborted fetal remains, which would go some way in reducing mifepristone contamination. *For further details, see recommendation 4 below.*

### Further Justification for Monitoring and Regulation

Notably, the SDWA states,

*“In selecting unregulated contaminants for consideration . . . the Administrator shall select contaminants that present the greatest public health concern. The Administrator, in making such selection, shall take into consideration . . . the effect of such contaminants upon subgroups that comprise a meaningful portion of the general population (such as infants, children, pregnant women . . . or other subpopulations) that are identifiable as being at greater risk of adverse health effects due to exposure to contaminants in drinking water than the general population.”<sup>63</sup>*

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- Likewise, the FDA’s 1998 guidance on the matter states that if a drug “does not increase the use of the active moiety” or its “estimated concentration . . . at the point of entry into the aquatic environment will be below 1 part per billion (ppb),” (among other things) the drug qualifies for a “categorical exclusion,”—**unless there is an “extraordinary circumstance.”** See: “Environmental Assessment of Human Drug and Biologics Applications | Guidance for Industry,” U.S. Department of Health and Human Services, Food and Drug Administration, Center for Drug Evaluation and Research Center for Biologics Evaluation and Research, July 1998, <https://www.fda.gov/regulatory-information/search-fda-guidance-documents/environmental-assessment-human-drug-and-biologics-applications>.

Extraordinary circumstances are present in the case of mifepristone, as it causes the generation of human remains and medical waste. Hence, based on the CFR and guidance, in every major action related to mifepristone since its original approval – including the most recent approval of a generic form of mifepristone manufactured by Evita Solutions, LLC – a new EA should have been conducted. For more on this, see Liberty Counsel Action’s white paper, “Abortion in Our Water: A Special Report,” 2025, available at [https://lcaction.org/LCA-PDFs/AbortionInOurWater\\_Final01.pdf](https://lcaction.org/LCA-PDFs/AbortionInOurWater_Final01.pdf). See also: Letter to Evita Solutions, LLC, from the Food and Drug Administration, “ANDA APPROVAL,” September 30, 2025, [https://www.accessdata.fda.gov/drugsatfda\\_docs/applletter/2025/216616s000ltr.pdf](https://www.accessdata.fda.gov/drugsatfda_docs/applletter/2025/216616s000ltr.pdf).

<sup>62</sup> The Population Council is itself a biased, pro-abortion entity with ties to the eugenics movement. See: Carole Novielli, “Former employee says eugenics-based Population Council and its donors are ‘endemically racist,’” Live Action, September 13, 2020, <https://www.liveaction.org/news/eugenics-population-council-donors-endemically-racist>.

<sup>63</sup> Office of the Law Revision Counsel, 42 U.S.C. §300g, accessed October 21, 2025, <https://uscode.house.gov/view.xhtml?req=granuleid%3AUSC-prelim-title42-chapter6A-subchapter12&saved=%7CZ3JhbnVsZWlkOIVTQy1wcmVsaW0tdGl0bGU0Mi1zZWN0aW9uMzAwZg%3D%3D%7C%7C%7C0%7Cfalse%7Cprelim&edition=prelim>.

In short, while correlation does not equal causation, we believe it is notable that the increase in the use of the chemical abortion pill protocol coincides with the increased rate of infertility in our nation.<sup>64</sup> We posit there is a potential that pregnant women and adults of child-bearing age may be at particular risk of adverse health effects, given that mifepristone and its metabolites may be blocking progesterone, a vital fertility hormone for both men and women. Consider as well that according to the EPA, “there is little doubt that small disturbances in” the body’s use of hormones to regulate certain processes (which could be caused by EDCs like mifepristone and its active metabolites), **“particularly during certain highly sensitive stages of the lifecycle [like pregnancy] can lead to profound and lasting effects.”**<sup>65</sup>

Furthermore, when considered in the context of America’s dramatically declining birth rates - which according to experts “will have a massive effect on the economy”<sup>66</sup> as “younger generations will inherit ‘lower economic growth and shoulder the cost of more retirees, while the traditional flow of wealth between generations erodes” - addressing any possible causes of infertility should be a national priority.<sup>67</sup>

### 3. Discourage Flushing Human Remains and Related Medical Waste

#### **Explicitly discourage flushing aborted fetal human remains & medical waste**

As noted in the Factual Background, the EPA currently exhorts “all Americans to only flush toilet paper, not disinfecting wipes or other non-flushable items that should be disposed of in the trash,” further noting that “preventable toilet and sewer backups can pose a threat to human health and present an extra challenge to our water utilities and their workforce” and **flushing anything else** “can damage internal plumbing, local sewer systems and septic systems. Fixing these backups is costly and takes time and resources away from ensuring that wastewater management systems are

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<sup>64</sup> For further details on this, see Liberty Counsel Action’s white paper, “Abortion in Our Water: A Special Report,” 2025, available at [https://lcaction.org/LCA-PDFs/AbortionInOurWater\\_Final01.pdf](https://lcaction.org/LCA-PDFs/AbortionInOurWater_Final01.pdf); subsection “Further Food for Thought.”

<sup>65</sup> United States Environmental Protection Agency, “Overview of Endocrine Disruption,” December 19, 2024, <https://www.epa.gov/endocrine-disruption/overview-endocrine-disruption>.

<sup>66</sup> For example, “Economists and the Social Security Administration have warned for years that more beneficiaries and fewer people paying into the program will make it insolvent. The Peter G. Peterson Foundation, in a 2022 report, stated that by 2034, Social Security costs will exceed Social Security revenue to the tune of \$437 billion.” See: Autumn Spredemann, “America’s Birth Rate Is Dropping—Here’s Why It Matters,” The Epoch Times, October 24, 2025, <https://www.theepochtimes.com/article/americas-birth-rate-is-declining-heres-why-it-matters-5925980>.

<sup>67</sup> Ibid.

otherwise working properly.”<sup>68</sup> Tying this to the issue of chemical abortion, as clearly stated by a former State Environmental Protection Agency spokeswoman in an article on the discovery of multiple placentas in an Illinois sewage system, “It is never acceptable to put placenta into the sewer system . . . Never.”<sup>69</sup>

Unfortunately, there are numerous reports of not just of placentas, but of fetuses, which can be upwards of 1 inch in size, being found in pipes and wastewater treatment plants (WWTP).<sup>70</sup> Indeed, there is a high potential for such remains to

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<sup>68</sup> “EPA Encourages Americans to Only Flush Toilet Paper,” United States Environmental Protection Agency, March 30, 2020, <https://www.epa.gov/newsreleases/epa-encourages-americans-only-flush-toilet-paper>.

<sup>69</sup> The Associated Press, “Whodunit? Placentas found in sewage system,” NBC News, February 27, 2009, <https://www.nbcnews.com/id/wbna29434465>.

<sup>70</sup> Jason Miles, “Plumber finds fetus inside pipe while working at apartment complex, officials say,” KFVR TV, September 12, 2023, <https://www.kfyrtv.com/2023/09/12/graphic-plumber-finds-fetus-inside-pipe-while-working-apartment-complex-officials-say/>. As noted in the article, detectives said a plumber working outside of apartment buildings in Houston “found a fetus when he opened a pipe outside of one of the buildings. The fetus is believed to just be weeks old. Neighbors said they had been complaining about backups since Friday.” See also: Alejandra Yañez, Update: Tenant finds fetus while working on apartment plumbing in Mission,” ValleyCentral.com, February 1, 2023, <https://www.valleycentral.com/news/local-news/plumber-finds-fetus-in-mission-pipes-sources-say/>, which outlines that “a tenant was working to unclog a pipe when he found the remains [of a fetus];” a statement by the police read, “The tenant reported having issues with backflow of the water and he later found the fetus next to the drainage pipe.” There are also numerous examples of wastewater treatment plants discovering babies in their systems; for example, in a South Carolina wastewater treatment plant two babies were recovered from the wastewater; authorities said, “it’s impossible to tell how long they were in the water.” See “2 fetuses found at wastewater treatment plant,” The Associated Press, August 16, 2016, <https://apnews.com/article/16fb077a579d483da1343bd547bb9f33>. See also: “Fetus found in sewage at wastewater plant,” The Associated Press, May 31, 2022, <https://apnews.com/article/mississippi-wastewater-natchez-8021c8d89b77a8f82716ec3b2d8b78e1>, which states, “Adams County Sheriff Travis Patten said the fetus, estimated to be at about 16 weeks of development, apparently washed up with the wastewater at the treatment plant;” Bonnie Campo, “Fetus Found By Deer Creek Waste Water Treatment Facility Workers,” March 16, 2018, <https://www.newson6.com/story/5e3490e2527dcf49dad7d914/fetus-found-by-deer-creek-waste-water-treatment-facility-workers>, which notes, “Two contract employees with the Oklahoma City Utilities Department discovered human remains at city’s Deer Creek Wastewater Treatment Facility ... They immediately called local law enforcement ... The employees have been questioned by investigators, and been offered counseling services;” Jessica Schmidt, “Human fetus discovered inside Cincinnati wastewater treatment plant,” Fox19 Now, February 14, 2017, <https://www.fox19.com/story/34495350/human-fetus-discovered-inside-cincinnati-wastewater-treatment-plant/>, which states, “Workers at the Cincinnati wastewater treatment plant on Gest Street reported that they found a human fetus ... Counseling has been made available to all staff involved in the incident ... The coroner’s office determined the fetus was a 16-18 week old non-viable fetus;” Associated Press, “Authorities investigating fetus found at wastewater plant,” March 7, 2016, <https://www.spokesman.com/stories/2016/mar/07/authorities-investigating-fetus-found-at-wastewater/>, which states, “Arizona authorities are investigating after a fetus was found in a pipe at a wastewater treatment plant;” Dailymail.com Reporter, “Remains of fetus found at wastewater treatment plant in southern California,” April 7, 2019, <https://www.dailymail.co.uk/news/article-6896445/Remains-fetus-wastewater-treatment-plant-southern-California.html>, which states, “A fetus was found at a wastewater treatment plant in California on Saturday morning;” Kate King, “Fetus discovered at sewage plant,” CT Post, October 3, 2010, <https://www.ctpost.com/local/article/fetus-discovered-at-sewage-plant->

contribute or lead to “preventable backups” and sewer system overflows. In addition, discovery of them can also traumatize wastewater workers.<sup>71</sup>

Based on the above, we propose the EPA expand on its encouragement to only flush toilet paper, explicitly stating that flushing aborted human remains and medical waste generated by abortions has both a high potential for causing “preventable toilet and sewer backups” and, as such waste is potentially infectious,<sup>72</sup> it poses a hazard to the plumbers and WWTP employees who happen to encounter said remains.

### **Write a Memorandum to Relevant State Agencies Outlining Medical Waste Regulations Apply to Chemical “Home” Abortions<sup>73</sup>**

While the EPA has made it clear that it “has not had authority, specifically for medical waste [to regulate it], since the Medical Waste Tracking Act (MwTA) of 1988 expired in 1991” (and directs individuals to contact their respective state agencies for regulations on the same),<sup>74</sup> there may still be opportunity for the EPA to act more authoritatively in this space given EPA was formed, at least in part, to establish and

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[685219.php](#), which states, “Workers at the Stamford wastewater treatment facility on Harbor View Avenue discovered a dead human fetus while sifting through sewage Saturday morning;” Mario Diaz, “Fetus found at Newark sewage treatment facility for second time this month,” Pix 11, March 22, 2017, <https://pix11.com/news/fetus-found-at-newark-sewage-treatment-facility-for-second-time-this-month/>; which states, “A horrific discovery Wednesday morning at the Passaic Valley Sewerage Commission treatment facility as a fetus was located within the plant’s operating system. It is the second time this month that workers have been presented with this kind of tragedy.”

<sup>71</sup> Ibid.

<sup>72</sup> The “Universal Precautions” approach suggests that human blood and certain human body fluids should be treated as if they are infectious. See: “Bloodborne Pathogens,” OSHA, <https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.1030><https://www.osha.gov/lawsregs/regulations/standardnumber/1910/1030/>. Moreover, as one study notes, “the most common human transmitting infectious viruses are transmitted through water. These viruses include enveloped viruses such as Severe Acute Respiratory Syndrome (SARS), Middle East Respiratory Syndrome Coronavirus (MERS-CoV), Ebola, and avian influenza, and non-enveloped enteric viruses, such as hepatitis A, adenoviruses, enteroviruses, noroviruses, and rotaviruses, all of which can survive in and be transmitted through hospital wastewater.” See: Ann P. Nguyen, “The Threat of Hospital Wastewater: An Evidence-Based Call to Action,” *DNP Qualifying Manuscripts*, 86, 2023, [https://repository.usfca.edu/dnp\\_qualifying/86](https://repository.usfca.edu/dnp_qualifying/86). Furthermore, though the terminology among states for regulated medical waste (RMW) varies, the terms used usually “refer to the same thing: that portion of the medical waste stream that may be contaminated by blood, body fluids or other potentially infectious materials, **thus posing a significant risk of transmitting infection.**” Regulated Medical Waste State Resource Locator | Georgia, 2018, <https://www.envcap.org/srl/rmw/ga-rmw.html>.

In order to ensure such waste is properly handled, most state medical regulations cover “packaging, storage, and transportation of medical waste.” These regulations are completely ignored when it comes to at-home abortions.

<sup>73</sup> While often chemical abortions occur in a woman’s home, they can occur anywhere outside of a clinical setting (cars, restaurants, hotel rooms, etc.).

<sup>74</sup> United States Environmental Protection Agency, “Medical Waste,” May 17, 2024, <https://www.epa.gov/rcra/medical-waste>.

enforce “environmental protection standards consistent with national environmental goals.”<sup>75</sup> Given this, we propose the EPA issue a memorandum to all state environmental and health agencies in charge of medical waste regulation, outlining the harms caused by chemical abortion, strongly encouraging or directing them to ensure their medical waste regulations, which often apply to chemical abortions performed outside of a clinical setting, are updated where needed and enforced so that aborted fetal remains are not flushed into the sewer system.

#### 4. Encourage the FDA to Conduct a Legally Compliant, Scientifically Sound Environmental Assessment (EA)

The EPA has some purview over chemical abortion pills and fetal remains entering our waterways; specifically, its mission “to protect human health and the environment”<sup>76</sup> alongside its authority to enforce environmental standards<sup>77</sup> gives it the responsibility and authority to approach agencies that appear to be in violation of, or have violated, environmental law. In the case of the abortion pill protocol, the Clinton-led FDA failed to complete a legally compliant, scientifically sound environmental assessment (EA) that effectively addressed:

- (1) Whether and the extent to which mifepristone and its active metabolites may damage the environment, even if the amount of the contaminants entering our water was minimal (e.g. measured in PPT), and
- (2) How women and/or abortion providers would be required to dispose of the human remains and related medical waste generated by the use of the abortion pill regimen.

Subsequent major actions taken on the abortion pill under other administrations likewise failed to perform a legally compliant, scientifically sound EA. As outlined in the Factual Background, failure to do so has led to a de-facto abortion industry standard practice of flushing aborted fetal remains.

Given this, we specifically recommend interagency collaboration between the leadership serving within the Office of Water and the leadership within the FDA to discuss and develop a plan for completion of a legally compliant, scientifically sound EA that addresses the possible harmful effects of mifepristone and its metabolites as

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<sup>75</sup> Office of the Law Revision Counsel, 42 U.S.C. §4321, accessed October 31, 2025, <https://uscode.house.gov/view.xhtml?path=/prelim@title42/chapter55&edition=prelim>.

<sup>76</sup> United States Environmental Protection Agency, “Our Mission and What We Do,” October 20, 2025, <https://www.epa.gov/aboutepa/our-mission-and-what-we-do>.

<sup>77</sup> Office of the Law Revision Counsel, 42 U.S.C. §4321, accessed October 31, 2025, <https://uscode.house.gov/view.xhtml?path=/prelim@title42/chapter55&edition=prelim>.

well as proper disposal of the human remains and medical waste generated by the use of the abortion pill protocol, alongside other relevant requirements. At a minimum, this assessment should include:

- (1) A review of state and local laws and requirements related to water quality to ensure any decisions made by the FDA comply with all laws and requirements “respecting the control and abatement of water pollution,” per the Clean Water Act<sup>78</sup>;

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<sup>78</sup> Note: This is a requirement of the CWA (see: Office of the Law Revision Counsel, 33 U.S.C. §1323, accessed October 23, 2025, <https://uscode.house.gov/view.xhtml?path=/prelim@title33/chapter26&edition=prelim>), however, the FDA (it seems) failed to complete it when it originally approved the abortion pill protocol. Furthermore, as of September 29, 2025, new guidance was issued by the Council on Environmental Quality (CEQ) on implementing procedures for the NEPA. While these procedures do not explicitly require review of state and local laws on water quality, we propose such review should still be included given the statutory requirements outlined in the CWA. Moreover, as a memorandum for heads of federal departments and agencies on Implementation of the NEPA states, “*Consistent with E.O. 14154, Federal agencies must revise or establish their NEPA implementing procedures ... to expedite permitting approvals and for consistency with NEPA ... E.O. 14154 also directed CEQ to provide guidance on implementing NEPA to expedite and simplify the permitting process ... While these revisions are ongoing, agencies should continue to follow their existing practices and procedures for implementing NEPA to the extent consistent with the text of NEPA, E.O. 14154, case law, and this guidance*” (emphasis added).\* See: Katherine R. Scarlett, “Memorandum for heads of federal departments and agencies,” Executive Office of the President | Council on Environmental Quality, September 29, 2025, <https://ceq.doe.gov/docs/ceq-regulations-and-guidance/Agency-NEPA-Implementation-Guidance.pdf>. This same memorandum includes a template agencies may utilize when developing or revising “agency-specific NEPA procedures.” While non-binding, said template includes the following notable section: “*Integrating NEPA with other environmental requirements.*”

- (a) *To the fullest extent possible, [agency] will prepare environmental documents concurrently with and integrated with analyses and related surveys and studies required by other Federal statutes.*
- (b) *[Agency] will combine an environmental document prepared in compliance with NEPA with any other agency document to reduce duplication and paperwork. Thus, [agency] may combine an environmental document with related plans, rules, or amendments as a single consolidated document.*
- (c) *If comments on a notice of intent or other aspects of a scoping process identify consultations, permits, or licenses necessary under other environmental laws, the environmental document may contain a section briefly listing the applicable requirements and how [agency] has or will meet them (e.g., permits applied for or received, consultations initiated or concluded).*” Read on its face, this would mean an EA should include, or at the least be prepared alongside, “analyses and related surveys and studies required by other Federal statutes,” e.g. a review of relevant state and local laws to ensure compliance with them, as required by the CWA. See: “Appendix 1 – Agency NEPA Procedures Template,” accessed October 31, 2025, <https://ceq.doe.gov/docs/ceq-regulations-and-guidance/Appendix-1-Agency-NEPA-Procedures-Template.pdf>. Equally, the FDA could conduct a review of state and local laws respecting “the control and abatement of water pollution” separate to an EA to ensure compliance with the CWA.

\*A final note: Environmental Assessments have historically been required to include consideration of similar state and local laws/requirements; as outlined by an FAQ sheet on National Environmental Policy Act (NEPA) Environmental Assessments: “*Remember, when preparing the EA, it is important to address ... Has the grantee adequately documented compliance with other related federal environmental laws and regulations as well as similar state and local environmental impact review requirements?*” See the “National Environmental Policy Act Environmental Fact Sheet” available at Health Resources & Services Administration, “Environmental and Historic Preservation Technical Assistance,” Health Center Program, November 2023, <https://bphc.hrsa.gov/funding/funding-opportunities/capital-development->

- (2) Consideration of how to ensure proper disposal of the human remains and medical waste generated by the use of the abortion pill and, if needed, directives on the same. (As noted above, if a determination is made to permit continued use of the abortion pill protocol, at the very least, a legally compliant, scientifically sound EA should outline mitigation measures that would ensure proper disposal of aborted fetal remains, which would go some way in reducing mifepristone contamination<sup>79</sup>).

## IV. Conclusion

In short, given the heightened scrutiny applied to other endocrine-disrupting chemicals (PFAS) in our water (as evidence demonstrates contamination from them can, over time, be harmful to human and animal health even in low concentrations, e.g., parts per trillion),<sup>80</sup> it follows that mifepristone deserves similar scrutiny, particularly given that it is the only FDA-approved drug that was designed to end a life in the womb and generate deceased human remains and medical waste. Given this, we echo the request made by numerous Members of Congress in the aforementioned letter to the EPA: **“That the EPA study the impact of the ‘byproducts’ of mifepristone, such as the active metabolites that are entering our nation's water system and threatening access to safe drinking water . . . The American people deserve to know what contaminants might be present in their drinking water and their potential impacts on public.”**<sup>81</sup>

Moreover, and just as vital, we urge the EPA to work with the FDA on a new, legally compliant, scientifically sound environmental assessment.

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[grants/environmental-historic-preservation-technical-assistance](#). See also: Federal Communications Commission, “NEPA FAQ,” September 26, 2022, <https://www.fcc.gov/general/nepa-faq>, which states: “You should always contact state and local government offices with responsibility over the affected subject matter, as some of these offices share jurisdiction with a federal agency. In addition, **some states have environmental laws and regulations which may be more stringent than federal standards, and you must comply with all relevant laws in addition to the Commission’s NEPA rules.**”

<sup>79</sup> As outlined in the above footnote, the Council on Environmental Quality issued a template that agencies may utilize when developing or revising “agency-specific NEPA procedures.” While non-binding, said template states the following: “State the authority for any mitigation that [agency] has adopted and any applicable monitoring or enforcement provisions. **If [agency] finds no significant effects based on mitigation, the mitigated finding of no significant impact will state any mitigation requirements enforceable by the agency or voluntary mitigation commitments that will be undertaken to avoid significant effects.**” In this case we propose any mitigation requirements [e.g. requirements that fetal remains be disposed of properly] be **enforceable**. Ibid.

<sup>80</sup> Abigail Forman, John Stemberger, Jonathan Alexandre and Alyssa Durst, “Abortion In Our Water: A Special Report,” Liberty Counsel Action, 2025, [https://lcaction.org/LCA-PDFs/AbortionInOurWater\\_Final01.pdf](https://lcaction.org/LCA-PDFs/AbortionInOurWater_Final01.pdf).

<sup>81</sup> James Lankford, “Lankford Urges EPA to Investigate Environmental Risks of Abortion Drug Mifepristone,” James Lankford | Press Release, June 18, 2025, <https://www.lankford.senate.gov/news/press-releases/lankford-urges-epa-to-investigate-environmental-risks-of-abortion-drug-mifepristone/>.