

Environment & Energy

Metals Company Sued for PFAS Pollution by Top Michigan Attorney

By Zach Bright

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Court: Mich. 17th Cir. Ct.

Docket: Not yet docketed

Judge: Not yet assigned

A metals company contaminated Michigan properties with “forever chemicals” and other hazardous substances, the state’s attorney general said in a lawsuit filed Thursday.

FKI Hardware, Inc., allegedly released volatile organic compounds in the soil and groundwater of nine identified sites in more than half-a-dozen cities. Formerly known as the Keeler Brass Company, FKI Hardware is now based in Tulsa, Okla.

The complaint from Michigan Attorney General Dana Nessel (D) specified that the chemicals included trichloroethylene (TCE) and per- and polyfluoroalkyl substances (PFAS).

TCE is classified as a carcinogen, and PFAS is a wide-ranging chemical class also found across numerous products from cookware to carpets. Both substances have been linked to environmental and human health harms at certain accumulations.

The substances are often used in metal finishing processes—TCE as a degreasing agent and PFAS as a mist. Michigan has enforceable criteria for seven types of PFAS, including two— perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS)—that are relevant to the properties in the suit, the complaint said.

“Michigan residents deserve to be safe from environmental contamination in their communities,” Nessel said in a statement. “Companies that do business in Michigan, pull up stakes and leave their communities with contaminated air and water will pay the price.”

One location in Grand Rapids has contamination levels that pose an “imminent and substantial endangerment to human health and the environment,” according to the complaint.

The Michigan Department of Environment, Great Lakes, and Energy had previously demanded FKI Hardware comply and remediate the areas, but said it has not since met the obligation.

Causes of Action: Michigan's Natural Resources and Environmental Protection Act (MCL 324.101).

Relief: Declaratory and injunctive relief. The state is seeking a full investigation and remediation from the company to reduce health risks for workers and occupants in and near the contaminated properties.

Response: FKI Hardware didn't immediately respond to a request for comment.

Attorneys: Attorney General Dana Nessel is representing the people and state of Michigan.

The case is State of Michigan v. FKI Hardware Inc., Mich. Cir. Ct., 9/29/22.

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Documents

Complaint
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