

Environment & Energy

# DuPont, Chemours, 3M Sued by N.C. Attorney General Over PFAS

By Zach Bright

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- **Court:** N.C. Super. Ct.
  - **Docket:** Not yet docketed.
  - **Judge:** Not yet assigned.
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DuPont de Nemours Inc., the Chemours Co., and 3M Co. are among more than a dozen companies that produced firefighting foam with “forever chemicals” while knowing their connection to human health harms, according to complaints from the North Carolina attorney general.

The companies produced and sold aqueous film-forming foam (AFFF), which contains per- and polyfluoroalkyl substances (PFAS), Attorney General Josh Stein (D) said in two lawsuits filed on Tuesday in the state’s Superior Court.

One lawsuit, filed in the court in Guilford County, concerns contamination at the Piedmont-Triad International Airport near Greensboro, N.C. The other, in Onslow County, covers Marine Corps Base Camp Lejeune and Marine Corps Air Station New River near the state’s coast and the New River.

Both target the same chemical manufacturers for the same type of contamination.

“In our filing with the court, we allege that these companies that made firefighting foam knew well how dangerous it was to our first responders and our natural resources,” Stein said in a statement. “But they continued to sell this product to line their pockets at the expense of our health and our drinking water.”

The lawsuits focus on perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS), which were used in AFFF. The two PFAS are associated with adverse human health effects, including suppressing immune systems, thyroid disease, and some cancers.

The Environmental Protection Agency’s most recent limits on PFAS are 0.004 parts per trillion (ppt) for PFOA and 0.02 ppt for PFOS.

Groundwater samples from the Piedmont-Triad International Airport have shown PFOS at 8,000 ppt and those from Camp Lejeune and Marine Corps Air Station New River showed PFOA present at 25,000 ppt, according to the complaints.

Both say the original E.I. du Pont de Nemours and its spinoffs—DuPont de Nemours Inc., The Chemours Co., and Corteva Inc.—transferred liabilities fraudulently.

The lawsuits are part of the North Carolina attorney general's investigation into PFAS contamination, and could result in additional lawsuits, Stein's office said in a statement. Last November, Stein filed four lawsuits against 14 companies over firefighting foam.

**Causes of Action:** Design defects and failure to warn according to North Carolina's product liability statute (N.C.G.S. § 99B-1 et. seq.). Targets du Pont and spinoffs for fraudulent transfer. Also seeks to find all defendants liable of being a public nuisance.

**Relief:** The state is seeking to prevent the future sale of AFFF from certain companies, as well as property damages, economic damages, investigation, treatment, remediation, and restoration costs from PFOS and PFOA contamination.

**Response:** "DuPont de Nemours has never manufactured PFOA, PFOS or firefighting foam," said Daniel Turner, public affairs director at DuPont. "While we don't comment on pending litigation, we believe these complaints are without merit, and the latest example of DuPont de Nemours being improperly named in litigation."

"3M acted responsibly in connection with products containing PFAS—including AFFF (aqueous film-forming foam)—and will vigorously defend its record of environmental stewardship," said Grant Thompson, public relations specialist for 3M. "AFFF was a critical tool developed to serve an important need for military service members and other responders facing potentially life-threatening challenges."

The cases are State of North Carolina v. 3M Co. et al., N.C. Super. Ct., 10/18/22 and State of North Carolina v. 3M et al., N.C. Super. Ct., 10/18/22.

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## Documents

Complaint  
[Suit filed in Guilford County](#)

Complaint  
[Suit filed in Onslow County](#)

## Related Articles

[Safe Exposure Is Near Zero for Two PFAS Chemicals, EPA Says](#) (2) June 15, 2022, 9:00 AM

[Two EPA PFAS Advisories Violate Law, Trade Group Tells Court](#) (1) July 31, 2022, 12:54 PM

## Topics

natural resources  
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## Companies

3M Co  
DowDuPont Inc  
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