

## Wash. Residents Hit 3M With Another PFAS Suit

By **Rachel Riley**

Law360 (May 18, 2023, 7:12 PM EDT) -- A group of eastern Washington residents have launched a proposed class action in Seattle federal court against 3M and other manufacturers involved in the production of a toxic firefighting foam that they say has seeped into their water supply from a local military base.

The Yakima County residents blame their cancer, thyroid disease and other diagnoses on aqueous film-forming foam products that contained per- and polyfluoroalkyl substances, known collectively as PFAS or "forever chemicals" because they don't degrade and instead accumulate in the body, according to the lawsuit filed on Wednesday. The poisons migrated into their drinking water supply after decades of firefighting exercises at the nearly 330,000-acre Yakima Training Center, a satellite facility of Joint Base Lewis-McChord near Tacoma, the suit said.

According to the lawsuit, The 3M Company and other manufacturers for decades conspired to conceal the environmental and public health risks of PFAS, making and selling the firefighting foam and its components to the U.S. Army for use during fire suppression exercises at the training center since the foam was created in the 1960s.

It's the latest legal action against 3M and other industrial manufacturers over PFAS groundwater contamination. Just this year, similar suits have been filed in **North Carolina, Maine** and **Illinois**.

More than a dozen business entities are named as defendants, including Kidde-Fenwal Inc., Chemguard Inc., Corteva Inc. and affiliates of DuPont. Altogether, the companies allegedly make up the market for all toxic firefighting foam products and component products used at the Yakima Training Center.

"Fire training centers and the use of PFAS-containing foam at these locations have become epicenters for contamination of water supplies nationwide," Hunter Shkolnik of Napoli Shkolnik, representing the residents, told Law360 in an email. "This case is just one more example of the dangers these chemicals pose to our communities."

The company told Law360 on Friday that it's always acted responsibly in manufacturing the firefighting foam and other PFAS products and "will vigorously defend its record of environmental stewardship."

"AFFF was a critical tool developed to serve an important need for military service members and other responders facing potentially life-threatening challenges," Grant Thompson, a 3M community engagement & public relations senior specialist, said in an email.

The Army began testing drinking water wells in 2020 and found the contamination had spread beyond the base, into the private groundwater wells west of the base.

The group of plaintiffs is made up of former and current residents of Yakima County; Some of them don't claim current health problems but say they remain at risk of a wide range of medical issues, from effects on the liver and immune system to thyroid hormone changes. They seek to represent a "medical monitoring class" of people who consumed tainted water from their private wells and a "property damage class" of Yakima County property owners.

The lead plaintiff, Nicole Acosta, said she was diagnosed with thyroid disease because of years of exposure to the chemical. Like the other named plaintiffs, her home is served by a private well, and

the chemical has accumulated in her blood, the lawsuit said. Prostate and colon cancer, high blood pressure, and diabetes are among the diagnoses named in the suit.

The suit requests damages including money to fund an extensive medical monitoring plan, pay medical bills related health issues caused by the chemicals, install and maintain filter systems to remove the chemicals from the groundwater, study the long-term effects of PFAs exposure, and cover the cost of any other investigations needed to determine the extent of the contamination.

3M developed the family of fluorinated chemicals in the 1940s, and Dupont began buying it in the 1950s to make Teflon non-stick coating, according to the lawsuit.

Now, PFAs in the water and soil in Yakima county include perfluorooctane sulfonate, or PFOS, and perfluorooctanoic acid, or PFOA, according to the lawsuit. The toxins have accumulated in pipes, faucets, showerheads and appliances in affected homes, the suit says.

3M announced late last year that it would phase out all PFAS manufacturing by the end of 2025, according to a news release. The company did not immediately respond to a request for comment on Thursday.

The residents are represented by Dave Bricklin and Zachary Griefen of Bricklin & Newman LLP and Patrick J. Lanciotti and Hunter Shkolnik of Napoli Shkolnik.

Counsel information for the defendants was not available on Thursday.

The case is Nicole Acosta et al. v. The 3M Company et al, number 1:23-cv-03068, in the U.S. District Court for the Eastern District of Washington.

--Editing by Alex Hubbard.

*Update: This article has been updated to add comment from 3M.*