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**ROB BONTA***Attorney General*

Attorney General Bonta Leads Bipartisan Coalition in Opposing 3M's Proposed PFAS Settlement

Press Release / *Attorney General Bonta Leads Bipartisan Coalition in Opposin...*

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Multistate Coalition Represents Approximately 183 Million People, More Than Half of U.S. Population

OAKLAND – Leading a bipartisan coalition of 23 attorneys general, Attorney General Rob Bonta today announced California's 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 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.

“PFAS can cause serious health impacts — including various forms of cancers, developmental defects, infertility, diabetes, and liver damage — and have been frequently detected in water systems nationwide. As a result, the stakes could not be higher,” **said Attorney General Bonta**. “While I appreciate the effort that went into it, the proposed settlement in its current form does not adequately account for the pernicious damage that 3M has done in so many of our communities. I have both a moral and legal obligation to voice my opposition, and I thank the court for considering our concerns.”

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.

On November 10, 2022, Attorney General Bonta filed a lawsuit against 20 PFAS manufacturers, including 3M, for endangering public health, causing irreparable harm to the state's natural resources, and engaging in a widespread campaign to deceive the public. While he continues to vigorously prosecute that case, Attorney General Bonta has moved to block the proposed 3M settlement because it threatens California’s interests.

In the brief filed with the U.S. District Court for the District of South Carolina, the California-led 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.

PFAS have been widely used in consumer products including food packaging, cookware, clothing, carpets, shoes, fabrics, polishes, waxes, paints, and cleaning products, as well as in firefighting foams designed to quickly smother liquid fuel fires. In 2021, the California Legislature passed and Governor Newsom signed Assembly Bill 1200, which restricts the manufacture, distribution, and sale of food packaging that contains PFAS and requires manufacturers of cookware to disclose the presence of certain chemicals on the internet or product label.

The California Attorney General's office is committed to addressing PFAS contamination. In addition to the November 2022 lawsuit against PFAS manufacturers and today's action, Attorney General Bonta joined a multistate comment letter in May 2023 supporting the U.S. Environmental Protection Agency's first-ever proposed regulation of PFAS in drinking water. Further, in November 2021, the office joined a multistate letter to the United States Senate supporting pending PFAS legislation; in June 2020, the office joined a multistate letter urging the EPA to regulate PFAS under the Safe Drinking Water Act; and in April 2020, the office joined a multistate letter to the EPA advocating rigorous PFAS standards for imported products under the Toxic Substances Control Act.

Joining Attorney General Bonta in opposing the proposed settlement are the attorneys general of Arizona, Colorado, Connecticut, Hawaii, Maine, Maryland, Massachusetts, Minnesota, New Hampshire, New Jersey, New Mexico, New York, Ohio, Pennsylvania,

Rhode Island, Tennessee, Texas, Vermont, Wisconsin, as well as the District of Columbia, 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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