

**Phil Weiser**

COLORADO ATTORNEY GENERAL

**FILE A COMPLAINT**

## Attorney General Phil Weiser joins multistate coalition in opposing 3M's proposed PFAS settlement

July 26, 2023 (DENVER) – Attorney General Phil Weiser today joined a bipartisan multistate coalition of 22 attorneys general announcing his opposition to a proposed class action settlement that fails to adequately hold accountable the 3M Company for contaminating Americans' drinking water supply.

Under the proposed settlement, water providers would withdraw the hundreds of lawsuits they have filed against 3M over its use of per- and polyfluoroalkyl substances – commonly referred to as “PFAS” or toxic “forever chemicals” – in a wide range of consumer products and firefighting foams. PFAS are stable in the environment, resistant to degradation, persistent in soil, and known to leach into groundwater. The proposed settlement is subject to court approval.

Attorney General Weiser filed a lawsuit in February of 2022 against 15 manufacturers of a firefighting foam containing PFAS for damages and injuries that these toxic chemicals have caused to Colorado's public health and natural resources.

“Coloradans now suffer degraded water quality and public health injuries on account of the actions of 3M and other companies who manufactured and marketed PFAS,” stated Weiser. “By taking

action today, we are standing up for our citizens and fighting for an adequate and appropriate resolution of the ongoing litigation.”

The proposed settlement would apply to nearly every public water provider in the United States, even those that have not sued and even those that have yet to test for the presence of PFAS in their water. In return for waiving their claims, 3M would allegedly pay out \$10.5 to \$12.5 billion to water providers, an amount that is worth far less because of certain provisions that could ultimately force water providers to reimburse 3M for many costs.

In the brief filed with the U.S. District Court for the District of South Carolina, the coalition warns that individual water providers would be bound by the proposed settlement unless they proactively opt out, whether or not they have sued 3M or already tested for PFAS. Troublingly, they would have to make their opt-out decisions without knowing how much they would actually receive and, in many cases, before knowing the extent of contamination in their water supplies and the cost of remediating it.

The proposed settlement also contains an indemnification clause, which shifts liability from 3M to water suppliers bound by settlement because they decided not to proactively opt-out. For example, if a cancer cluster develops in a PFAS-impacted community and the victims sue 3M, the company would likely be able to seek compensation from the community's public water supplier for any amount it owed to the victims. As such, the proposed settlement is worth far less than the advertised \$10.5 billion to \$12.5 billion.

Joining Attorney General Weiser in opposing the proposed settlement are the attorneys general of Arizona, California, Connecticut, the District of Columbia, Hawaii, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, New Mexico, New York, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, Wisconsin, as well as the Commonwealth of the Northern Mariana Islands and the Commonwealth of Puerto Rico.

A copy of the motion to intervene is available [here](#) and of the opposition [here](#).

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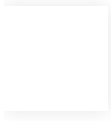
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