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Waterloo VB to join lawsuit over Seneca Lake contamination

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WATERLOO — The Village Board will join a class-action lawsuit against the manufacturer of aqueous film-forming foam.

Also known as AFFF, the foam has been identified as a contaminant in Seneca Lake, the source of the village's public water supply.

The board voted April 13 to retain New York City-based Napoli-Shkolnik, one of the nation's largest environmental law firms, to conduct the investigation and take legal action related to the perfluorinated chemical contamination of the lake. Napoli-Shkolnik will handle the entire litigation for a contingent fee of 25 percent of the sum recovered, through judgment or settlement.

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There is no up-front cost to the village.

In an executive summary given to village officials, law firm officials said perfluorooctanic acid, or PFOA, and perfluorooctane sulfonate, or PFOS, are readily absorbed after consumption or inhalation. Studies have shown a strong correlation between increased levels of those substances in



blood and an increased risk of negative impacts on many of the body's organs, immune systems, cholesterol and blood pressure.

Other studies have shown PFOA and PFOS can be transferred from pregnant women to their unborn children, and they have been found in breast milk.

"The PFAS (per- and polyfluoroalkyl substances) substances are becoming regulated by the state," Village Administrator Don Northrup said. "Since we are now under regulation to test for these substances, the village is taking actions to help protect itself from such environmental conditions that have been proven to be man-made. The village has added the granular-activated carbon system to its water system improvement project in response to those growing concerns."

PFAS have been used in a variety of products, including AFFF. The foam is used for fire suppression, particularly at municipal airports and military bases for training purposes, and to combat jet fuel spills. Locally, AFFF was used at the former Seneca Army Depot in Romulus.

AFFF manufacturers phased out PFAS in the foam several years ago, but legacy contamination continues to be found in drinking water systems in many states.

Since 2016, dozens of lawsuits have been filed against the manufacturers of AFFF on behalf of public and private water providers. In late 2018, the Judicial Panel for Multi-district Litigation ordered that all AFFF cases be consolidated before Judge Richard Gergel of the District of South Carolina. Recently, attorney Paul Napoli of Napoli-Shkolnik was appointed the plaintiff's co-lead counsel for the litigation.

