

Environment & Energy

DuPont, 3M Face PFAS Lawsuit From Wisconsin Attorney General (1)

By Zach Bright

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- **COURT:** Dane County Circuit Court, Wis.
 - **DOCKET:** Case not yet docketed
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Chemical companies including DuPont de Nemours Inc. and 3M Co. allegedly deceived consumers and polluted Wisconsin waterways with “forever chemicals,” according to a lawsuit that top state officials announced Wednesday.

Three manufacturers and 15 more defendants violated state law with actions that directly contaminated the state’s natural resources and property with per- and polyfluoroalkyl substances, or PFAS, state Attorney General Josh Kaul (D) said in a complaint filed in Dane County Circuit Court.

The companies are alleged for a role in producing, marketing, selling, or distributing products with PFAS, taking measures to protect their own employees from the long-lasting chemical class but failing to notify members of the public.

PFAS—found from cookware and carpets to firefighting foam and food packaging—is linked to human health issues including cancer. More than \$1 billion is needed to address PFAS accumulation, found in the state’s waterways and in people’s blood, Gov. Tony Evers (D) said.

“It’s time to hold these polluters accountable and make them pay for the costs of cleaning up their own mess,” Evers said at a news conference.

In addition to DuPont and 3M, the lawsuit names other companies that it alleges “knew—or at the very least should have known—that the ordinary and intended use of their PFAS products would injure the natural environment and threaten public health in Wisconsin.”

Included are BASF Corp., Tyco Fire Products LP, National Foam Inc., and Chemguard Inc.

Legislative Action

Evers and Kaul said that more immediate legislative action is needed, because the lawsuit will take time to resolve, during which contamination will persist.

In the state's latest budget, Evers proposed more than \$3 million toward the state's PFAS action plan and \$20 million in municipal grants for local communities to address the chemical class.

He said Republicans, who control the Legislature, "chose to continue to sit on their hands as corporations pollute our water" by removing those provisions from the budget he signed.

The lawsuit comes after a decision earlier this week by the Wisconsin Department of Natural Resources to use \$1 million in state budget funding to collect and dispose of firefighting foam with PFAS across the state.

Causes of Action: PFAS contamination constitutes a public and private nuisance, continuing trespass of the chemicals on public and private property, a failure to warn under and design defect under strict products liability, and negligence.

Relief: The state "seeks to recover all costs, expenses, and damages associated with Defendants' tortious conduct" as well as punitive damages.

Response: "3M acted responsibly in connection with its manufacture and sale of PFAS and will vigorously defend its record of environmental stewardship," a 3M spokesperson said in a statement.

"To implicate DuPont de Nemours in these past issues ignores this corporate evolution, and the movement of product lines and personnel that now exist with entirely different companies," a DuPont spokesperson said in a statement.

A BASF spokesperson said "the company does not believe the allegations have merit, and it intends to defend these cases vigorously."

Attorneys: The Wisconsin Attorney General's Office represents the state.

To see the latest updates on state-level PFAS regulations and legislation, check out Bloomberg Law's PFAS State Activity Tracker here.

(Updates with response from BASF.)

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Documents

Complaint
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Related Articles

[Chemours, DuPont Must Test One PFAS, EPA Says in First Order \(2\)](#) June 6, 2022, 11:35 AM

[State Polluter-Pays Bills Aim to Make Companies Cover PFAS Harms](#) June 27, 2022, 5:30 AM

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