

## Pease group files suit against PFAS manufacturers

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Posted May 30, 2019 at 3:49 PM

Updated May 30, 2019 at 4:55 PM

PORTSMOUTH — A group of people who worked or lived at the former Pease Air Force Base say their exposure to elevated levels of PFAS chemicals caused them to suffer serious medical conditions.

The group filed a class action lawsuit against the makers of the chemicals used in firefighting foam at the former base, including 3M, the Dupont Company and Tyco Fire Products.

The suit contends the chemical companies manufactured and sold Aqueous film-foaming foam, AFFF, to Pease Air Force Base that contained PFAS, even though they knew it “presented an unreasonable risk to human health and the environment and was inherently dangerous.”

“Defendants also knew that PFOA and PFOS were highly soluble and mobile in water, highly likely to contaminate water supplies and other sensitive receptors, were persistent in the environment, and bioaccumulate in humans causing serious health effects,” the suit states. “Defendants marketed and sold their products with knowledge that large quantities of AFFF, containing toxic PFAS, would be used in training exercises and in emergency situations at military bases, including Pease AFB, in such a manner that PFOA and PFOS would contaminate the air, soil, and groundwater.”

The chemical companies “failed in their duty to warn users, bystanders and sensitive receptors of the inherently dangerous properties of their AFFF,” the suit states.

The people who filed the lawsuit were exposed to the chemicals through the city of Portsmouth’s water system while working or living at the former air base, now a Superfund cleanup site, according to the suit. They seek unspecified

monetary damages in excess of \$5 million from the chemical companies, along with asking a U.S. District Court judge to order the companies “to establish and implement a medical monitoring program” for the people who brought the lawsuit and others exposed to the chemicals at Pease.

They are also seeking “an order requiring the defendants to fund a trust that will cover a prospective medical monitoring program.”

Thousands of people working at what is now Pease International Tradeport, along with children and infants who attended two day-cares there, were exposed to multiple PFAS chemicals from contaminated water in the city-owned Haven well until its closure in May 2014. The city closed the well after the Air Force found perfluorooctane sulfonic acid, or PFOS, at levels dramatically higher than what was then the Environmental Protection Agency’s provisional health advisory.

The EPA lowered its permanent health advisory to 70 parts per trillion for PFOS and perfluorooctanoic acid (PFOA), or a combination of the two. But many community activists and medical experts say that level is not low enough, and several states, including New Hampshire, are seeking to set more protective standards.

The filing of the class action suit comes after the state of New Hampshire announced it is suing eight companies, including 3M and DuPont Co., for damage it says was caused statewide due to PFAS exposure. New Hampshire is the second state to go after the PFAS manufacturers, joining New York state.

“The actions we are taking today is intended to ensure that those responsible for PFAS contamination to our state’s drinking water supplies and other natural resources are held accountable,” New Hampshire Attorney General Gordon McDonald said Wednesday.

The Agency For Toxic Substances and Disease Registry states PFAS exposure can increase cancer risk, lower a woman’s chance of getting pregnant, interfere with the body’s hormones and affect growth, learning and behavior of infants and older children.

The group's attorneys say their clients have suffered a series of health ailments due to their unknowing exposure to PFAS contaminated water at Pease.

For example, Robert Williams of East Wakefield worked as an Air Force firefighter at Pease from 1985 to 2000, serving as both an assistant fire chief and deputy chief. According to the suit, he was exposed to elevated PFAS levels at the base and as a result of that exposure, "has been diagnosed with high blood pressure, high cholesterol, kidney disease."

He is also faces increased risk of developing several health conditions, including but not limited to ulcerative colitis, effects on the liver and immune system, changes in thyroid hormone and testicular and kidney cancer," the suit states.

Rochester resident Daniel Yoder was stationed at Pease from 1985 to 2012. Because of his exposure to the chemicals in the "contaminated water supply" he now "suffers from diminished function of kidneys and liver, thyroid disease, ulcerative colitis, high cholesterol, high blood pressure and is at an increased risk of developing several health conditions, including but not limited to effects on the immune system and testicular and kidney cancer," the suit states.

Mary Kathryn Rendall of Parkesburg, Pennsylvania, lived and worked at the base from 1977 to 1980. She "has been diagnosed with kidney cancer, reproductive issues ... is at an increased risk of developing thyroid disease," according to the suit.

The suit also names several people participating in the case who lived or worked at Pease, but have not yet suffered medical effects. But exposure to PFAS in the contaminated water puts them "at an increased risk of developing several health conditions," according to the suit.

The suit was filed by attorneys Patrick Lanciotti of New York City and Lawrence Vogelmann of Manchester in U.S. District Court in Concord. Lanciotti could not immediately be reached Thursday for comment. Vogelmann is the local attorney in the case and said Lanciotti is the lead attorney on the lawsuit.

In addition to Tyco and Dupont, defendants in the case are Buckeye Fire Equipment Company, Ansul Company, National Foam and the Chemours Company.

Fanna Haile-Selassie, external communications manager for 3M, said the company “cares deeply about the safety and health of New Hampshire’s communities. 3M acted responsibly in connection with products containing PFAS and will vigorously defend its environmental stewardship.”

A spokesman for Johnson Controls, whose brands include Tyco and Chemguard, responded Wednesday to the state’s lawsuit. Director of global media relations Fraser Engerman defended the use of firefighting foams, which include PFAS.

“Tyco and Chemguard acted appropriately and responsibly at all times in producing our firefighting foams,” he said. “We make our foams to exacting military standards, and the U.S. military and civilian firefighters have depended for decades on these foams to extinguish life-threatening fires. They continue to use them safely and reliably for that purpose today.”