



FDSA

FIRE DEPT SERVICE ANNOUNCEMENT

Bulletin #59, State Actions on PFAS Contamination, June 16, 2022

<u>State</u>	<u>Attorneys General</u>	<u>Date case filed or Consent Order</u>	<u>Notes</u>
Alabama	Shawn Sibley (general counsel)	July 24, 2020	"3M to Assess Alabama PFAS Risks in 'Precedent-Setting' Deal (2)." ¹
Alaska	Treg Taylor	April 7, 2021	3M, DuPont and "dozens of other companies..." ² "The Alaska lawsuit is against three types of companies: (1) PFAS manufacturers, (2) PFAS distributors and (3) aqueous film-forming foam (AFFF)." ³
Colorado	Phil Weiser	February 28, 2022	"15 companies over firefighting foam containing toxic 'forever chemicals' ⁴
Delaware	Kathy Jennings	July 13, 2021	"Delaware settles with PFAS-linked companies to fund testing, cleanup" ⁵
Florida	Ashley Moody	April 2022	"Suing makers of certain firefighting foams" ⁶
Illinois	Kwame Raoul	January 7, 2022	Sugar Camp Energy LLC Coal Mine near Macedonia, Illinois ⁷
Illinois	Kwame Raoul	March 16, 2022	3M Cordova Plant along the Mississippi River just North of the Quad Cities ⁸
Maine	Aaron Frey	May 17, 2022	Outside council is being enlisted ⁹ (In preparation)
Massachusetts	Maura Healey	May 25, 2022	"13 manufacturers of poly- and perfluoroalkyl (PFAS) "forever" chemicals used in firefighting foams..." ¹⁰
Michigan	Dana Nessel	January 1, 2020	This is the first legal action taken by the state against PFAS manufacturers – there are 17 defendants ¹¹
Minnesota	Keith Ellison	December 2010	An Agreement and Order settled the lawsuit on February 20, 2018. 3M was required to pay \$850 million to Minnesota in the form of a restricted grant. ¹²
Minnesota	Attorney General	2007	MPCA and 3M agree to Consent Order outlining 3M's responsibilities for groundwater contamination. ¹³
Mississippi	Lynn Fitch	December 17, 2020	"Mississippi Attorney General Lynn Fitch filed a lawsuit against 3M, DuPont, Chemours and numerous affiliated companies over contamination of the state's natural resources..." ¹⁴
New Hampshire	Gordon J. MacDonald	May 29, 2019	"State of New Hampshire vs. 3M Company, E.I. Du Pont de Nemours and Company, The Chemours Company LLC, Chemguard Inc., Tyco Fire Products LP, Buckeye Fire Equipment Company; Kidde-Fenwal, Inc; and National Foam, Inc." ¹⁵
New Jersey	Gurbir S. Grewal	November 10, 2020	"Attorney General, DEP Commissioner Announce Two New Natural Resource Damage Lawsuits over Contamination of Riverfront Sites" ¹⁶
New Mexico	Hector Balderas	July 16, 2020	"New Mexico joins multidistrict litigation against firefighting foam manufacturers for PFAS contamination" ¹⁷
New York	Letitia James	Nov. 5, 2019	"N.Y. Sues Chemours, DuPont, 3M Over PFAS Contamination (2)" ¹⁸
North Carolina	Josh Stein	November 4, 2021	"four lawsuits filed against 14 manufacturers of Aqueous Film Forming Foam (AFFF)..." ¹⁹ "...including 3M and DuPont..."
North Carolina	Josh Stein	October 13, 2020	"Josh Stein says the chemical companies put profits over people and need "to pay for the mess they created." ²⁰
Ohio	Mike DeWine	February 8, 2018	"Attorney General DeWine Files Lawsuit Against DuPont for Releasing Toxic Chemical into Ohio for Decades" ²¹



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<u>Sate</u>	<u>Attorneys General</u>	<u>Date Case Filed or Consent Order</u>	<u>Notes</u>
Pennsylvania		May 19, 2021	District Attorney, Jack Stollsteimer of Delaware County (PA) sues PFAS makers for contamination at fire-fighting sites. ²²
Vermont	T.J. Donovan	June 27, 2019	Two lawsuits were filed against 3M Companies, DuPont and related DuPont companies as the major chemical makers who manufactured and distributed PFAS chemicals and related products. Related firefighting foam companies were named as co-defendants in the AFFF firefighting foam action. ²³
Wisconsin	Josh Kaul	March 13, 2022	"Civil environmental enforcement lawsuit against Johnson Controls, Inc. (JCI) and Tyco Fire Products LP (Tyco) for alleged violations of the state's hazardous substance spills law related to discharges of ... PFAS." ²⁴
<u>US Territories</u>			
Guam	Leevin Taitano Camacho	September 5, 2019	"The Government of Guam filed a complaint in the Superior Court of Guam against The 3M Co., Tyco Fire Products and others alleging strict products liability, negligence, public nuisance and violation of the Consumer Protection Act." ²⁵

Last summer, a PFAS Litigation Survey reported 13,000+ legal cases in the Multi District Litigation (MDL) on Aqueous Film-Forming Foam Products Liability Litigation.²⁶

Some fire departments still use AFFF. Now, you know!

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- 2 State of Alaska, Department of Law, Press Release, Alaska Attorney General Files Complaint Seeking Damages Against PFAS Manufacturers, April 7, 2021, <https://tinyurl.com/32978yph>
- 3 Gerling Law, Alaska Files Lawsuit Against Companies Linked To PFAS And AFFF, Gayle Gerling Pettinga, Aug 2, 2021, <https://www.gerlinglaw.com/alaska-files-lawsuit-against-companies-linked-to-pfas-and-af-ff/>
- 4 Colorado Attorney General, Attorney General Phil Weiser files lawsuit against 15 companies over firefighting foam containing toxic 'forever chemicals,' Feb. 28, 2022, <https://coag.gov/press-releases/2-28-22/>
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- 6 Miami Herald / Tampa Bay Times, Florida sues chemical companies over potential health risks from firefighting foam, Zachary T. Sampson, May 03 2022, <https://www.miamiherald.com/news/local/environment/article261019177.html?fbclid=IwAR0hyvjglvaaAGHZ00ez1DEwvUCcWNjif63h4BkqpKa-8Y47zOkoh5VU8c>
- 7 Illinois Attorney General, Attorney General Raoul Files Lawsuit Against Sugar Camp Energy, LLC Over Misuse of Toxic "Forever Chemicals," Jan. 7, 2022, https://www.illinoisattorneygeneral.gov/pressroom/2022_01/20220107.html
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- 10 Mass.gov Press Release, Office of Attorney General Maura Healey, AG Healey Sues Manufacturers of Toxic 'Forever' Chemicals for Contaminating Massachusetts Drinking Water and Damaging Natural Resources, 5/25/2022, <https://www.mass.gov/news/ag-healey-sues-manufacturers-of-toxic-forever-chemicals-for-contaminating-massachusetts-drinking-water-and-damaging-natural-resources>
- 11 Michigan.gov, Combating PFAS Contamination in Michigan, accessed June 4, 2022, <https://www.michigan.gov/ag/initiatives/pfas-contamination>
- 12 The Office of Minnesota Attorney General Keith Ellison, State's Second Amended Exhibit List, Accessed June 4, 2022, <https://www.ag.state.mn.us/Office/Cases/3M/StatesExhibits.asp>
- 13 State of Minnesota, Minnesota Pollution Control Agency (MPCA) PFAS Response and 3M Natural Resource Damage Settlement, Wisconsin DNR Brownfields Study Group – September 2018, Gary L. Krueger, Supervisor – MPCA Superfund Program, Per- and Polyfluoroalkyl Substances (PFAS), p. 4, <https://dnr.wisconsin.gov/sites/default/files/topic/Brownfields/bsg/MNPFASPres1809.pdf> and The Office of Minnesota Attorney General Keith Ellison, 3M Lawsuit, Accessed June 4, 2022, <https://www.ag.state.mn.us/Office/Cases/3M/>
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