

City of Dayton files lawsuit against companies related to PFAS contamination

by Gabi Warwick and Allen Henry | October 3, 2018



DAYTON, Ohio (WKEF/WRGT) - The City of Dayton announced Wednesday that it has filed a lawsuit against companies in connection with chemicals that were found in the city's water supply.

The suit was filed in federal court against 3M Company, Buckeye Fire Equipment Company, Chemguard, Inc., Tyco Fire Products L.P., and National Foam, Inc., who manufactured, marketed and sold a firefighting foam product that contained PFAS (Per and polyfluoroalkyl substance). The product had been used for decades for firefighting and fire training by civilian and military airports, fire departments and industrial facilities.

“These products were only used by the City of Dayton because we were unaware of the serious risk they pose,” Mayor Nan Whaley said. “Ratepayers should not be responsible for cleaning up the contamination caused by these companies products”

PFAS and related chemicals are toxic and non-biodegrade, and can pose serious risks to human health and safety.

The EPA limits the amount of PFAS in water to less than 70 parts per trillion. Currently, readings show the city of Dayton has between 7 and 15 parts per trillion in raw water. Officials said no PFAS have been found in drinking water.

Whaley and city leaders stressed that the water supply is safe, but that the lawsuit is part of an effort to keep it that way, as officials look to recover costs associated with the efforts.

“These guys knew what they were creating was harmful to the community and harmful to the water supply. For 40 years, they did nothing. We want them to pay to

clean it up and so I think really, the message is you need to be a good corporate citizen when you're a multinational corporation," Whaley said.

In February, the city found elevated levels of PFAS in the water supply near Huffman Dam, which is near Wright-Patterson Air Force Base. Since then, officials have been working with the base and the Ohio EPA to monitor the levels in the water.

A New York law firm with experience with both the chemicals and manufacturers has been hired to lead the lawsuit. Earlier this year, the firm landed a major settlement in a similar case out of Minnesota.

"We settled earlier this year for \$850 million with the 3M company," said attorney Paul Napoli "It's not uncommon for the cost associated with remediating PFAS to be in the range of ten to twenty million dollars a well."

Napoli said there are 180 wells in Dayton, so the damages could be "significant."

If his claim of \$10 to \$20 million per well is accurate, the City of Dayton could have a case worth more than \$3.5 billion.

The 3M Company sent ABC 22/FOX 45 a response to the city's lawsuit, saying "3M acted responsibly in connection with its manufacture and sale of AFFF (Aqueous Film-Forming Foam) and will vigorously defend its record of environmental stewardship."

City officials did emphasize that the water is safe and will continue to be, and that they're working closely with Wright-Patt and the Ohio EPA to make sure that the community has access to clean, safe water.

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