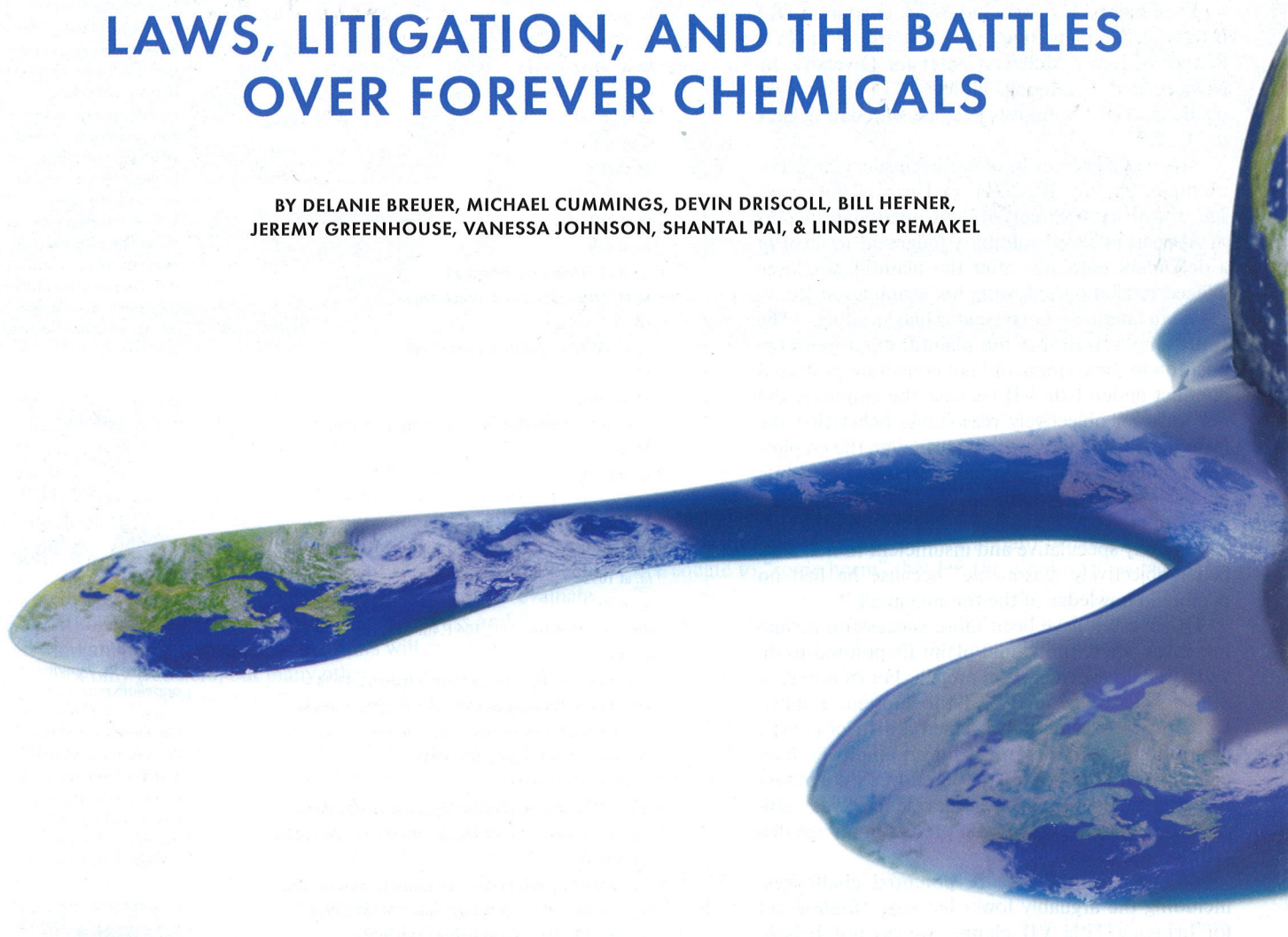


PLANET PFAS

LAWS, LITIGATION, AND THE BATTLES OVER FOREVER CHEMICALS

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Introduction: **Once upon a time in Cincinnati**
There's a portentous moment early in director Todd Haynes's 2019 film *Dark Waters*. It's the late 1990s, at the downtown Cincinnati offices of Taft Stettinius & Hollister. Rob Bilott, a newly minted partner played by Mark Ruffalo, is reviewing discovery documents in a matter he took on as a favor to his West Virginian grandmother.

Editor's note: In recent years, growing awareness of the ubiquity and possible dangers of PFAS—the class of compounds known as “forever chemicals”—has spawned an explosion in litigation and in new environmental statutes and regulations. This article, the first of two, explores the history of PFAS and the body of litigation these chemicals have elicited. The second, to be published later this winter, looks at statutory and administrative law concerning PFAS in Minnesota and nationally.

Grandma's neighbors, owners of a hardscrabble cattle farm outside of Parkersburg, are convinced the mysterious deaths of over half their herd were caused by pollution from a small landfill owned by the chemical company E.I. du Pont de Nemours & Co. on the Dry Run Creek, just upstream from the farm.

My grandson's a big-shot environmental lawyer in Cincinnati, Grandma tells the farmers—*give him a call*. And so, Bilott reluctantly initiated what he assured his managing partner would be a “surgical” lawsuit against DuPont in federal district court, hoping to get some answers for the farmers about what could have happened to their cattle. As Bilott is leafing through the discovery documents, one of his environmental law colleagues drops by to rib the firm's new “plaintiffs' lawyer.” As his colleague turns to leave, Bilott points to one of the DuPont documents, looks up, and says, “Oh wait, one second. Have you heard of this, um, ‘P-F-O-A’?”

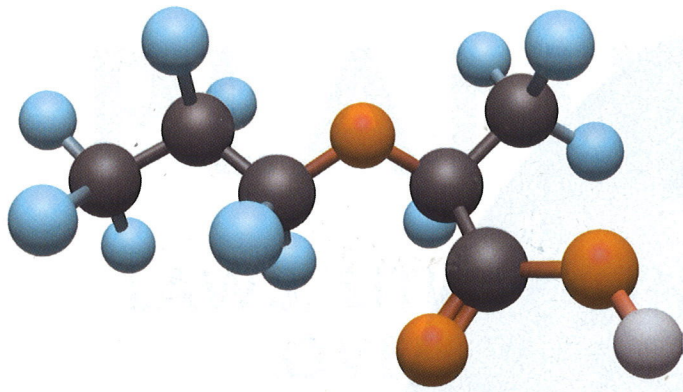


The chemical that neither Bilott nor his colleague had heard of was perfluorooctanoic acid, one of an emerging group of then-unregulated human-made chemicals manufactured by DuPont and others—known as “PFCs” and later “PFAS”—that would soon transform not only Bilott’s career but eventually the practice of environmental law itself. As *Dark Waters* documents, Bilott reached a settlement with DuPont on the farmers’ case. He subsequently brought a class action lawsuit against Dupont on behalf of 80,000 residents living near DuPont’s Parkersburg facilities whose drinking water was contaminated with PFOA. The resulting \$70 million settlement required DuPont to install treatment plants for the affected water districts and funded a landmark epidemiology study on the links between PFOA and human disease.¹

Two decades later, Bilott—who is still a partner at Taft in Cincinnati—continues to represent plaintiffs across the country in prominent PFAS lawsuits. As for environmental law, PFAS

litigation has exploded since the early cases against DuPont, with literally thousands of lawsuits brought against major PFAS manufacturers, many of which have been consolidated in multidistrict litigation in South Carolina federal court, with settlements of \$11 billion and counting.² Meanwhile, although government regulation of PFAS has developed more slowly as regulators continue to study the human-health and environmental risks of PFAS, the last few years have seen state and federal lawmakers adopt a raft of groundbreaking measures regulating the manufacture, use, and remediation of PFAS.

Minnesota has been a leader in many of these legal developments—and not solely due to our state’s typically progressive approach to environmental protection. As home to one of the oldest and largest PFAS manufacturers, 3M, Minnesota played a leading role in the development and proliferation of PFAS (indeed, 3M manufactured and sold to Dupont the PFOA polluting the Dry



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Run Creek in Parkersburg back in the 1990s³) and has needed to act with unique urgency to address homegrown PFAS pollution.

This article outlines the nature and origins of PFAS, summarizes the risks PFAS pose for human health and the environment, and then provides an overview, albeit incomplete, of (a) the burgeoning PFAS-related lawsuits being litigated across the country; and (b) the many new Minnesota and federal laws passed in the last few years to protect human health and the environment from PFAS. (Those laws, and the regulatory developments that have accompanied them, will be the subject of part two of this article, appearing later this winter in *Bench & Bar*.)

What are PFAS and why are they a problem?

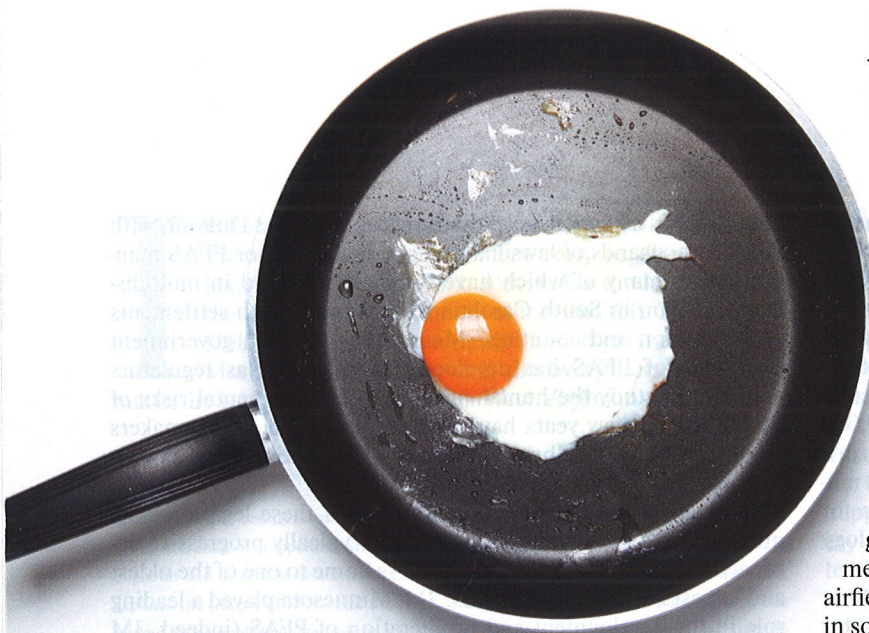
The term PFAS stands for "per- and polyfluoroalkyl substances." PFAS are defined differently depending upon the jurisdiction. But the definitions generally fall along the lines of Minnesota's statutory definition: a "group of over 5000 manmade fluorine-based chemicals that contain at least one fully fluorinated carbon atom."⁴ PFAS do not occur naturally in the environment; they were discovered and developed by scientists beginning in the 1930s. One of the earliest discoveries of PFAS occurred in 1938, when a scientist working for DuPont, Roy J. Plunkett,

accidentally discovered polytetrafluoroethylene (PTFE) when a frozen, compressed sample of the chemical fluorocarbon tetrafluoroethylene spontaneously formed a white, waxy solid. In 1945, Dupont trademarked PTFE as Teflon, and about 10 years later a French engineer, Marc Gregoire, fortuitously tried coating his wife's which likely was the first "nonstick" cookware.⁵ Meanwhile, the Minnesota Mining and Manufacturing Company, which later became 3M, also began producing PFAS chemicals in the 1940s and 1950s in Minnesota, mostly at the company's Cottage Grove plant. In 1945 3M's scientists discovered PFOA, and in 1953 discovered perfluorooctane sulfonic acid (PFOS), which was used in many 3M products, including the well-known brand Scotchgard.⁶

PFAS molecules have a chain of linked carbon and fluorine atoms, which is an extremely strong chemical bond. Because of this, PFAS are chemically and thermally stable and highly resistant to water, heat, and oil.⁷ DuPont and 3M—and shortly after, the public—soon realized that because of these properties, PFAS had the potential to enhance countless everyday products. Here is an excerpt from a 1952 article in *Popular Mechanics*, which described the coming PFAS revolution:

"Consider, for example, the possibility of a lifetime lubricant sealed into your car engine; a house paint that just plain refuses to permit your home to burn down; pots and pans that literally push away scorched foods; detergents so effective a grease monkey's overalls will come clean in a few swishes."⁸

While some aspects of that vision did not quite become reality, much of it did. Since the 1950s, PFAS have been used in countless products, including non-stick pans, food packaging, coated papers, rain gear, stain-resistant fabric and carpets, wire insulation, automobile gaskets, and ski suits. And PFAS have become integral to many commercial sectors, including medicine, military, space travel, electronics, and energy, among others. One particularly significant and widespread use of PFAS has been in aqueous film-forming foam (AFFF), an industrial firefighting foam used to extinguish flammable liquid fires such as those caused by gasoline or oil. AFFF was used extensively by the Department of Defense, which estimates the cost of AFFF cleanup at airfields and similar facilities alone—remediating PFAS pollution in soil and groundwater from historic use of AFFF in emergency or training events—might exceed \$3.8 billion.⁹





U.S. Air Force firefighters work to extinguish a simulated engine fire at Cannon Air Force Base, N.M., Aug. 2, 2012. U.S. Department of Defense | Public Domain

But it soon became clear that the same properties that made PFAS so desirable in these applications also meant that PFAS do not easily degrade over time in the environment, earning them the nickname “forever chemicals.” PFAS cannot be easily removed through conventional pollution treatment at facilities like municipal treatment plants, so they routinely escape into the water, air, and soil. And because PFAS also have a strong bioaccumulation potential, they tend to increase in concentration the further you go up the food chain. As a result, PFAS chemicals have become ubiquitous in the environment. Today they are found in the blood of people and animals all over the world, and they are present in a variety of food products. PFAS are also found in air and wastewater emissions from industrial and municipal facilities, and they often find their way into the soil and groundwater surrounding landfills.

PFAS and human health

In addition to threats to the environment, an increasing number of studies have demonstrated that exposure to PFAS poses significant human health risks. The primary exposure pathway is through consumption in food or drinking water. According to the U.S. EPA, exposure to certain levels of PFAS may lead to:

- reproductive effects such as decreased fertility or increased high blood pressure in pregnant women;
- developmental effects or delays in children, including low birth weight, accelerated puberty, bone variations, or behavioral changes;
- increased risk of some cancers, including prostate, kidney, and testicular cancers;
- reduced ability of the body’s immune system to fight infections, including reduced vaccine response;
- interference with the body’s natural hormones; and
- increased cholesterol levels and/or risk of obesity.¹⁰

It is important to emphasize that these are only the *known* PFAS-related health effects. There is still a lot that scientists do not understand about the effects of PFAS on humans. One of the principal reasons is that while there are many thousands of PFAS chemicals, only a handful have been studied. And their impacts on human health may vary based on the type of PFAS. In other words, this is an evolving—and relatively new—area of scientific inquiry.

Nonetheless, what we do know about the human-health and environmental impacts posed by PFAS has prompted action from diverse stakeholders. Federal and state governments have adopted a cascade of statutes and regulations limiting and regulating the production and use of PFAS; citizens and governments have repeatedly sued 3M, DuPont, and other PFAS companies; manufacturers and retailers of PFAS-containing products have tried to pivot away from PFAS (although in many applications there are few satisfactory substitutes); and businesses have been left reeling, trying to figure out this new legal landscape and what actions, if any, they should be taking.

PFAS litigation

Since the days of Rob Bilott’s PFAS lawsuits in West Virginia in the 1990s, PFAS has continued to be the subject of significant litigation, a trend that is accelerating and anticipated to continue. Claims have been brought (or threatened) by a multitude of parties in a multitude of jurisdictions, based on an even broader multitude of legal theories.

In general, PFAS lawsuits in the United States can be divided into four main categories: government-initiated PFAS action, personal injury, product-related, and property damage. Many of these legal actions focus on PFAS water pollution, and many of the cases related to AFFF have been consolidated in multidistrict litigation (MDL) in South Carolina federal court.¹¹ The cost and magnitude of PFAS litigation is yet to be seen, but settlements to date are well over \$11 billion.¹²

GOVERNMENT-INITIATED PFAS ACTION

Governmental units of various types have initiated legal actions in recent years to address PFAS issues in their jurisdictions. These cases can feature a variety of claims, including those based on statutory claims and tort claims such as negligence, trespass, strict liability, and nuisance.¹³ One of the earliest and most prominent examples of government-initiated PFAS litigation is the state of Minnesota’s 2010 lawsuit against 3M, and its eventual 2018 settlement.

The lawsuit, *Minnesota v. 3M Company*, was filed in Minnesota’s Fourth Judicial District, brought by then-Attorney General Lori Swanson as well as the commissioners of the MPCA and DNR, pursuant to Minn. Stat. §115B.04 in the name of the state as “trustee[s] of the air, water and wildlife.”¹⁴ As noted previously, 3M has produced PFAS in Minnesota since the 1950s, using



Over 100 square miles of groundwater was contaminated by 3M's disposal of PFAS, including the four major aquifers that serve as the sole source of drinking water for approximately 125,000 or more Minnesotans who reside in the Twin Cities area.

them in such popular products as Scotchgard. And while 3M's Cottage Grove plant still produces PFAS, the company phased out Scotchgard in the early 2000s and has announced plans to completely phase out PFAS production by the end of 2025.¹⁵ Nonetheless, significant amounts of PFAS from 3M's facilities reached the environment. For example, according to the state's complaint, (a) for years, 3M piped wastewater containing PFAS into a stream that flows directly into the Mississippi River; (b) 3M's regular practice for many years was to bury PFAS-containing wastes in unlined dumps, thereby releasing PFAS into the groundwater in the area; and (c) over 100 square miles of groundwater were contaminated by 3M's disposal of PFAS, including the four major aquifers that serve as the sole source of drinking water for approximately 125,000 or more Minnesotans who reside in the Twin Cities area.¹⁶

The state's lawsuit claimed damages under MERLA and the Minnesota Water Pollution Control Act as well as under counts of trespass, nuisance, and negligence, and sought \$5 billion in punitive damages to clean up and restore the damage caused by 3M. On the eve of trial, the Office of the Attorney General settled with 3M for \$850 million in the form of a restricted grant. Funds from the settlement have been managed by MPCA and DNR as co-trustees, used to invest in drinking water and natural resource projects in the Twin Cities east metropolitan region.¹⁷ Notably, the settlement grant covered only damages to natural resources; Attorney General Swanson concluded her office had no jurisdiction to recover damages for personal injuries, and 3M consistently rejected assertions that the PFAS contamination at issue posed any health risks.¹⁸

PFAS PERSONAL INJURY LAWSUITS

A second significant category of PFAS litigation is personal injury lawsuits attempting to recover damages for health complications that allegedly resulted from exposure to PFAS-containing materials.

A seminal example of this type of PFAS litigation is Rob Bilott's 2002 class action lawsuit, referenced above, concerning pollution of drinking water sources near Dupont's Parkersburg factory in West Virginia. The 80,000 class members claimed they had experienced adverse health effects from drinking the contaminated water and sought financial compensation.¹⁹ The case settled in 2004. As part of the settlement, the parties selected a panel of three independent epidemiologists to study the link between PFOA exposure and human disease among the class members. Following an expansive study, the panel in 2012 determined there was a "probable link" between PFOA and six diseases: kidney cancer, testicular cancer, thyroid disease, ulcerative colitis, diagnosed high cholesterol (hypercholesterolemia), and pregnancy-induced hypertension and preeclampsia.²⁰

Pursuant to the settlement agreement, members of the class that had one of these "probable link" diseases could bring personal injury lawsuits cases against DuPont in federal courts in West Virginia and Ohio. This eventually led to more than 3500 individual PFAS personal injury lawsuits, which Dupont successfully moved to have consolidated for multi-district litigation in the U.S. federal district court for the Southern District of Ohio.²¹ Eventually, in 2017, Dupont agreed to a global settlement in the Ohio MDL of \$670M.²² And while this personal-injury case involved a very limited geographic area in West Virginia, it had outsized importance because of the science panel's finding linking PFOA to specific diseases, which paved the way for subsequent personal injury lawsuits.

Examples of recent prominent PFAS personal injury lawsuits and settlements include a February 2024 lawsuit against the paper-products company Kimberley-Clark Corp. in U.S. District Court in Connecticut. The three individual plaintiffs alleged that PFAS air emissions from Kimberley-Clark's New Milford facility had poisoned their private drinking wells and caused them injuries; they are seeking over \$5 million in damages.²³ A second example is a PFAS personal injury class action against Saint-Gobain Performance Plastics Corp., 3M, and others claiming defendants' PFAS contaminated drinking water in Hoosick Falls, New York, causing injuries to the plaintiffs such as kidney cancer and thyroid disease.²⁴ The parties settled in 2022 for \$65 million, which included both cash payments and long-term medical monitoring for thousands of residents with elevated PFAS blood levels.

PRODUCT-RELATED PFAS LITIGATION

A third PFAS litigation category, product-related litigation, includes suits for false advertising over PFAS-containing consumer products. Between January 1, 2022, and August 1, 2022, at least 24 class action suits were filed for packaged goods containing PFAS, according to a survey conducted by Sheppard Mullin.²⁵ Trends suggest that consumer class actions have been increasing.²⁶ Product-related litigation has moved beyond manufacturers to reach fast-food and cosmetic companies as well.²⁷

Many of the suits are grounded in marketing or labelling claims and primarily focus on recovering financial damages. Plaintiffs point to the fact that the products were marketed or labeled as “healthy,” “eco-friendly,” or “sustainable.”²⁸ Recently, for example, toothpastes have been a target. A lawsuit against Davids Natural Toothpaste, Inc. was recently filed in the Northern District of California. The company claimed that the toothpaste was “naturally sourced,” containing “naturally derived ingredients,” but plaintiffs allege that the toothpaste contains harmful levels of PFAS.²⁹ Another similar suit has been filed in the Northern District of California against Illuminati Labs LLC and RiseWell LLC, claiming that their natural and safe-to-swallow children’s toothpaste contains harmful levels of PFAS.³⁰ In addition to toothpaste, there have also been recent suits filed regarding PFAS in band aids and baby wipes.³¹

In late 2022, a settlement was reached for Thinx underwear that was marketed as a safe and sustainable product.³² Plaintiffs alleged that PFAS were present in the product.³³ The suit, filed in the Southern District of New York, was settled for \$5 million.³⁴ However, some suits have been dismissed. For example, a lawsuit against L’Oreal was dismissed after plaintiffs had not plausibly pled that PFAS were present in waterproof mascara.³⁵

PFAS PROPERTY DAMAGE CLAIMS

The fourth broad category of PFAS litigation focuses on a loss of property value caused by PFAS pollution. For example, in February of this year, four individuals filed a lawsuit in circuit court for Baltimore county against Synagro Technologies, Inc.³⁶ Synagro manages municipal biosolids programs, turning sewage sludge into fertilizer product that is land-applied on farmers’ fields. The plaintiffs in the *Synagro* case are property owners who live adjacent to one of these land-application sites. They allege Synagro’s fertilizer contained PFAS that caused various property damages, including groundwater pollution, injury and loss of value to farm animals, and property remediation costs. This lawsuit is still in its early stages, but it appears to be part of an emerging trend of lawsuits targeting PFAS in biosolids from wastewater treatment facilities.³⁷

AFFF MULTIDISTRICT LITIGATION

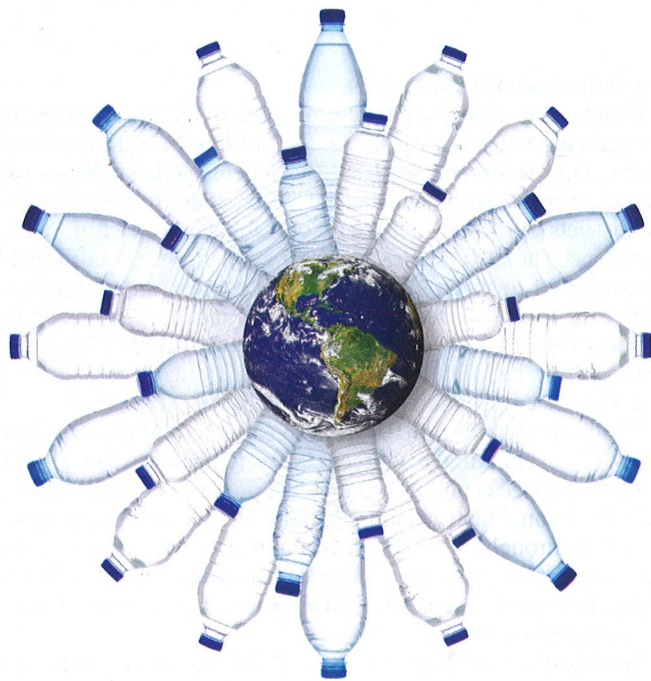
Finally, a critical recent development in PFAS litigation is the multi-district litigation in South Carolina for AFFF-related claims. On December 7, 2018, the federal Judicial Panel on Multidistrict Litigation transferred 90 lawsuits from eight judicial districts to the U.S. District Court for the District of South Carolina.³⁸ The civil actions all involved claims that AFFF had contaminated local ground water and drinking water supplies. While “the MDL” started with 90 cases, it has since ballooned to around 10,000 cases, all related in some way to AFFF.³⁹ Frequent defendants in the MDL include 3M Co., DuPont, Chemours Co., Tyco Fire Products, and BASF Corp.

Claims in the AFFF MDL lawsuits fall into four general categories: (1) state natural resources claims, (2) public water system property damage claims, (3) individual property damage claims, and (4) personal injury claims.⁴⁰ And while the arduous process of sorting through the MDL’s vast number of cases is still in its early stages, there has been significant progress this year in resolving the second category of AFFF cases: public water system property damage claims.

Specifically, beginning in early 2024, the court approved settlements of two class actions against PFAS manufacturers brought by municipal public water systems. First, in February, there was a \$1.2 billion settlement between a class of municipal water providers and defendants DuPont, Chemours Co., and Corteva, Inc.⁴¹ A month later, the court approved a settlement between the same class and 3M Co., up to \$12.5 billion for PFAS monitoring and remediation at public water systems.⁴² The 3M settlement generally applies to all public water systems in the United States that draw water from any water source that was tested or analyzed for PFAS and found to contain PFAS at any level, on or before the settlement.⁴³ Certain public water systems are excluded from the settlement, including (1) public water systems owned by a state government, (2) public water systems associated with a specific 3M PFAS-manufacturing facility, and (3) privately owned wells that provide water only to the owner’s household. Notably, the court has also since granted preliminary approval of similar settlements with Tyco Fire Products (\$750M) and BASF (\$316M).⁴⁴



One of the earliest and most prominent examples of government-initiated PFAS litigation is the state of Minnesota’s 2010 lawsuit against 3M, and its eventual 2018 settlement.



OTHER TYPES OF PFAS LITIGATION

While the four groups described above, including the AFFF MDL cases, cover most PFAS litigation, there are other areas. One particularly notable plaintiff has arisen in PFAS litigation: firefighters, who have been filing suit due to potentially harmful PFAS in fire-retardant gear and firefighting foam or AFFF.⁴⁵ Recently, firefighters in Connecticut filed suit alleging that their protective gear contained PFAS.⁴⁶ The suit—brought by the Uniformed Professional Fire Fighters Association of Connecticut, five other unions, and five firefighters—was filed on behalf of all firefighters across Connecticut. The complaint alleges that DuPont and 3M produced the PFAS used in the gear and that Honeywell, among others, sold the gear but failed to warn of any risks. It further alleges that the PFAS in the gear is more dangerous during exposure to heat, which can lead to ingestion, inhalation, and seepage into the skin. This may be the first suit of its kind regarding the PFAS in protective gear, and it is possible that further suits could follow.

In addition, as federal and state governments are rapidly passing PFAS statutes and regulations—the topic of the forthcoming Part 2 of this article—these are providing new bases for PFAS litigation in the form of enforcement actions.

Conclusion

The rise of PFAS-related regulation and litigation in Minnesota and across the United States is a veritable environmental-law juggernaut. We've come a long way in the 20 years since Rob Bilott first puzzled over the meaning of "PFOA." Diverse groups, from grandmothers, farmers, and drinking-water consumers, to landfills, factories, and international chemical companies, have been or may soon be impacted by PFAS substances. As the scientific community continues to develop a better understanding of the nature and potential impacts of PFAS, the range of regulations and size of lawsuits are sure to balloon. It is essential for today's lawyers—including but not limited to environmental lawyers—to be aware of the many ways PFAS may affect their practices and their clients. ▲

NOTES

- ¹ *Leach v. E.I. Du Pont de Nemours & Co.*, No. 01-C-608, 2002 WL 1270121, at *1 (W. Va. Cir. Ct. 4/10/2002) (granting class certification). The panel of epidemiologists conducting the PFOA study determined there was a "probable link" between PFOA and six diseases: kidney cancer, testicular cancer, thyroid disease, ulcerative colitis, diagnosed high cholesterol (hypercholesterolemia), and pregnancy-induced hypertension and preeclampsia. Pursuant to the settlement agreement, members of the class that had one of these "probable link" diseases could bring personal injury lawsuits cases against DuPont in federal courts in West Virginia and Ohio. This eventually led to more than 3,500 individual lawsuits. Dupont successfully moved to have the cases consolidated for multi-district litigation in the US federal district court for the Southern District of Ohio. See generally MDL 2433—*IN RE: E. I. du Pont de Nemours and Company C-8 Personal Injury Litigation*, at <https://www.ohsd.uscourts.gov/multidistrict-litigation-2433>.
- ² See MDL No. 2873—*IN RE: Aqueous Film-Forming Foams (AFFF) Products Liability Litigation*, at <https://www.scd.uscourts.gov/mdl-2873/index.asp>. The 10,000-plus cases in the South Carolina MDL involve varied causes of action and claims relating to aqueous film-forming foams (AFFFs) containing PFAS. The plaintiffs allege that they were caused personal injury, a need for medical monitoring, property damage or other economic losses caused by AFFF-related pollution of groundwater.
- ³ See *Leach v. E.I. Du Pont de Nemours & Co.* at *3 (Historically, DuPont purchased C-8 from [3M]... for use as a raw material in its various fluoropolymer production processes, including the manufacture of Teflon®.).
- ⁴ Minn. Stat. §325E.075, subd. 1(c).
- ⁵ American Physical Society, This Month in Physics History, APS News (Apr. 2021), <https://www.aps.org/archives/publications/apsnews/202104/history.cfm>.
- ⁶ 3M's discovery of PFOS, like DuPont's discovery of PTFE, was also an accident—scientist Patsy Sherman spilled a chemical mixture (which happened to be PFOS) onto a lab assistant's tennis shoe, and no amount of water, soap, or scrubbing could remove the stain. Toxic Traces Timeline, Minnesota Public Radio, <https://news.minnesota.publicradio.org/projects/2005/02/toxictraces/timeline.shtml>.
- ⁷ See generally EPA's website "Per- and Polyfluoroalkyl Substances (PFAS)," available at <https://www.epa.gov/pfas>.
- ⁸ See Samora, The history of PFAS: From World War II to your Teflon pan" (12/6/2023), available at <https://www.manufacturingdive.com/news/the-history-behind-forever-chemicals-pfas-3m-dupont-ptfe-pfoa-pfos/698254>.
- ⁹ Environmental Working Group, "The Pentagon's contamination time bomb: Cleanup backlog outpaces funding" (May 2023), available at <https://www.ewg.org/news-insights/news-release/2023/05/pentagons-contamination-time-bomb-cleanup-backlog-outpaces>.
- ¹⁰ See EPA's website "Our Current Understanding of the Human Health and Environmental Risks of PFAS," available at <https://www.epa.gov/pfas/our-current-understanding-human-health-and-environmental-risks-pfas#:~:text=Increased%20risk%20of%20some%20cancers,and%20for%20risk%20of%20obesity>.
- ¹¹ Maria Lenin Laus, *Major PFAS Lawsuits Result in Over \$11 Billion Settlements*, JD Journal (12/28/2023), *Major PFAS Lawsuits Result in Over \$11 Billion Settlements* | JDJournal.
- ¹² Maria Lenin Laus, *Major PFAS Lawsuits Result in Over \$11 Billion Settlements*, JD Journal (12/28/2023).
- ¹³ See, e.g., *Nessel v. Ox Paperboard*, Compl. (No. 24-990-C7, Mich. Cir. Ct., filed 10/31/2024) (lawsuit by the state of Michigan against paper manufacturers, alleging PFAS in their wastewater discharges violated state regulations prohibiting the discharge of any substance "injurious to public health or natural resources").
- ¹⁴ Civil File No. 27-CV-10-28862. See Minn. Stat. §115B.17, subd. 7.
- ¹⁵ See Minnesota Public Radio "Toxic Traces," available at <https://news.minnesota.publicradio.org/projects/2005/02/toxictraces/timeline.shtml>.
- ¹⁶ *Minnesota v. 3M Company*, Complaint §III.
- ¹⁷ See *Minnesota 3M PFAS Settlement*, <https://3msettlement.state.mn.us>.
- ¹⁸ Bellon, Tina, "3M, Minnesota settle water pollution claims for \$850 million," Reuters (2/20/2018), available at <https://www.reuters.com/article/business/environment/3m-minnesota-settle-water-pollution-claims-for-850-million-idUSKCN1G42UV>.

- ⁹ *Leach v. E.I. Du Pont de Nemours & Co.*, No. 01-C-608, 2002 WL 1270121, at *1 (W. Va. Cir. Ct. 4/10/2002).
- ²⁰ The C8 Science Panel's reports are available at http://www.c8sciencepanel.org/prob_link.html. "C8" was Dupont's term for PFOA.
- ²¹ See generally MDL 2433—IN RE: *E. I. du Pont de Nemours and Company C-8 Personal Injury Litigation*, at <https://www.ohsd.uscourts.gov/multidistrict-litigation-2433>.
- ²² See "DuPont Offers \$670M Settlement For 'Teflon' Chemical Contamination Of Water," Louisville Public Radio (2/13/2017) available at <https://www.lpm.org/news/2017-02-13/dupont-offers-670m-settlement-for-teflon-chemical-contamination-of-water>.
- ²³ *Bethany DePaul, et al v. Kimberly Clark*, Case No. 3:24-cv-00271 (D. Conn., 2/28/2024).
- ²⁴ *Andrick v. Saint-Gobain Performance Plastics Corp.*, 1:17-CV-1058 (LEK/DJS) (N.D.N.Y. 6/21/2018).
- ²⁵ Jacalyn Crecelius, J.D., *PFAS Litigation: An Overview*, Expert Institute (2023), *PFAS Litigation: An Overview* (<https://www.expertinstitute.com/resources/insights/pfas-litigation-overview/>).
- ²⁶ Simone Jones & Bonnie St. Charles, *What Counsel Should Know About PFAS Regulation and Litigation*, Bloomberg Law (4/21/2023), <https://news.bloomberglaw.com/us-law-week/what-counsel-should-know-about-pfas-regulation-and-litigation-1>.
- ²⁷ *Id.*
- ²⁸ Jacalyn Crecelius, J.D., *PFAS Litigation: An Overview*, Expert Institute (2023), <https://www.expertinstitute.com/resources/insights/pfas-litigation-overview/>.
- ²⁹ Joe Dworetzky, *Lawsuit Brushes Off Toothpaste Maker's Ads, Says Natural Product Contains Harmful PFAS*, Local News Matters (4/4/2024), <https://localnewsmatters.org/2024/04/04/lawsuit-brushes-off-toothpaste-makers-ads-says-natural-product-contains-harmful-pfas/>.
- ³⁰ *Lawsuit Claims Chemical in Toothpaste That Kids Swallow*, Legal Newsline (7/1/2024), <https://legalnewsline.com/stories/661335726-lawsuit-claims-chemical-in-toothpaste-that-kids-swallow>.
- ³¹ Steptoe & Johnson PLLC, *PFAS Lawsuit Involves Health Care Provider's Alleged Discharges*, JD Supra (6/28/2024), <https://www.jdsupra.com/legalnews/pfas-lawsuit-involves-health-care-2655949/>; Dallas Gagnon, *Lawsuit Claims Costco Sold Baby Wipes with Significant Levels of PFAS*, MassLive (7/3/2024), <https://www.masslive.com/news/2024/07/lawsuit-claims-costco-sold-baby-wipes-with-significant-levels-of-pfas.html>.
- ³² Rachel Treisman, *Thinx settled a lawsuit over chemicals in its period underwear. Here's what to know*, NPR (1/19/2023), <https://www.npr.org/2023/01/19/1150023002/thinx-period-underwear-lawsuit-settlement>.
- ³³ *Id.*
- ³⁴ *Id.*
- ³⁵ Karen H. Davis, *PFAS Class Action Against Cosmetic Company Dismissed*, Fox Rothschild (10/16/2023), <https://pfas.foxrothschild.com/2023/10/pfas-class-action-against-cosmetic-company-dismissed/>; *Hicks v. L'Oreal U.S.A.*, 22 Civ. 1989 (JPC) (S.D.N.Y. 9/30/2023). See *GMO Free USA v. Cover Girl Cosmetics*, No. 2021 CA 004786 B (D.C. Sup. Ct. 6/1/2022) for a similar case.
- ³⁶ *Farmer et al. v. Synagro Technologies, Inc.*, No. C-03-CV-24-000598 (Baltimore Cty Cir. Ct. 2/27/2024).
- ³⁷ See e.g., Dan Firth & Sonya Lunder, *Toxic PFAS in Sludge from Wastewater Treatment Plant Pollutes Tennessee Land & Water* (Feb. 2024) https://drive.google.com/file/d/1RM0hmkY8g8bJ_2XJ_QTlmamNbaQcrRIC/view (Sierra Club pamphlet highlighting PFAS issues in biosolids in Tennessee).
- ³⁸ *In re Aqueous Film-Forming Foams Prods. Liab. Litig.*, 357 F. Supp. 3d 1391, 1394 (JPML 2018).
- ³⁹ See generally MDL No. 2873—IN RE: *Aqueous Film-Forming Foams (AFF) Products Liability Litigation*, <https://www.scd.uscourts.gov/mdl-2873/index.asp>.
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- ⁴³ *Id.*
- ⁴⁴ Order Granting Preliminary Approval of Settlement Agreement at 2, *City of Camden v. Tyco Fire Prods. LP*, No. 2:24-cv-02321-RMG (D.S.C. 6/13/2024); Order Granting Preliminary Approval of Settlement Agreement at 2-3, *City of Camden v. BASF Corp.*, No. 2:24cv-03174-RMG (D.S.C. 7/3/2024).
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