

Gov. Evers, AG Kaul: Join bipartisan coalition in opposing 3M's proposed PFAS settlement

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MADISON — Gov. Tony Evers and Wisconsin Attorney General Josh Kaul, joining a bipartisan coalition of 22 attorneys general, announced their opposition to a proposed class action settlement that fails to adequately hold accountable the 3M Company (3M) 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 poly-fluoroalkyl 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.

“Every Wisconsinite deserves access to clean, safe water, free of PFAS and other harmful contaminants that we know are detrimental to our kids, families, farmers, and communities,” said Gov. Evers. “Communities across our state are dealing with the effects of PFAS contamination, and we know folks and families are already facing enormous costs to get these harmful pollutants out of our water supplies. I promised the people of Wisconsin we would work to ensure those responsible are held accountable and would fight to make sure taxpayers don't have to foot the bill to clean up the messes that others made—this settlement falls short of that commitment.”

“We must ensure that our drinking water is safe from toxic forever chemicals and that taxpayers aren't left to foot the bill for remediating PFAS contamination,” said Attorney General Kaul. “We will continue working to hold the companies that profited from the production and sale of PFAS accountable.”

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 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, 3M 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 Gov. Evers and Attorney General Kaul in opposing the proposed settlement are the attorneys general of Arizona, California, Colorado, Connecticut, the District of Columbia, Hawaii, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, New Mexico, New York, Pennsylvania, Rhode Island, Tennessee, Texas, Vermont, 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](#).