

The Honorable James C. Dever III  
U.S. District Court  
Eastern District of North Carolina  
PO Box 25670  
Raleigh, NC 27611

April 11, 2025

Re: Cape Fear Public Utility Authority v Chemours

Judge Dever:

The [Society of Environmental Journalists](#) (SEJ) urges you to deny the motion by Chemours to seal documents that deal with the corporation's history with manufacturing GenX and other types of PFAS, its operations in North Carolina, and its knowledge of health risks posed by PFAS.

SEJ is the only North American membership association of professional journalists dedicated to more and better coverage of environment-related issues. Its mission is to strengthen the quality, reach and viability of journalism that advances public understanding of environmental issues.

Journalists and the public have a right to know the facts about what the industry knew when, and what it did or did not do about the risks associated with manufacturing and using PFAS in a wide variety of products. This case could provide valuable information on that score.

Transparency is a bedrock principle of our judicial system, built upon the First Amendment guarantees of free speech, free press and free assembly. As your March 24 order in the *Cape Fear v Nemours* case spells out, courts have long upheld the press and public's right of access to court proceedings.

Litigation like this offers potentially new information and insight into how PFAS could contaminate drinking water, food and people's bloodstreams before it was officially identified as a threat to public health.

A [2023 review](#) by the University of California San Francisco of industry documents discovered via other litigation found that "companies knew PFAS was 'highly toxic when inhaled and moderately toxic when ingested' by 1970, forty years before the public health community." Such information is critical not only in assigning liability for harms

caused by PFAS contamination but also in guiding public policy to regulate and prevent future harm.

Much of what Cape Fear Public Utility Authority has submitted in support of its motion for summary judgment, which Chemours now seeks to put under seal, is already a matter of public record, much of it via other litigation. Nevertheless, Chemours seeks to prevent the public from seeing that information as it relates to the North Carolina contamination.

Unfortunately, courts have been too willing to go along with efforts by corporations to hide their actions from public scrutiny in cases like this. A [Reuters investigation found](#) over the prior 20 years, judges sealed evidence relevant to public health and safety in about half of the 115 biggest defective-product cases consolidated before federal judges in multidistrict litigation. Those cases comprised nearly 250,000 individual death and injury lawsuits, involving dozens of products used by millions of consumers: drugs, cars, medical devices and other products.

As Reuters reported, its investigation “found that hundreds of thousands of people were killed or seriously injured by allegedly defective products after judges in just a handful of cases allowed litigants to file under seal, beyond public view, evidence that could have alerted consumers and regulators to potential danger.”

SEJ respectfully requests that you uphold the public interest in this case and deny the motion to seal.

Sincerely,

A handwritten signature in cursive script that reads "Timothy Wheeler".

Timothy Wheeler  
Chair, [Freedom of Information Task Force](#)  
Society of Environmental Journalists  
twheeler@bayjournal.com