

PFAS Litigation Survey
Prepared by Ricardo Pagulayan, Baker Botts Summer Associate

I. PROJECT DETAILS

This document contains a litigation survey of PFAS-related cases filed from January 1, 2016 onwards. This is a working document and does not contain an exhaustive list of all PFAS-related cases filed. The cases discussed in this survey consist of matters publicized through press releases and online articles as well as those found on Westlaw.

II. GENERAL OVERVIEW OF RESULTS

This working document contains a sample size of 31 cases. 24 are federal cases (including one MDL) and 7 are state cases. Currently, there appears to be three main trends in PFAS litigation: (1) individuals or collective actions filing for personal injury or property damage, (2) state or local governments/agencies seeking indemnification for response costs, and (3) private water utilities seeking indemnification for response costs.

While most cases below are currently being litigated in federal court, note that some of those cases were originally filed in state court but were removed to federal jurisdiction. The state cases that remained in state jurisdiction can be found in Section IV of this document, while those removed to federal court can be found along with other federal cases in Section III.

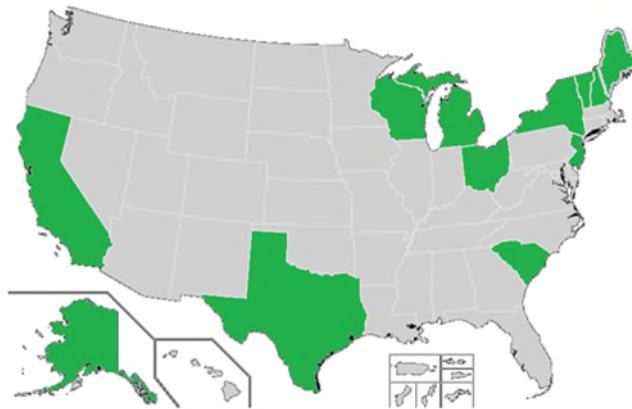
A. Geographic Distribution

The following maps show the jurisdictional distribution of the 29 cases in this sample. Map 1 displays where the cases were originally filed. Map 2 shows the distribution of ongoing litigation (since some cases were transferred to the MDL in South Carolina).

Map 1. States of Original Filing



Map 2. States Where Litigation Is Ongoing



B. Causes of Action

1. Most Common Causes of Action

	Defective Design	Failure to Warn	Negligence	Nuisance	Strict Liability	Trespass
# Cases Claiming	18	20	25	Private: 12 Public: 17 TOTAL: 29	17	21

2. Less Common Causes of Action

- Battery (4)
- Civil penalties (1)
- Common law breach of warranty (1)
- Conspiracy (2)
- Declaratory judgment (5)
- Emotional distress (1)
- Fraudulent transfer (10)
- Injunctive relief (1)
- Public trust doctrine (1)
- UCC breach of warranty (1)
- Unjust enrichment (6)
- Violation of state statute (10)
- Vicarious liability (1)

C. Type of Contamination & Contaminants

	Water	Soil	Air
# Cases Alleging	29	13	1

Other types of contamination: ingestion from dental floss (1), contact through apparel (1)

	PFAS Generally	PFOS	PFOA	PFNA	PFHxS
# Cases Involved	9	19	21	3	1

C. Other Statistics

Number of class actions: 9

1. *Brown v. Saint-Gobain Performance Plastic Corp.*
2. *Burdick v. Tonoga, Inc.*
3. *City of Millington v. 3M Co.*
4. *Dykehouse v. 3M Co.*
5. *Hardwick v. 3M Co.*
6. *Saunders v. Sappi N. Am., Inc.*
7. *Severa v. Solvay Specialty Polymers USA, LLC*
8. *Sullivan v. Saint-Gobain Performance Plastic Corp.*
9. *Zimmerman v. 3M Co.*

Number of MDL's: 1

1. *In re Aqueous Film-Forming Foam Prods. Liab. Litig.* (contains 13,000+ cases, see below for more details)

Number of cases requesting punitive damages: 12

1. *Alaska v. 3M Co.*
2. *Aqua Penn. v. AGC Chems. Am., Inc.*
3. *Campbell v. Tyco Fire Prods.*
4. *City of Fairbanks v. 3M Co.*
5. *City of La Crosse v. 3M Co.*
6. *Giordano v. Solvay Specialty Polymers USA, LLC*
7. *Marks v. 3M Co.*
8. *Nessel v. Chemguard, Inc.*
9. *Santa Clarita Valley Water Agency v. 3M Co.*
10. *Severa v. Solvay Specialty Polymers USA, LLC*
11. *Valero Refining Co. v. 3M Co.*
12. *Weirton Area Water Bd. V. 3M Co.*

III. FEDERAL CASES

A. Multidistrict Litigation

In re Aqueous Film-Forming Foam Prods. Liab. Litig., MDL No. 18-02873 (D.S.C., filed Dec. 7, 2018).

This MDL contains 13,000+ cases that can be broken down into the following categories (data acquired from Baron & Budd, P.C.'s 2021 Class Action Money & Ethics Conference presentation):

- Water providers – 93
- States – 9
- Medical monitoring – 7,174
- Personal injury – 2,416
- Property damage – 3,740
- Medical monitoring and personal injury – 36
- Medical monitoring and property damage – 268
- Medical monitoring and personal injury and property damage – 55
- Personal injury and property damage – 81
- Class actions – 6 (medical monitoring)
- Several cases in this work product's sample size have already been transferred to this MDL.
 - *Aqua Penn., Inc. v. AGC Chems. Am., Inc.*

- *Ayo v. 3M Co.*
- *Barnstable Cnty. V. 3M Co.*
- *Campbell v. Tyco Fire Prods.*
- *City of Fairbanks v. 3M Co.*
- *City of Millington v. 3M Co.*
- *Grewal v. 3M Co.*
- *New York v. 3M Co.*
- *Penn.-Am. Water Co. v. 3M Co.*
- *Santa Clarita Valley Water Agency v. 3M Co.*
- *Weirton Area Water Bd. V. 3M Co.*
- See also the document titled “MDL Transfer Order” in the zip folder accompanying this work product. The order shows a sample of 75 other cases that have been transferred to this MDL.

B. Class Actions

City of Millington v. 3M Co., Case No. 20-00546 (D.D.C., filed Feb. 25, 2020).

- **Contaminant:** PFAS generally through AFFF
- **Type of contamination:** Water
- **Cases of action:** Negligence, public nuisance, trespass, strict liability for defective design and failure to warn
- **Overview:** The plaintiff class consists of public water providers. Plaintiffs claim, on information and belief, that PFAS has likely entered their water supply sources. The only way for class members to ensure the safety of their water is to perform testing. However, class members claim they cannot afford testing and believe that defendant companies, as manufacturers or distributors of PFAS products, should bear the costs of future testing. Plaintiffs also seek to recover damages for the costs of monitoring and remediating their water sources.
- MDL (transferred Mar. 13, 2021): *In re Aqueous Film-Forming Foam Prods. Liab. Litig.*, MDL No. 18-02873 (D.S.C.).

Severa v. Solvay Specialty Polymers USA, LLC, Case No. 20-06906 (D.N.J., filed June 5, 2020).

- **Contaminant:** PFNA
- **Type of contamination:** Water
- **Cause of action:** Public and private nuisance, trespass, negligence, liability under New Jersey Spill Act
- **Overview:** The plaintiff class consists of residents of National Park, New Jersey. For several years, plaintiffs were supplied with PFNA-contaminated water through the National Park Water Department. The presence of PFNA was confirmed in 2019. The source of the water is nearby a plant owned by defendant. Defendant manufactured PDVF resin at the plant and released PFNA over decades into nearby water sources. Plaintiff class alleges that defendant is responsible for the PFAS in their drinking water.

Dykehouse v. 3M Co., Case No. 18-01225 (W.D. Mich., filed Nov. 1, 2018).

- **Contaminant:** PFOS, PFOA
- **Type of contamination:** Water, soil

- **Cause of action:** Public nuisance, private nuisance, trespass, unjust enrichment, negligence, defective design, failure to warn, battery
- **Overview:** The plaintiff class consists of residents of Parchment, Michigan. Plaintiffs allege that they suffered injuries to their health and real properties due to the presence of PFAS-derived chemicals in the local ground and drinking water. Plaintiffs contend the PFAS contamination entered Parchment's water supply through the dumping of industrial waste in the town's landfill. Plaintiffs want to hold defendant manufacturers liable for all costs related to treatment and remedying the PFAS contamination.
- **Note:** Defendants 3M Co. and Georgia-Pacific have reached a \$11.9 million deal with the plaintiff class in this case. However, both defendants did not admit liability or wrongdoing in the settlement.

Hardwick v. 3M Co., Case No. 18-01185 (S.D. Ohio, filed Oct. 4, 2018).

- **Contaminant:** PFAS generally ("PFAS materials")
- **Type of contamination:** Water, firefighting apparel
- **Cause of action:** Negligence, battery, conspiracy
- **Overview:** The lead plaintiff worked as a firefighter and was exposed to PFAS through his firefighting gear. Others in the plaintiff class were exposed to PFAS through water contamination. All plaintiffs claim to have suffered illness from PFAS accumulation in their bodies. Plaintiffs allege that the defendant companies were responsible for manufacturing, distributing, or discarding the PFAS at issue in the case.
- **Note:** Federal judges denied transferring this class action to the MDL in South Carolina (MDL No. 2873).

Zimmerman v. 3M Co., Case No. 17-01062 (W.D. Mich., filed Dec. 1, 2017).

- **Contaminant:** PFOS, PFOA
- **Type of contamination:** Water, soil
- **Cause of action:** Negligence, trespass, private and public nuisance, defective design, failure to warn, fraudulent transfer, battery, unjust enrichment, emotional distress
- **Overview:** The plaintiff class consists of residents of several Michigan counties that recently discovered their drinking water and properties were contaminated by PFAS. State officials attribute the widespread PFAS contamination to defendant Wolverine's waste dumping activities. Plaintiffs generally allege that the defendant companies were responsible for manufacturing, distributing, or discarding the PFAS at issue in the case.

Brown v. Saint-Gobain Performance Plastic Corp., Case No. 16-00242 (D.N.H., removed June 10, 2016).

- **Contaminant:** PFOA
- **Type of contamination:** Water, soil
- **Cause of action:** Trespass, nuisance, negligence, unjust enrichment, strict liability, vicarious liability
- **Overview:** In 2016, the New Hampshire Department of Environmental Services discovered PFOA in water wells near plaintiffs' properties. The plaintiff class alleges that a plant owned and operated by defendant was responsible for the presence of PFOA due to defendant's chemical dumping practices. Plaintiffs also generally allege that defendant's

activities have caused them to lose enjoyment of their properties as well as property value loss and deferred marketability.

Sullivan v. Saint-Gobain Performance Plastic Corp., Case No. 16-00125 (D. Vt., filed May 6, 2016).

- **Contaminant:** PFOA
- **Type of contamination:** Water, soil
- **Cause of action:** Negligence, private nuisance, trespass, battery, strict liability
- **Overview:** The plaintiff class alleges that defendant plastic manufacturer's chemical discharge practices caused the PFOA contamination in the local groundwater. In addition to the local aquifer, plaintiffs also claim that defendant is responsible for severe PFOA soil contamination in the area. Plaintiffs mainly complain of property damage and loss of use and enjoyment of their properties.

C. Non-Class Actions

Aqua Penn., Inc. v. AGC Chems. Am., Inc., Case No. 21-02126 (E.D. Pa., filed May 10, 2021).

- **Contaminant:** PFOS, PFOA
- **Type of contamination:** Water
- **Cause of action:** Strict liability for defective design, failure to warn, negligence, trespass, fraudulent transfer
- **Overview:** Plaintiff, a private water utility, sued defendants PFAS manufacturers to recover the costs of testing for and removing PFOS and PFOA from its water supply. Plaintiff has found PFOS and PFOA in a number of its Pennsylvania water sources. Plaintiff claims that defendants should be responsible for all remediation costs for knowingly manufacturing and distributing hazardous PFAS-derived chemicals.
- **Note:** MDL (transferred June 3, 2021): *In re Aqueous Film-Forming Foam Prods. Liab. Litig.*, MDL No. 18-02873 (D.S.C.).

City of Dayton v. United States, Case No. 21-00135 (S.D. Ohio, filed May 3, 2021).

- **Contaminant:** PFAS generally
- **Type of contamination:** Water, soil
- **Cause of action:** Public nuisance, trespass
- **Overview:** The City of Dayton sued the Wright-Patterson Air Force Base and the U.S. Department of Defense for failing to prevent PFAS from flowing from the base and directly into the Mad River Wellfield. The City uses the wellfield to supply drinking water to more than 400,000 customers. The City is seeking damages for various testing and treatment options that would stop the allegedly ongoing contamination.

Penn.-Am. Water Co. v. 3M Co., Case No. 21-00258 (M.D. Pa., removed Feb. 11, 2021).

- **Contaminant:** PFAS generally
- **Type of contamination:** Water
- **Cause of action:** Strict liability, failure to warn, defective design, negligence, private and public nuisance

- **Overview:** Plaintiff, a private water utility, sued defendants PFAS manufacturers for knowingly producing and distributing PFAS. As a result of defendants' production and distribution of the chemical, plaintiff claims that PFAS and related contaminants have found their way into its water wells, which plaintiff uses to supply drinking water to customers all across Pennsylvania. Plaintiff seeks to recover all costs involved in testing for and purifying its drinking water sources of PFAS.
- **Note:** MDL (transferred Feb. 26, 2021): *In re Aqueous Film-Forming Foam Prods. Liab. Litig.*, MDL No. 18-02873 (D.S.C.).

Nessel v. Chemguard, Inc., Case No. 20-01080, (W.D. Mich., removed Nov. 9, 2020).

- **Contaminant:** PFAS through AFFF
- **Type of contamination:** Water
- **Cause of action:** Liability under parts 17, 31, and 201 of Michigan Act 451 of 1994 (aka Natural Resources and Environmental Protection Act); trespass; public nuisance; and unjust enrichment liability under Pennsylvania fraud laws
- **Overview:** Plaintiff is the Attorney General of Michigan. Plaintiff wants to hold defendant culpable for marketing, distributing, and manufacturing AFFF despite defendant knowing the hazards of PFAS-derived products. There is a statewide issue of PFAS contamination in Michigan, and plaintiff is pursuing compensatory and punitive damages as well as injunctive relief against defendant to mitigate the effects of the PFAS contamination.

Santa Clarita Valley Water Agency v. 3M Co., Case No. 20-03771 (D.S.C., filed Oct. 27, 2020).

- **Contaminant:** PFOS, PFOA
- **Type of contamination:** Water
- **Cause of action:** Public and private nuisance, trespass, negligence, liability under California's civil code, fraudulent transfer, strict liability for defective design and failure to warn
- **Overview:** Plaintiff is a public water provider. Plaintiff claims to suffer ongoing damages and losses from the PFOS and PFOA contamination in its water wells and seeks compensation from defendant for testing and pollution control efforts. Plaintiff claims that defendant PFAS manufacturers are liable for these costs because defendants produced and distributed PFAS, knowing that the chemical can have severe negative effects on public and environmental health.
- **Note:** MDL (case originally filed in D.S.C.): *In re Aqueous Film-Forming Foam Prods. Liab. Litig.*, MDL No. 18-02873 (D.S.C.).

Golden State Water Co. v. 3M Co., Case No. 20-08897 (C.D. Cal., filed Sept. 28, 2020).

- **Contaminant:** PFOA, PFOS
- **Type of contamination:** Water
- **Cause of action:** trespass, actual and constructive fraudulent transfer, strict liability for defective design and failure to warn
- **Overview:** Plaintiff is a private water utility that provides drinking water to communities across the state of California. Plaintiff wants to recover the substantial costs of removing PFAS from its supply wells, which are contaminated by PFOA and PFOS. Plaintiff has spent considerable sums of money to mitigate the PFAS contamination and protect the public from ingesting PFAS through the drinking water plaintiff provides. Plaintiff alleges

that defendant is responsible for the PFOS and PFOA contamination due to defendant's manufacture and distribution of PFAS products.

Weirton Area Water Bd. V. 3M Co., Case No. 20-00102 (N.D. W. Va., removed Apr. 25, 2020).

- **Contaminant:** PFOA, PFOS
- **Type of contamination:** Water
- **Cause of action:** Defective design, failure to warn, public nuisance, negligence, trespass, and fraudulent transfer
- **Overview:** Plaintiff is a state government agency that provides drinking water to several towns in West Virginia. Plaintiff's supply wells have been contaminated with PFOA and PFAS and believes defendants PFAS manufacturers are responsible for the contamination. Plaintiffs claim that defendants should bear the costs of mitigating the contamination to make water from its supply wells safe for the public to drink.
- **Note:** MDL (transferred Mar. 19, 2021): *In re Aqueous Film-Forming Foam Prods. Liab. Litig.*, MD No. 18-02873 (D.S.C.).

Giordano v. Solvay Specialty Polymers USA, LLC, Case No. 19-21573 (D.N.J., removed Dec. 18, 2019).

- **Contaminant:** PFOA, PFOS
- **Type of contamination:** Water, air
- **Cause of action:** Negligence, private nuisance, trespass, liability under the New Jersey Spill Act, and strict liability for failure to warn and defective design
- **Overview:** Defendant owns a facility that manufactures PVDF resin, which is composed of 75% PFNA. As a result of its manufacturing operations, plaintiffs claim that defendant has released massive amounts of PFNA into surrounding air and water. Plaintiff claims to have suffered loss of enjoyment of their property as well as PFAS contamination in his private wells from which he sources drinking water. Plaintiffs want to hold defendants accountable for these injuries.

Valero Refining Co. v. 3M Co., Case No. 19-00223 (E.D. Okla., removed July 11, 2019).

- **Contaminant:** PFAS generally through AFFF
- **Type of contamination:** Water, soil
- **Cause of action:** Negligence, unjust enrichment, common law and UCC breach of implied warranties, fraudulent transfer, liability under the Oklahoma Consumer Protection Act, strict liability for defective design and failure to warn
- **Overview:** Plaintiff is an oil refiner. Plaintiff admits to having used PFAS-derived products through the use of AFFF in firefighting activities at its Oklahoma refinery. The use of AFFF has opened up plaintiff to PFAS contamination-related liability, which entails paying for response costs, testing, cleanup, and disposal of leftover AFFF products. Plaintiff believes defendants should bear those costs for manufacturing and distributing PFAS with the knowledge that PFAS has deleterious effects on human health and the environment.
- **Note:** MDL (transferred Aug. 7, 2019): *In re Aqueous Film-Forming Foam Prods. Liab. Litig.*, MDL No. 18-02873 (D.S.C.).

Grewal v. 3M Co., Case No. 19-14734 (D.N.J., removed July 3, 2019).

- **Contaminant:** PFOS, PFOA
- **Type of contamination:** Water, soil
- **Cause of action:** Negligence, public nuisance, fraudulent transfer, strict liability for defective design and failure to warn
- **Overview:** The Attorney General of New Jersey filed suit against defendants PFAS manufacturers for ongoing harm inflicted by PFAS-derived chemicals on the state's natural resources. New Jersey contends that defendants are ultimately responsible for the vast quantities of AFFF-laced water running off into the state's water table from fuel spills, firefighting events, and other industrial activities. New Jersey seeks to recover ongoing and future response costs.
- **Note:** MDL (transferred Aug. 6, 2019): *In re Aqueous Film-Forming Foam Prods. Liab. Litig.*, MDL No. 18-02873 (D.S.C.).

New York v. 3M Co., Case No. 19-00707 (N.D.N.Y., removed June 14, 2019).

- **Contaminant:** PFOA, PFOS
- **Type of contamination:** Water
- **Cause of action:** Public nuisance, unjust enrichment, strict liability for defective design and failure to warn
- **Overview:** New York claims that "the state has been damaged" from the widespread PFOS and PFOA contamination in drinking water sources across the state. New York seeks to recover all costs related to testing for and purifying drinking water of PFAS-derived chemicals to make the water safe for the public. In addition to posing a grave threat to New Yorkers, the state also contends that the PFAS contamination threatens its natural resources and believes defendants PFAS manufacturers should be liable for all remediation costs.
- **Note:** MDL (transferred July 29, 2019): *In re Aqueous Film-Forming Foam Prods. Liab. Litig.*, MDL No. 18-02873 (D.S.C.).

Campbell v. Tyco Fire Prods., Case No. 19-00422 (E.D. Wis., removed Jan. 31, 2019).

- **Contaminant:** PFOA, PFOS
- **Type of contamination:** Water
- **Cause of action:** Negligence, trespass, strict liability, failure to warn
- **Overview:** Plaintiffs own and depend on a private well source for drinking water. Plaintiffs claim that PFOA and PFOS have entered the well and surrounding soils as well as the pipes used to deliver water to their property. Plaintiffs allege that because of PFOA and PFOS contamination, one plaintiff has developed thyroid cancer, and that all plaintiffs are at heightened risk of high cholesterols, changes in thyroid hormone levels, and kidney cancer. Plaintiffs claim that defendant's chemical discharge practices are responsible for the PFOA and PFOS contamination.
- **Note:** MDL (transferred Feb. 14, 2019): *In re Aqueous Film-Forming Foam Prods. Liab. Litig.*, MDL No. 18-02873 (D.S.C.).

City of Fairbanks v. 3M Co., Case No. 19-00013 (D. Alaska, filed Apr. 26, 2019).

- **Contaminant:** PFOS, PFOA
- **Type of contamination:** Water, soil

- **Cause of action:** Negligence, declaratory judgment, strict liability for defective design and failure to warn
- **Overview:** The City of Fairbanks seeks to hold defendants PFAS manufacturers liable for the PFAS contamination of soils and groundwater across the City's jurisdiction. The PFAS contamination has its roots in the long-term use of AFFF in firefighting events. The City has spent over \$4.3 million in remediation efforts and believes that defendants are responsible for those costs for manufacturing and distributing PFAS-derived chemicals.
- **Note:** MDL (transferred May 14, 2019): *In re Aqueous Film-Forming Foam Prods. Liab. Litig.*, MDL No. 18-02873 (D.S.C.).

Andrews v. Procter & Gamble Co., Case No. 19-00075 (E.D. Cal., filed Jan. 11, 2019).

- **Contaminant:** PFAS
- **Type of contamination:** Ingestion of PFAS through dental floss
- **Cause of action:** Violation of state false advertising and unfair competition laws
- **Overview:** Plaintiffs filed suit to stop defendant from marketing, distributing, and manufacturing dental floss, which plaintiffs claim to contain excessive amounts of PFAS. Plaintiffs were exposed to advertisement for the floss through print and the media, which encouraged plaintiffs to purchase the floss. As a result, plaintiffs claim they were exposed to PFAS and its hazards.

Ayo v. 3M Co., Case No. 18-00373 (E.D.N.Y., removed Jan. 18, 2018).

- **Contaminant:** PFOS, PFOA
- **Type of contamination:** Water, soil
- **Cause of action:** negligence, failure to warn, defective design, trespass, private and public nuisance, conspiracy
- **Overview:** Plaintiffs belong to various communities in Long Island located "downgradient" from a national guard base that received firefighting services from the U.S. Air Force. As a result of the firefighting services, plaintiffs allege that surface and groundwater around their communities were contaminated by PFOS and PFOA through the use of AFFF. Plaintiffs believe defendants PFAS manufacturers are ultimately responsible for the contamination for manufacturing and distributing PFAS products.
- **Note:** MDL (transferred Oct. 5, 2018): *In re Aqueous Film-Forming Foam Prods. Liab. Litig.*, MDL No. 18-02873 (D.S.C.).

Barnstable Cnty. V. 3M Co., Case No. 17-40002 (D. Mass., filed Jan. 9, 2017).

- **Contaminant:** PFOS, PFOA
- **Type of contamination:** Water, soil
- **Cause of action:** defective design, failure to warn, negligence, declaratory judgment, indemnification of local government past and future response costs
- **Overview:** Plaintiff sued to recover the cost of purifying the local water supply of PFOS and PFOA. Plaintiff allege its water supply was contaminated by defendant's manufacturing and distribution of PFAS chemicals. PFOS and PFOA made it to plaintiff's locale from products used in a fire training school that previously operated in the area. Plaintiff believes that the costs of making the local water supply safe for the public should

fall on defendant because defendant implied that PFAS chemicals were safe for ordinary use by manufacturing and distributing the chemical.

- **Note:** MDL (transferred Dec. 18, 2018): *In re Aqueous Film-Forming Foam Prods. Liab. Litig.*, MDL No. 18-02873 (D.S.C.).

IV. STATE CASES

A. Class Actions

Saunders v. Sappi N. Am., Inc., Case No. 2021-19 (Super. Ct. of Me., Somerset, filed Mar. 5, 2021).

- **Contaminant:** PFOS, PFOA
- **Type of contamination:** Water, soil
- **Cause of action:** Strict liability, private and public nuisance, liability under state nuisance statute, negligence, willful and wanton conduct
- **Overview:** On January 13, 2021, the State of Maine found PFAS in the lead plaintiff's well water at 185 times greater than EPA's health advisory limit. Lead plaintiff contends that the groundwater and soil on his property all suffer from alarmingly high levels of PFAS contamination and represents a class of plaintiffs who are similarly situated. Defendants are manufacturers (named defendant is a foreign company). The plaintiff class believes that defendants' manufacturing activities are responsible for the PFAS contamination on their properties and seek to recover all costs related to remedying the contamination.

Burdick v. Tonoga, Inc., Case No. 531108, 2021 WL 726443 (N.Y. Sup. Ct., App. Div., Feb. 25, 2021)

- **Contaminant:** PFOS, PFOA
- **Type of contamination:** Water
- **Cause of action:** Negligence, private nuisance, trespass, strict liability
- **Overview:** Defendant has operated a manufacturing facility in Rensselaer County since 1961. The plaintiff class consists of residents of the area surrounding defendant's manufacturing facility. As early as 2004, defendant obtained test results indicating that PFOS and PFOA were present in private water wells near its manufacturing facility. The plaintiff class alleges that they were exposed to PFOS and PFOA through defendant's activities and that defendant is responsible for the contamination.

B. Non-Class Actions

Alaska v. 3M Co., Case No. 4FA-21-___-CI (Super. Ct. of Alaska, Fairbanks, filed Apr. 6, 2021).

- **Contaminant:** PFOS, PFOA
- **Type of contamination:** Water, soil
- **Cause of action:** Trespass, negligence, public nuisance, unjust enrichment, fraudulent transfer, strict liability for defective design and failure to warn, liability under Alaska Unfair Trade Practices and Consumer Protection Act
- **Overview:** The State of Alaska is seeking damages from defendants PFAS manufacturers for the harms inflicted by PFAS on industry, "downstream handlers," and the general Alaskan public. Among Alaska's main allegations are that defendants manufactured

defective products, failed to warn the State and the Alaskan public on the harms of PFOS and PFOA, and engaged in deceptive trade practices under state law. The complaint alleges that PFOS and PFOA made it to Alaska through fire-fighting and general industrial uses.

City of La Crosse v. 3M Co., Case No. 21-000124 (Cir. Ct. Wis., La Crosse, filed Mar. 4, 2021).

- **Contaminant:** PFOS, PFOA
- **Type of contamination:** Water
- **Cause of action:** Public and private nuisance, trespass, defective design, failure to warn, negligence, fraudulent transfer
- **Overview:** Plaintiff alleges that its groundwater and drinking water supply wells have been contaminated by PFOS and PFOA through the use of AFFF at the La Crosse Regional Airport. The City claims that defendants PFAS manufacturers are responsible for the health hazards inflicted on city residents and for the costs tied to testing and purifying the local water supply. In its complaint, the City stated that defendants manufactured and distributed PFAS products knowing that PFAS would likely contaminate public and private wells within its jurisdiction.

Orange Cty. Water Dist. v. 3M Co., Case No. 30-2020-01172419-CU-PL-CXC (Super. Ct. of Cal., Orange Cty., filed Dec. 1, 2020).

- **Contaminant:** PFOS, PFOA
- **Type of contamination:** Water
- **Cause of action:** Trespass, public and private nuisance, negligence, liability under state health regulations, declaratory judgment, fraudulent transfer, strict liability for defective design and failure to warn
- **Overview:** Plaintiff water districts seek indemnification for past and future decontamination costs. The water districts claim that defendants PFAS manufacturers were the source of the PFOS and PFOA that now contaminate their supply wells. Plaintiffs have racked massive bills testing for and removing PFAS from drinking water supplies in an effort to curb the “widespread contamination” that plaintiffs claim is now affecting millions of California residents. In addition to PFAS manufacturers, plaintiffs have also named as defendants companies that use materials containing PFAS in their line of business.

New Hampshire v. 3M Co., Case No. 216-2019-CV-445 (Super. Ct. of N.H., Hillsborough, filed May 29, 2019).

- **Contaminant:** Water, soil
- **Type of contamination:** PFOS, PFOA, PFNA, PFHxS
- **Cause of action:** Negligence, defective design, failure to warn, trespass, public trust doctrine, fraudulent transfer
- **Overview:** The State of New Hampshire sued defendants PFAS manufacturers for contaminating the state’s waters, lands, and wildlife. New Hampshire claims that defendants should have known that PFAS-derived chemicals are hazardous to both human and environmental health based on past studies but continued to manufacture and distribute the chemicals. New Hampshire also claims that PFOS, PFOA, PFNA, and PFHxS continue to accumulate in the bodies of New Hampshire residents and biota, and the state wishes to hold defendants accountable for all PFAS-related response costs.

Texas v. Intercontinental Terminals Co., Case No. D-1-GN-19-001593 (Tex. Dist. Ct. for Travis Cty., filed Mar. 22, 2019).

- **Contaminant:** PFAS through AFFF
- **Type of contamination:** Water
- **Cause of action:** Injunctive relief, civil penalties
- **Overview:** Following the Deer Park chemical fire in March 2019, this action was commenced as Texas contends defendant is responsible for the chemical fire and the resulting pollution from several chemicals, including PFAS. Texas is requesting that civil penalties be imposed on defendant for its unauthorized pollution of the area surrounding its Houston facility.